

IN THE COURT OF APPEAL OF NEW ZEALAND

CA210/2014
[2014] NZCA 321

BETWEEN RAZDAN RAFIQ
Appellant

AND COMMISSIONER OF NEW ZEALAND
POLICE
Respondent

Counsel: Appellant in Person
S Kinsler for Respondent

Judgment: 14 July 2014 at 10 am
(On the papers)

JUDGMENT OF HARRISON J

- A The application to review the Registrar’s decision refusing to dispense with security for costs is dismissed.**
- B The appellant is to pay the sum of \$5,880.00 by way of security for costs on or before 30 July 2014.**
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REASONS

[1] On 26 May 2014 the appellant, Razdan Rafiq, applied to review a decision made by the Registrar on 15 May 2014, declining his application to dispense with security for costs on this appeal. She directed that the security be set at \$5,880.00 and be paid on or before 12 June 2014.

[2] The grounds for the Registrar’s direction were that Mr Rafiq had failed to establish it was in the interests of justice that costs be waived. In particular she was

not satisfied that there were any exceptional circumstances justifying dispensation. Impecuniosity alone does not suffice. Furthermore, the appeal does not raise an issue of public importance or significance.

[3] The Registrar was also entitled to give weight to the unequivocal conclusion of Courtney J, whose judgment is the subject of Mr Rafiq's appeal, that his application to pursue a claim against the Commissioner lacked merit and it would be wrong to expose the Commissioner to the inevitable costs of defending a proceeding without any prospects of success.¹

[4] Mr Rafiq has failed to establish that the Registrar erred. Additionally I am independently satisfied that the appeal has no merit or prospects of success. The application to review is dismissed. Mr Rafiq is to pay the sum of \$5,880.00 by way of security for costs on or before 30 July 2014.

Solicitors:
Crown Law Office, Wellington for Respondent

¹ *Rafiq v Commissioner of New Zealand Police* [2014] NZHC 813 at [29]–[32].