

NOTE: PURSUANT TO S 35A OF THE PROPERTY (RELATIONSHIPS) ACT 1976, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B TO 11D OF THE FAMILY COURTS ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE [HTTP://WWW.JUSTICE.GOVT.NZ/FAMILY-COURT/LEGISLATION/RESTRICTIONS-ON-PUBLICATIONS](http://www.justice.govt.nz/family-court/legislation/restrictions-on-publications).

IN THE SUPREME COURT OF NEW ZEALAND

**SC 95/2016
[2016] NZSC 149**

BETWEEN SCOTT
Applicant

AND WILLIAMS
Respondent

Court: William Young, Arnold and O'Regan JJ

Counsel: D J Goddard QC and S H Ambler for Applicant
S L Robertson for Respondent

Judgment: 9 November 2016

JUDGMENT OF THE COURT

A Leave to appeal and leave to cross-appeal are granted (*Scott v Williams* [2016] NZCA 356).

B The approved questions are:

- (i) Was the approach taken in the lower courts to the valuation of the respondent's practice correct?**
 - (ii) Was the amount awarded to the applicant under s 15 of the Property (Relationships) Act 1976 correct?**
 - (iii) Should the order that the Remuera properties be sold, rather than vested in the applicant, have been made?**
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REASONS

[1] The approved questions are framed so as to permit the parties to advance all of the arguments foreshadowed in their respective applications for leave.

[2] The grant of leave does not indicate a final decision that the Court will deal with all of the issues raised in the applications for leave. Either party may advance arguments as to why any issue should not be determined on grounds of procedural fairness, inadequacy of evidential foundation or otherwise.

[3] We do not see the fact that the Court of Appeal refused leave to appeal on the halving and contingency discount issues in relation to s 15 of the Property (Relationships) Act 1976 as precluding this Court from addressing those points.¹ Section 7(b) of the Supreme Court Act 2003 precludes this Court from hearing and determining an appeal against a decision of the Court of Appeal refusing to give leave or special leave to appeal to that Court. It does not, however, preclude this Court from addressing an aspect of an issue arising from a substantive appeal decision of the Court of Appeal even though that aspect was not addressed by the Court of Appeal because leave to appeal on that aspect was refused by the Court of Appeal. This does not qualify what we have said in [2] above, however.

Solicitors:
Tompkins Wake, Hamilton for Applicant
North Harbour Law, Auckland for Respondent

¹ *Scott v Williams* [2015] NZCA 258.