

www.motortraders.govt.nz | 0508 MOTORTRADERS | 0508 668 678

Post your completed form to: Motor Vehicle Traders Register, Private Bag 92061, Victoria Street West, Auckland 1142

Application by a company for registration or renewal as a Motor Vehicle Trader

Sections 31 and 36 - Motor Vehicle Sales Act 2003

Office use only



Items marked with a * are mandatory.

Application type - This is a new application, or a renewal for MVT No.

M

* Company name

* Company number

Date of incorporation

* Proposed trading name List all trading names

Principal type of business for example, auctioneer, trade sales

* Registered office address This must be a physical (street) address

* Address for service This must be a physical (street) address

Other contact details

Other address (if applicable)

Telephone

Mobile

Facsimile

Email address

Our preferred contact option for this company is via:

Post – at the registered office address

Post – at the other address

Facsimile

Post – at the address for service

Email

Payment details (tick one) - Please do not send cash or a purchase order

Cheque - for NZ\$583 made payable to the 'Ministry of Economic Development'

Credit card - Credit card type Visa MasterCard Amex Diners

Cardholder's name

Amount

NZ\$583.00

Credit card number

Expiry date

/

Management details



Include details for **each** director (as listed on the Companies Office Register) and the chief executive officer (or equivalent) for this company.

Print and complete additional copies of this page as required.

Each director / manager must also complete a statutory declaration.

Items marked with a * are mandatory.

Company name

Company No.

Director / Manager details

Full name

* First name

Middle name

* Last name

Previous names / also known as

* Director Yes No

* Statutory declaration enclosed

* Date of birth

* Occupation

Passport number

Passport nationality

Driver's licence

* Residential address

Postal address (if different from the residential address)

Other address

Telephone

Mobile

Facsimile

Email address

My preferred contact option is via:

- Post – at my residential address
- Post – at my postal address
- Post – at my other address
- Email
- Facsimile

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Statutory declaration

Sections 31(2)(a) and 32(2)(b) Motor Vehicle Sales Act 2003



Attach this document to your completed application form (MVTR-1 or MVTR-2)
For an application made by a company, **each** director / manager must complete a statutory declaration.

*** Motor vehicle trader applicant name**

MVT number (if known)

do solemnly and sincerely declare as follows:

1. My date of birth is
2. I am not disqualified from registration as a motor vehicle trader in my own right in terms of section 24 or 25 of the Motor Vehicle Sales Act 2003 (see attached information sheet).
3. I have made all necessary inquiries to ensure that the information contained in this application is true and correct.
4. I authorise the Ministry of Justice, in accordance with the Privacy Act 1993, to disclose and release information about any conviction for a crime involving dishonesty, or offence under the Fair Trading Act 1986, within five years from the date of my application, to the Registrar of Motor Vehicle Traders for the purpose of enabling the Registrar to confirm that I am not a person disqualified from registration by reason of any grounds set out in sections 24 and 25 of the Motor Vehicle Sales Act 2003.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

.....
(Signature of person making this declaration)

This section must be completed by the witness

Declared at

this day of ,

before me:
(A person authorised to take a statutory declaration)

Witness name

Witness address

Witness qualification

Information only – Do not post back

Each individual (sole trader) motor vehicle trader and each director/manager of a company motor vehicle trader must complete a statutory declaration. A manager is a company director (as listed on the Companies Office register) or any person occupying the position of chief executive (or equivalent) of that company.

When the statutory declaration is submitted a check will be made to determine if you have been banned as a director/manager or as a motor vehicle trader; whether you are an undischarged bankrupt; whether the company is in liquidation; and if the company is currently registered with the Companies Office. A criminal check will be made after registration. Therefore, the Registrar is relying on the correctness of the information you supply in your statutory declaration. If you have supplied a false statutory declaration, that is an offence under section 107 of the Motor Vehicle Sales Act 2003, which provides for a fine of up to NZ\$50,000 (for an individual) and NZ\$200,000 (for a company), and entering your name on the Banned Motor Vehicle Traders List.

Please note that checks will be carried out to identify that the information included in this statutory declaration is correct, including that the applicant is not disqualified from registration by reason of any grounds set out under Sections 24 or 25 of the Motor Vehicle Sales Act 2003. Please carefully read these sections of the Act before signing this declaration. You are required to keep a copy of any documents faxed for registration for a period of six years.

Section 24 Motor Vehicle Sales Act 2003

(Read this before signing the statutory declaration)

Persons disqualified from registration: individuals

An individual is disqualified from registration if he or she is -

- (a) under 18 years of age; or
- (b) a banned person; or
- (c) an undischarged bankrupt; or
- (d) a person whose motor vehicle dealer's licence has been cancelled, or who has been suspended as a licensee, under the former Act within,-
 - (i) in the case of a cancellation, the preceding 5 years; or
 - (ii) in the case of a suspension, the preceding 12 months; or
- (e) a person whose salesman's registration or certificate of approval has been cancelled, or who has been suspended as a salesman, under the former Act within,-
 - (i) in the case of a cancellation, the preceding 5 years; or
 - (ii) in the case of a suspension, the preceding 12 months; or
- (f) a person who is an officer of a licensee company, a chief executive officer of a licensee company, or a branch manager and -
 - (i) in respect of whom the approval of the Board under section 20 or section 21 or section 57(2) of the former Act has been cancelled; or
 - (ii) who has been suspended under the former Act; or
- (g) a person who held a motor vehicle dealer's licence under the former Act and who is also a person against whom the Institute may exercise its right of subrogation under section 42 of that Act in relation to any payment out of the Fund arising from a claim against the Fund within the preceding 5 years for any act or thing done or omitted to be done by that person; or
- (h) a person whose registration as a motor vehicle trader has been cancelled under section 42 within the preceding 5 years; or
- (i) prohibited or disqualified under any of the provisions of sections 199K, 199L, or 199N of the Companies Act 1955 or any of the provisions of sections 382, 383, or 385 of the Companies Act 1993 from managing a company; or
- (j) a person who has been convicted of a crime involving dishonesty within the preceding 5 years; or
- (k) a person who has been convicted of an offence against sections 17 to 22 or 24 to 26 of the Fair Trading Act 1986 within the preceding 5 years; or
- (l) subject to a compulsory treatment order under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
- (m) subject to a property order made under section 30 or section 31 of the Protection of Personal and Property Rights Act 1998.

Section 25 Motor Vehicle Sales Act 2003

(Read this **before** signing the statutory declaration)

Persons disqualified from registration: companies

A company is disqualified from registration if –

- (a) the company is a banned person; or
- (b) the company's motor vehicle dealer's licence has been cancelled, or the company has been suspended as a licensee, under the former Act within, -
 - (i) in the case of a cancellation, the preceding 5 years; or
 - (ii) in the case of a suspension, the preceding 12 months; or
- (c) the company is a licensee under the former Act and is also a person against whom the Institute may exercise its right of subrogation under section 42 of that Act in relation to any payment out of the Fund arising from a claim against the Fund within the preceding 5 years for any act or thing done or omitted to be done by that person; or
- (d) the company is in liquidation; or
- (e) the name of the company has been removed from the register of companies kept under section 360(1)(a) of the Companies Act 1993; or
- (f) a person concerned in the management of the company is disqualified from registration in his or her own right under section 24; or
- (g) the company's registration as a motor vehicle trader has been cancelled under section 42 within the preceding 5 years.

Section 9 Oaths and Declarations Act 1957

Qualifications of who may witness a Statutory Declaration

(1) A declaration made in New Zealand must be in the form in Schedule 1, and must be made before-

- (a) a person enrolled as a barrister and solicitor of the High Court; or
- (b) a Justice of the Peace; or
- (c) a notary public; or
- (d) the Registrar or a Deputy Registrar of the Court of Appeal; or
- (e) a Registrar or Deputy Registrar of the High Court or a District Court; or
- (f) some other person authorised by law to administer an oath; or
- (g) a member of Parliament; or
- (h) a person who
 - (i) is a fellow of the body (incorporated under the Incorporated Societies Act 1908) that, immediately before the commencement of the Oaths and Declarations Amendment Act 2001, was called the New Zealand Institute of Legal Executives; and
 - (ii) is acting in the employment of the holder of a practising certificate as a barrister and solicitor of the High Court; or
- (i) an employee of the Land Transport Safety Authority of New Zealand, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the Gazette; or
 - (ia) an employee of Public Trust constituted under the Public Trust Act 2001, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the Gazette; or
- (j) an officer in the service of the Crown, or of a local authority within the meaning of the Local Government Act 2002, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the Gazette.