

IN THE SUPREME COURT OF NEW ZEALAND

SC 142/2013
[2014] NZSC 49

BETWEEN JOHN MORGAN MACKENZIE
 Applicant

AND LEGAL SERVICES COMMISSIONER
 Respondent

Court: Elias CJ and William Young J

Counsel: Applicant in person
 R J Gordon for Respondent

Judgment: 2 May 2014

JUDGMENT OF THE COURT

The application for recall of the judgment of 20 March 2014 is dismissed.

REASONS

[1] In a judgment delivered on 20 March 2014, this Court refused the applicant leave to appeal against a judgment of Dobson J dismissing an appeal from the Legal Aid Tribunal.¹ He had been refused legal aid for proceedings against the Crown Health Financing Agency for reasons which included limitation difficulties which the applicant faces in relation to those proceedings.

[2] The applicant has the fixed idea that time did not begin to run for limitation purposes until 24 November 2006, which is the date on which he received a letter from the Crown Health Financing Agency denying liability. If this is the case, then his proceedings were issued in time. He considers that he could not have filed proceedings in the High Court until liability was denied. This, however, is not in accordance with the way the Limitation Act 1950 operated. The applicant also

¹ *MacKenzie v Legal Services Commissioner* [2014] NZSC 23.

complains that the leave judgment does not determine the limitation question. It was, however, not the function of the leave judgment to do so. Leave judgments must be addressed to the criteria provided in the Supreme Court Act 2003 as to when leave to appeal should be granted. The applicant plainly does not accept the approach taken by the Court as to the extent of its jurisdiction but as to this, there is nothing which we can usefully add to what has already been said in earlier judgments.

[3] Nothing in the material submitted provides an adequate basis for the recall of the earlier judgment.

Solicitors:
Minter Ellison Rudd Watts, Wellington for Respondent