

NOTE: PURSUANT TO S 80 OF THE PROTECTION OF PERSONAL AND PROPERTY RIGHTS ACT 1988, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B TO 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE [HTTPS://JUSTICE.GOVT.NZ/FAMILY/ABOUT/RESTRICTION-ON-PUBLISHING-JUDGMENTS](https://justice.govt.nz/family/about/restriction-on-publishing-judgments).

IN THE SUPREME COURT OF NEW ZEALAND

**SC 24/2017
[2017] NZSC 52**

BETWEEN AN (SC 24/2017)
Applicant

AND BUPA CARE SERVICES (NEW
ZEALAND) LIMITED
Respondent

Court: Elias CJ, O'Regan and Ellen France JJ

Counsel: Applicant in person
P W Le Cren and C E J Deans for Respondent

Judgment: 1 May 2017

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] The applicant seeks a recall of the judgment of this Court delivered on 12 April this year¹ dismissing her application for leave to appeal against a judgment of Downs J rejecting an application for a writ of habeas corpus.²

[2] The applicant's submissions in support of the application take issue with the conclusions expressed in the judgment dismissing the application for leave to appeal.

¹ *AN (SC 24/2017) v Bupa Care Services (New Zealand) Ltd* [2017] NZSC 49.

² *N v Bupa Care Services (New Zealand) Ltd* [2017] NZHC 499.

It is inappropriate to engage with such arguments in the absence of anything to suggest a basis for recall beyond the applicant's disagreement with the result.

[3] Nothing raised by the applicant meets the threshold for a direct appeal from the High Court to this Court. Nor, for the reasons given in the earlier judgment, are the criteria for leave in s 74 of the Senior Courts Act 2016 met. The application for recall of the earlier judgment is accordingly dismissed.

Solicitors:
Claro, Christchurch for Respondent