

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**CRI-2010-485-23**

**MURRAY JOHN FRIAR**  
Appellant

v

**WELLINGTON CITY COUCIL**  
Respondent

Hearing: 4 May 2010

Counsel: M F Dixon for Appellant  
M A Singleton for Respondent

Judgment: 4 May 2010

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**ORAL JUDGMENT OF MACKENZIE J**

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[1] This is an appeal against an order made in the District Court by two Justices of the Peace in relation to proceedings following the issue of a parking infringement notice. Counsel have this morning filed a joint memorandum noting that the respondent counsel, after having reviewed the evidence, does not wish to defend the appeal and further information has come to the respondent's attention such that all elements of the offence may not be substantiated.

[2] The parties have accordingly agreed that the appeal should be allowed by consent. They have further agreed that there should be no order as to costs, and that costs should lie where they fall.

[3] The appeal is accordingly allowed, and the decision of the District Court dated 5 February 2010 is quashed.

Solicitors: Miss Singleton, Barrister, Wellington, for Appellant  
DLA Phillips Fox, Wellington, for Respondent

**“A D MacKenzie J”**