

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**CA385/2011  
[2011] NZCA 431**

BETWEEN                      SERVICE AND FOOD WORKERS  
   UNION NGA RINGA TOTA  
   INCORPORATED  
   Applicant

AND                              CEREBOS GREGGS LIMITED  
   Respondent

Hearing:            23 August 2011

Court:                Ellen France, Randerson and Harrison JJ

Counsel:            P J Cranney for Applicant  
                                 J Latimer for Respondent

Judgment:        31 August 2011 at 2.30 pm

---

**JUDGMENT OF THE COURT**

---

**A        The application for leave to appeal is granted on the following question of law:**

**(a)       Did the Employment Court err in concluding that the extra week's leave, for those employees qualifying for that leave, ceased to be an enhanced or additional entitlement on 1 April 2007 and became part of the four weeks annual holidays provided by the Holidays Act 2003?**

**B        Costs on the application for leave are reserved.**

---

**REASONS OF THE COURT**

(Given by Ellen France J)

[1] We have decided leave should be granted on the question identified by Mr Cranney for the Service and Food Workers Union, the applicant. We do not give reasons, in accordance with r 27(2) of the Court of Appeal (Civil) Rules 2005.

Solicitors:  
Oakley Moran, Wellington for Applicant  
Sellars & Co, Helensville for Respondent