

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 21/2023  
[2023] NZSC 47

BETWEEN JOSHUA PERA VAN SILFHOUT  
Applicant

AND UDAYA LAKSHMAN AGAS  
PATHIRANNEHELAGE  
Respondent

Court: O'Regan and Ellen France JJ

Counsel: D A Ewen for Applicant  
V E Casey KC as counsel assisting the Court

Judgment: 4 May 2023

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JUDGMENT OF THE COURT

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- A** Leave to appeal is granted (*Van Silfhout v Pathirannehelage* [2023] NZCA 5).
- B** The approved question is whether the Court of Appeal was correct in its interpretation of s 64(1) of the Prisoners' and Victims' Claims Act 2005 which suspends the limitation period for a victim of an offence making a claim under that Act while the offender is "serving a sentence of imprisonment" and, in particular, in concluding that time spent in pre-sentence detention counts to extend the period of suspension.
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Solicitors:  
Amanda Hill Law, Lower Hutt for Applicant