

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 97/2025
[2025] NZSC 150

BETWEEN	NIGEL DAVID RIMMER AND NICOLA RIMMER Applicants
AND	CAROLYN MARY WILTON (AS ADMINISTRATOR OF THE ESTATE OF DAVID RIMMER) Respondent

Court: Ellen France and Kós JJ

Counsel: V T M Bruton KC and L S B Acland for Applicants
S P H Elliott for Respondent

Judgment: 31 October 2025

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Rimmer v Wilton as administrator of the estate of Rimmer* [2025] NZCA 374).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal.
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REASONS

[1] Leave to appeal is granted in general terms. However, counsel are asked to focus on the question of the interplay between the agreement to contract out of the Property (Relationships) Act 1976 pursuant to s 21 of that Act and Ms Wilton's entitlements under the intestacy provisions of the Administration Act 1969. In particular, submissions will need to address whether, if Option B under s 61 of the Property (Relationships) Act is elected, the surviving partner may receive

their entitlements under a will or on an intestacy while also relying on a s 21 agreement.

[2] If the applicants wish to pursue their application for the appointment of independent counsel they should provide a memorandum to the Court within five working days of the delivery of this judgment. Any response from the respondent should be filed within a further five working days. Counsel for the applicants will need to explain why this is considered necessary given both parties are represented by counsel. It may be, in any event, that there will be applications for intervention and the Court will address those if and when any applications are made.

Solicitors:

Rout Milner Fitchett, Nelson for Applicants

Insight Legal Ltd, Auckland for Respondent