

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 13/2026

[2026] NZSC 70

RE

CHRISTOPHER RUSSELL HOOK
Applicant

Counsel: Applicant in person

Judgment: 29 May 2026

JUDGMENT OF ELLEN FRANCE J

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

REASONS

[1] The applicant has sought a review of the Registrar's decision to refuse to accept a proposed appeal for filing on the ground that the Court has no jurisdiction to consider it.¹

[2] The decision from which leave to appeal is sought is a judgment of the Court of Appeal declining to recall its earlier judgment,² which dismissed the applicant's application for leave to appeal to that Court.³ (The applicant required leave to appeal to the Court of Appeal because the proposed appeal would have been a second appeal.⁴ The original decision was that of the District Court, and a first appeal had been heard in the High Court.⁵)

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

² *Hook v Callaghan Innovation* [2026] NZCA 25 (French P and Thomas J).

³ *Hook v Callaghan Innovation* [2025] NZCA 148 (French P and Cooke J).

⁴ Senior Courts Act 2016, s 60.

⁵ *Surface Micro-Guard Ltd v Callaghan Innovation* [2024] NZDC 7314 (Judge Kelly); and *Hook v Callaghan Innovation* [2024] NZHC 2240 (La Hood J). The High Court declined leave to appeal to the Court of Appeal: *Hook v Callaghan Innovation* [2024] NZHC 3432 (La Hood J).

[3] The Registrar had previously declined to accept for filing an application for leave to appeal from the Court of Appeal's judgment dismissing the application for leave to appeal to that Court. The Registrar took the view that the proposed appeal was barred by s 68(b) of the Senior Courts Act 2016.⁶ That decision was upheld on review by Miller J,⁷ who confirmed that the Court had no jurisdiction to hear the appeal from the Court of Appeal's decision. The Judge noted that the Court can treat such an application as if it sought leave to appeal directly from the High Court. However, the circumstances must be exceptional and extremely compelling to warrant such a course. Miller J said there was nothing in the application warranting the Registrar treating the application for leave as a direct appeal.

[4] The same approach applies with equal force to the present application. The applicant has filed submissions setting out why he considers that justice requires a grant of leave. Those submissions do not provide a basis for concluding that the Registrar should have treated this further application as an application for a direct appeal.

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

⁶ The section provides that the Court may hear an appeal against a decision made by the Court of Appeal in a civil proceeding excluding, relevantly, a decision refusing to give leave.

⁷ *Re Hook* [2025] NZSC 184.