

IN THE SUPREME COURT OF NEW ZEALAND

**SC 21/2010
[2010] NZSC 58**

BETWEEN DANIEL THOMAS SPENCER
RIDDIFORD AND YVONNE ADA
RIDDIFORD
First Applicants

AND DANIEL THOMAS SPENCER
RIDDIFORD
Second Applicant

AND ATTORNEY-GENERAL
Respondent

Court: Blanchard, Tipping and Wilson JJ

Counsel: Applicants in Person
M T Parker for Crown

Judgment: 25 May 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with costs of \$2500 to the respondent.

REASONS

[1] This application for leave concerns an issue arising after the Land Valuation Tribunal fixed the compensation payable for a coastal strip required to be set aside as a reserve under s 289 of the Local Government Act 1974 but ordered the present applicants (the owners) to pay costs of \$100,000 to the Crown relating to the Tribunal hearing.

[2] The sole ground now proposed for a direct appeal to this Court, (the Court of Appeal having refused leave save for the unrelated question of costs) is whether an award of compound rather than simple interest on the amount of the compensation should have been made. But there was never an appeal against that portion of the Land Valuation Tribunal's decision of 18 May 2007 which dealt with interest. The appeal against that decision was confined to the question of the costs.

[3] It seems that the grounds of appeal to the High Court were drafted by counsel but after counsel withdrew and Mr Riddiford (who has practised as a solicitor) elected to appear in person, he included in his submissions an argument for compound interest to which the Judge responded briefly and negatively.

[4] Then that issue was raised again by Mr Riddiford in the application for leave to the Court of Appeal but understandably it is not adverted to in the Court of Appeal's judgment which refused leave (except as to the costs question).

[5] There is no proper basis on which this Court can consider the issue. The present application is also long out of time.

Solicitors:
Crown Law Office, Wellington