

Glossary

Our words and their meanings

Address for service

This is the address of a place in New Zealand at which notices or documents that are required to be served may be served on the person giving the address. The address for service must be a physical address, it must not be an address at a postal centre or document exchange or a 'virtual office' (that is, a mail or message collection point).

Banned person

Means a person banned from participating in the business of motor vehicle trading under section 68 or section 69 of the MVSA or a person banned under sections 382, 383 or 385 of the Companies Act 1993. The [banned persons list](#) is available on this website.

Car auctioneer

A person who conducts sales by auction of motor vehicles

Car consultant

A person who, for rent, fee, commission, or other valuable consideration, is engaged by any other person (except by a motor vehicle trader) to act as an agent for that other person on any matter that-

- a. relates to the sale or purchase of any motor vehicle by that other person; and
- b. does not relate solely to the structural, material, or mechanical condition of the motor vehicle

Car market operator -

- a. means a person-
 1. who carries on the business of providing any premises or place for a market for the sale by other persons of used motor vehicles (whether or not the vehicles are subject to a bailment to the operator); or
 2. who operates any facility (for example, an Internet web page) for the primary purpose of facilitating the sale of used motor vehicles (which sale is completed through, or by means of, that facility); and
- b. includes a person who is commonly referred to in the motor vehicle trading industry as a car fair operator or a display for sale operator

Company

Has the meaning given to it by section 2(1) of the Companies Act 1993

Certificate of registration

A certificate issued by the Registrar of Motor Vehicle Traders when a registration has been completed. The certificate will show the name of the registered motor vehicle trader, registration number and expiry date.

Crime involving dishonesty

Has the meaning given to it by section 2(1) of the Crimes Act 1961

Director

A Director is responsible for managing the company's day-to-day business. In doing so, directors owe duties to the company, to the company's shareholders and to others dealing with the company.

Directors must act honestly in what they believe to be the best interests of the company and with such care as may reasonably be expected of them in all circumstances.

Directors must not carry on the business in a manner likely to create a substantial risk of serious loss to the company's creditors.

Fees

The cost to register as a motor vehicle trader is \$595.95. This includes the registration fee, GST and a levy for the Motor Vehicle Disputes Tribunal. The same cost applies for renewal of registration.

Former Act

Means the Motor Vehicle Dealers Act 1975

Full name

In relation to an individual, includes any aliases of that individual

Importer

Means a person who carries on the business of importing motor vehicles into New Zealand

Infringement offence

Means an offence against any of the provisions listed in section 116(2)

Invalid carriage

Has the meaning given to it by section 2(1) of the Land Transport Act 1998

Manufacturer

Means a person who carries on the business of manufacturing or assembling motor vehicles

Moped

Has the meaning given to it by section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

Motor cycle

Means

- a. a motor vehicle running on 2 wheels, or on not more than 3 wheels when fitted with a sidecar; and
- b. includes any vehicle with motor cycle controls declared by the Director of Land Transport Safety to be a motor cycle; but
- c. does not include a moped

Motor vehicle

Means

- a. any of the following:
 - i. a road vehicle that is drawn or propelled by mechanical power and is of a kind ordinarily acquired by consumers for personal, domestic, or household use;
 - ii. a vehicle of any other class or description declared by the Governor-General, by Order in Council, to be a motor vehicle for the purposes of this Act; but
- b. does not include any of the following:
 - i. an invalid carriage;
 - ii. a moped;
 - iii. a motor cycle, the total cylinder capacity of which does not exceed 60 cubic centimetres
 - iv. a tractor or farm machinery;
 - v. a trailer;
 - vi. a vehicle of any other class or description declared by the Governor-General, by Order in Council, not to be a motor vehicle for the purposes of this Act

Motor vehicle trader

Has the meaning given to it by section 7 of the MVSA but is basically a person who is carrying out the business of motor vehicle trading

Motor vehicle trading

Means the sale of motor vehicles by a person (whether or not the person is a principal or agent)

MVT File Number / MVT Trader Number

This is a unique identifier assigned to a trader when registration is completed. The number is a six digit number prefixed by the letter M, i.e. M123456.

MVT Key

This is a unique password assigned to a trader when registration is completed. The MVT Key allows you to access your motor vehicle trader registration online if you need to renew or amend details throughout the year.

Overseas company

An "overseas company" is defined in the Companies Act 1993 as "a body corporate that is incorporated outside New Zealand" (section 2(1)). An overseas company can operate in New Zealand in one of three ways:

By establishing a wholly owned New Zealand subsidiary company and registering on the New Zealand register under Part II of the Act (sections 11 to 15).

By establishing a branch operation and registering as an overseas company on the overseas register under Part XVIII of the Act (sections 332 to 337).

By transferring its incorporation from the country in which it is registered to New Zealand under Part XIX of the Act and becoming a New Zealand company by registering under Part II of the Act (sections 344 to 349 and 11 to 15).

Personal Property Securities Act 1999

The Personal Property Securities Act 1999 (PPSA) is legislation relating to security interests in personal property. It affects lending, leasing and other types of credit-providing activities.

Personal property is given a wide definition by the PPSA. With few exceptions it covers any property someone can own other than land. Where personal property is offered as security in a lending or leasing transaction the PPSA refers to it as collateral. There are specific provisions in relation to consumer goods and motor vehicles, but as a general rule all collateral is treated in the same way.

Usually there are two distinct parties involved in the creation of a security interest. The lender, grantee or lessor is referred to as a secured party and the borrower, grantor or lessee is referred to as a debtor. Under the PPSA it does not matter if the secured party is an organisation or an individual – as a general rule they are treated the same.

Personal Property Securities Register

The PPSA created a register called the Personal Property Securities Register (PPSR) that commenced operation on 1 May 2002. The PPSR is a form of electronic 'notice board' recording specific details of security interests held in respect of personal property. People can search for and view information held in the PPSR. It is accessible via the internet 24 hours a day, seven days a week.

Information about a security interest registered in the PPSR is referred to as a financing statement. Subject to privacy restrictions set out in the PPSA, people can search for and view information held in financing statements in the PPSR by debtor name or by specific collateral details such as vehicle registration, VIN

and chassis numbers.

Visit the [Personal Property Securities Register \(PPSR\)](#) website

Register

Means the register of motor vehicle traders established and maintained under section 52

Registered office address

Every company must have a Registered Office and Address for Service in New Zealand.

The registered office and address for service need not be at the company's place of business, nor in the same place. However they must be at a physical location not a postal address or document exchange or a 'virtual office' (that is a mail or message collection point).

Registrar

Means the officer appointed under section 60 who is responsible for the register

Security interest

Security interests over personal property (for example, secured loans, leases or hire purchases) can be registered and searched on the [Personal Property Securities Register \(PPSR\)](#) website.

A search of the PPSR for any registered security interests in respect of a specific company can now also be conducted via the Companies Register website.

Note: Historically the Companies Act required companies to maintain a register of charges. This provision was removed with the introduction of the Personal Property Securities Act 1999 - although it would be considered good practice for companies to maintain details of their security interests.

Statutory declaration

Means a declaration made before a person authorised under the Oaths and Declarations Act 1957 to take declarations

Trading name

A trading name is the name which a business trades under. The trading name may also be the legal name of a business.

Vehicle

Means a machine that is equipped with wheels or revolving runners upon which it moves or is moved

Wholesaler

Means a person who carries on the business of

- a. selling new motor vehicles to motor vehicle traders, or to other persons who carry on that business; or
- b. selling used motor vehicles to motor vehicle traders

Working day

Means any day other than

- a. a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day; and
- b. The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- c. a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year