

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 27/2026
[2026] NZSC 100

RE

TONY JAMES SOFUS PASCOE AND
DEBBIE ANN PASCOE
Applicants

Counsel: Applicants in person

Judgment: 10 August 2026

JUDGMENT OF KÓS J

**The application for review of the decision of the Deputy Registrar
not to accept the application for leave to appeal for filing
is dismissed.**

REASONS

[1] Mr and Mrs Pascoe seek review of a Deputy Registrar’s decision to refuse to accept a proposed appeal for filing on the ground that the Court has no jurisdiction to entertain it.¹ They wish to appeal a decision of the Court of Appeal declining leave to appeal a decision of the High Court, in turn dismissing an appeal from the Environment Court.² Leave was required in the Court of Appeal, because that would have been a second appeal.³

[2] The Deputy Registrar considered the Pascoes’ proposed appeal was barred by s 68(b) of the Senior Courts Act 2016. It provides that this Court may hear an appeal

¹ Under the Supreme Court Rules 2004, r 5A(1)(b)(ii).

² *Pascoe v Minister for Land Information* [2026] NZCA 177 (Mallon and Whata JJ) [CA judgment]; *Pascoe v Minister for Land Information* [2025] NZHC 1782 (McQueen J) [HC judgment]; and *Pascoe v Minister for Land Information* [2024] NZEnvC 101 (Judge Dwyer, Commissioners Edmonds and Bunting).

³ Resource Management Act 1991, s 308.

against a decision made by the Court of Appeal in a civil proceeding *unless* the decision is a refusal to give leave to appeal.

[3] The Deputy Registrar was correct. The relevant Court of Appeal decision was a refusal to grant leave to appeal. Section 68(b) brooks no exceptions, and that must be the end of the attempt to appeal from the Court of Appeal, for this Court does not have jurisdiction to entertain such an appeal.

[4] This Court may instead treat such an application as if it sought instead to gain leave to appeal directly from the High Court, rather than the Court of Appeal, but in such a case the Court may only grant leave in exceptional circumstances.⁴

[5] The determinations of the Environment and High Courts concurred. The right of appeal from the former to the latter was confined to questions of law, and the High Court concluded as to each ground that no arguable question of law was identified or there was no error of law in the Environment Court's decision.⁵ That conclusion was the subject of further consideration by the Court of Appeal, which concluded that it could not identify any question of law relating to a matter of general or public importance capable of serious argument.⁶

[6] I am not persuaded by the notice of application and supporting material filed by the Pascoes that either conclusion was incorrect. It therefore follows that the Deputy Registrar would not have been justified in treating this as a direct appeal from the High Court. The decision must therefore stand.

Result

[7] The application for review of the decision of the Deputy Registrar not to accept the application for leave to appeal for filing is dismissed.

⁴ Senior Courts Act, s 75(b); and *Cook v Housing New Zealand Corp* [2018] NZSC 42 at [7].

⁵ HC judgment, above n 1, at [4].

⁶ CA judgment, above n 1, at [31].