

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 41/2020
[2020] NZSC 55**

BETWEEN MICHAEL MAIN
 Applicant

AND NEW ZEALAND POLICE
 Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: Applicant in person

Judgment: 12 June 2020

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Main filed a document with the Registry headed “Statement of Claim Ex Parte Quash all Infringement Notices numbers, PR3744073, &, PR3743518, Dated, 21/3/2020 As of Right”. The infringement notices to which the document referred were both issued for driving a vehicle at a speed exceeding the speed limit. The document seeks the quashing of the infringement notices.

[2] When the document was filed, the Registrar advised Mr Main that this Court only has jurisdiction to consider applications for leave to appeal against decisions of lower courts. There was therefore no jurisdiction to consider Mr Main’s document. Unsatisfied with that reply, Mr Main applied for “review” of the Registrar’s decision.

[3] In accordance with the procedure outlined by this Court in *Slavich v R*, the Registrar referred the document filed by Mr Main to a panel of leave judges.¹

[4] We treat the document filed by Mr Main as an application for leave to appeal against the infringement notices issued. As we pointed out in an earlier decision relating to Mr Main, the jurisdiction of this Court in criminal proceedings is governed by s 71 of the Senior Courts Act 2016.² Section 71(a) provides that, in relation to criminal proceedings, this Court's jurisdiction is to determine applications for leave to appeal and appeals authorised by Part 6 of the Criminal Procedure Act 2011. In the present case there is no lower Court decision against which an application for leave to appeal can be initiated. Mr Main's document therefore asks the Court to do something that it does not have jurisdiction to do.

[5] The application for leave to appeal is dismissed because the Court does not have jurisdiction to consider it.

¹ *Slavich v R* [2015] NZSC 195, (2015) 23 PRNZ 117 at [9].

² *Main v New Zealand Police* [2019] NZSC 2 at [4].