

IN THE SUPREME COURT OF NEW ZEALAND

SC 102/2015  
[2015] NZSC 171

BETWEEN                      GARY OWEN BURGESS  
   Applicant  
  
AND                                SUSAN NATALIE BEAVEN  
   Respondent

Court:                          William Young, Glazebrook and O'Regan JJ  
  
Counsel:                      Applicant in person  
   A M Corry for Respondent  
  
Judgment:                      11 November 2015

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**JUDGMENT OF THE COURT**

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- A        The application for leave to appeal is dismissed.**
- B        The applicant must pay costs of \$2,500 to the respondent.**
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**REASONS**

[1]        The applicant, Mr Burgess, applies for leave to appeal to this Court against a decision of Harrison J.<sup>1</sup> In that decision, Harrison J upheld the decision of the Registrar of the Court of Appeal refusing to dispense with security for costs for Mr Burgess' appeal to that Court.

[2]        Mr Burgess' underlying appeal to the Court of Appeal relates to a judgment of Nation J in the High Court<sup>2</sup> which in turn dismissed his application to waive the

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<sup>1</sup> *Burgess v Beaven* [2015] NZCA 373.

<sup>2</sup> *Burgess v Beaven* [2015] NZHC 790.

requirement to give security for costs on his appeal against a decision of the Family Court.<sup>3</sup>

[3] In reviewing and upholding the Registrar's decision, Harrison J applied the settled principles set out by this Court in *Reekie v Attorney-General*.<sup>4</sup> Given those principles are settled, Mr Burgess' application raises no issue of public or general importance. Nothing that Mr Burgess raises in his application for leave to appeal suggests that those principles were wrongly applied and there is no appearance of a miscarriage of justice.

Solicitors:  
Dawson Innes, Christchurch for Respondent

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<sup>3</sup> *Burgess v Beaven* [2014] NZFC 6378 (Judge Somerville).

<sup>4</sup> *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.