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Email your completed form to: [Registrar@mvtr.govt.nz](mailto:Registrar@mvtr.govt.nz) or post to: Motor Vehicle Traders Register, P O Box 1473, Wellington 6140

## Statutory declaration

### This applies to individual and company traders

#### Complete this part only if:

- › you are completing a new application to become a registered motor vehicle trader under Sections 31(2)(a) and 32(2)(b) of the Motor Vehicle Sales Act 2003; or
- › you have become concerned in the management of a company that is currently a registered motor vehicle trader and you spend **more than 300 days** each calendar year in New Zealand; or
- › you have updated your name or date of birth details on your registration.

**NOTE** | This is a Statutory Declaration and must be witnessed by a solicitor, Justice of the Peace or a person authorised under the Oaths and Declarations Act 1957.

#### \* Motor vehicle trader applicant name

#### \* MVT file number

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.

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)

**NOTE** | You must sign this declaration in the presence of the witness.

#### This section must be completed by the witness (see attached information for qualification of who may witness)

Declared at

On the  day of ,

Before me, being a person authorised under the Oaths and Declarations Act 1957:

.....  
(Signature of witness)

**Witness name**

**Witness address**

**Witness qualification**

## Section 24 and 25 – Motor Vehicle Sales Act 2003 (to be read before signing the statutory declaration or certificate)

### Section 24 – 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 five 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 five 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 five 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 five 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 five 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 five 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 – 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 five 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 five 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 five years.

### Section 9 – Oaths and Declaration Act 1957

*Section 9 - Qualification of who may witness a Statutory Declaration*

(1) a declaration made in New Zealand must be in the form of 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 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 the public trust constituted under the Public Trust Act 2001, authorised for that purpose (by name, or as 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.