IN THE PRIVY COUNCIL No. 8 of 1982

ON APPEAL

FROM THE COURT OF APPEAL OF NEW ZEALAND

BETWEEN:

WILLIAM DAVID WISEMAN Appellant

- and -

THE CANTERBURY BYE PRODUCTS COMPANY LIMITED Respondent

SUPPLEMENT TO RESPONDENT'S REPLY

92. As a consequence of the decision of the House of Lords in M.V. Yorke Motors v. Edwards (1982) 1 WLR 444 the case of the Appellant submitted to the Respondent was significantly edited before lodging. In the meantime, the Respondent's reply had been lodged.

93. However, most of the Respondent's reply can be read without the need to make a cross reference to paragraphs of the Appellant's case. The exception is that part of the reply contained in paragraphs 18 - 23 which should now be disregarded. As to the matters of fact in the Appellant's case (pages 2 and 3) (paragraphs 1 - 8), it is submitted that they contain disputed inferences of law and as statements of relevant matters of fact are incomplete. See paragraph 17 of the Respondent's reply.

94. Paragraphs 46 - 52 and the Appendix, paragraphs 86 - 91 should now be read as the reply to the Appellant's submissions on matters of fact and proper inferences (pages 4 and 5). Essentially the Respondent

says that the Appellant is seeking to upset concurrent findings of fact by both the High Court and the Court of Appeal.

Counsel for Respondent