

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 40/2025
[2025] NZSC 136

BETWEEN RAZDAN RAFIQ
Applicant

AND NEW ZEALAND CUSTOMS SERVICE
Respondent

Counsel: Applicant in person

Judgment: 13 October 2025

JUDGMENT OF MILLER J

The application for review of the decision of the Deputy Registrar declining to waive the filing fee is dismissed.

REASONS

[1] Mr Rafiq has applied for review of the decision of the Deputy Registrar of 8 September 2025 to refuse to waive the filing fee in respect of an application for leave to appeal a decision of a judge of the Court of Appeal declining to review a deputy registrar’s decision not to dispense with security for costs.¹

[2] The underlying proceeding concerns a decision of the High Court to strike out proceedings brought by Mr Rafiq against the New Zealand Customs Service | Te Mana Ārai o Aotearoa alleging unlawfulness and various breaches of his rights.² The judgment also restrained Mr Rafiq from commencing or continuing any proceeding against Customs for three years without first obtaining leave, except for any appeal he may bring against the judgment.³

¹ *Rafiq v New Zealand Customs Service* [2025] NZCA 402 (Courtney J).

² *Rafiq v New Zealand Customs Service* [2024] NZHC 3473 (Brewer J).

³ See Senior Courts Act 2016, s 166(2)(a).

[3] The Deputy Registrar of this Court was satisfied that Mr Rafiq is unable to pay the filing fee.⁴ However, the Deputy Registrar refused to waive the fee because the proposed appeal was vexatious and wholly devoid of merit.⁵ In his view, Mr Rafiq did not raise any grounds that challenged the correctness of the Court of Appeal's decision to not dispense with security for costs. The proposed appeal also did not raise any question of public importance. Rather, it formed "part of a wider pattern of vexatious litigation" by Mr Rafiq.

[4] Mr Rafiq says the Deputy Registrar denied him the right to bring what he says is a meritorious appeal. He also says the Deputy Registrar was wrong to refer to his pattern of vexatious litigation.

[5] I agree with the Deputy Registrar, and for the same reasons.⁶ The application for review is dismissed.

⁴ Supreme Court Fees Regulations 2003, reg 5(2)(a).

⁵ Citing *Duncan v The Royal New Zealand Society for the Prevention of Cruelty to Animals Inc* [2024] NZCA 628 at [26].

⁶ Senior Courts Act, s 160(4) and (5).