

THE MOTOR-VEHICLE DEALERS REGULATIONS 1958

COBHAM, Governor-General ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1958

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to the Motor-Vehicle Dealers Act 1958, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

Title and Commencement

- 1. (1) These regulations may be cited as the Motor-Vehicle Dealers Regulations 1958.
- (2) These regulations shall come into force on the 1st day of January 1959.

Interpretation

2. In these regulations, unless the context otherwise requires,—
"The Act" means the Motor-Vehicle Dealers Act 1958:
Expressions defined in the Act have the meanings so defined.

Applications for Licences

- 3. (1) Application for a motor-vehicle dealer's licence may be made by either a company or an individual, and a licence may be issued to either a company or an individual.
- (2) Persons intending to carry on business as motor-vehicle dealers in partnership shall each apply for a licence, and a licence may be issued to each of them.

Testimonials

4. (1) Except in the case of an application for the renewal of a licence, when any application for a licence is filed, it shall be accompanied by original testimonials from at least three reputable persons as to the character and fitness of every person whose character and fitness are relevant to the issue of the licence.

(2) When any application is filed for consent to any person acting as an officer of a company holding a licence or for consent to employ any person as a responsible employee of the licensee, it shall be accompanied by original testimonials from three reputable persons as to

the character and fitness of the proposed officer or employee.

(3) When any application is filed for consent under section 17 of the Act to any person carrying on, or appointing some other person to carry on, the business as a motor-vehicle dealer of any licensee, then, unless the applicant or, as the case may be, the proposed appointee is the Public Trustee or the holder of a licence, it shall be accompanied by original testimonials from three reputable persons as to the character and fitness of the applicant or, as the case may be, the proposed appointee.

(4) Notwithstanding anything in the foregoing provisions of this regulation, the Magistrate, if he thinks fit, may dispense with all or any

of the testimonials required by this regulation.

Responsible Employees and Officers of Licensees

5. (1) On the grant or renewal of a licence, the names of the persons who at the date of the grant or renewal are responsible employees or officers of the licensee and the positions held by them shall appear on the licence.

(2) Where consent is given under section 18 of the Act to the employment of any person as a responsible employee of a licensee or to any person acting as an officer of a licensee that is a private company, the name and capacity of that person and the position held by him shall be endorsed on the licence by the Registrar.

Additional Places of Business

6. Where under section 12 of the Act notice is given by a licensee of any additional place of business, particulars thereof shall be endorsed on the licence by the Registrar.

Temporary Licences

7. The Magistrate's consent under section 17 of the Act (which relates to temporary licences) shall be endorsed by him on the licence.

Records to be Kept

8. The record which by section 21 of the Act every motor-vehicle dealer is required to keep of every transaction in which he has acted as a dealer in relation to the sale, purchase, or exchange of or other dealing in any motor vehicle shall be kept up to date by the licensee in the form of a register, and shall show fully and clearly such of the following particulars as are relevant:

(a) A description of the motor vehicle involved, including make and engine, chassis, and registered numbers;

- (b) The name and address of the person from whom the vehicle was received, the date when it was received, and the total amount or value of any consideration passing from the dealer to the person from whom it was received;
- (c) The status of the person supplying the vehicle, that is, whether owner or agent or attorney for the owner, hirer, or otherwise;

(d) Whether or not the vehicle is encumbered and, if so, a description of all known encumbrances;

(e) Whether the vehicle is purchased by the licensee or received by

him as agent on behalf of a principal;

(f) Where the vehicle is purchased by the licensee and disposed of,—

 (i) The name and address of the person to whom it is disposed of and the date of disposal; and

(ii) The total amount or value of the consideration passing

from that person to the dealer; and

(g) Where the vehicle is disposed of by the dealer as an agent,—(i) The name and address of the person to whom it is disposed of and the date of disposal;

(ii) The total amount or value of any consideration pass-

ing from the purchaser to the dealer;

(iii) The amount in cash received;

(iv) The value of any trade-in or other consideration;

(v) The amount of any commission charged;

(vi) The amount of any sum left on hire-purchase or instalment account;

(vii) The amount paid to the principal; and

(viii) The value of any vehicle or interest in any vehicle supplied to the principal and particulars of the same.

Forms

9. (1) The forms set out in the First Schedule to these regulations are hereby prescribed as the forms to be used in respect of the several matters to which those forms relate.

(2) Such variations may be made in any form hereby prescribed as

the circumstances of any particular case may require.

Fees

10. (1) The fees specified in the Second Schedule to these regulations are hereby prescribed as the fees payable in respect of the several matters specified in that Schedule, and shall be paid at the time of the filing of the relevant application.

(2) If the application in respect of which any such fee has been paid is refused, half of the fee so paid shall be refunded to the applicant.

Penalties

11. Every person commits an offence, and is liable accordingly under section 31 of the Act, to a fine not exceeding £50, who knowingly gives false or misleading information to any person for the purpose of obtaining a motor-vehicle dealer's licence or the renewal of such a licence or the cancellation of such a licence or the consent of a Magistrate or the Registrar of a Magistrate's Court to anything to which these regulations relate.

SCHEDULES

Reg. 9

FIRST SCHEDULE

FORMS

Form MVD 1

Application by Individual on Own Behalf or as a Partner for Motor-Vehicle Dealer's Licence

(Section 4 (1), Motor-Vehicle Dealers Act 1958) [To be filed in duplicate]

Principal place of business:

Additional places of business (a)

(b)

(c)

I intend to carry on business (on my own account) (or in partner-ship with [Full names and addresses of proposed partner or partners]).

The following person(s) (is) (are) (a) responsible employee(s) of

the applicant in respect of the business:

Full Name	Position Held (e.g., Branch Manager at [Place])

Testimonials are hereto annexed—

- (a) As to my character and fitness, from (i) [Name].
 - (ii) [Name]. (iii) [Name].
- (b) As to the character and fitness of the following responsible employees:
 - (1) [Full name], from (i) [Name].
 - (ii) [Name]. (iii) [Name].
 - (2) [Full name], from (i) [Name].
 - (ii) [Name]. (iii) [Name].
 - (3) [Full name], from (i) [Name]. (ii) [Name].
 - (iii) [Name].

[Note—Unless the Magistrate decides otherwise, three original testimonials as to the applicant's character and fitness and as to the character and fitness of all responsible employees connected with the business are required.]

A bond for (£5	(£500) (£500) from [St sureties] is hereto anno	ate names of inst	urance company
	this		19
obtain a licence, of all the partners 2. It is an of 1958, punishable misleading inform 3. A "responsible (vor place where the partners of the place where the partners of the	he case of a firm, ever but only one bond is s. fence against the Mo by a maximum fine of action in any application ble employee" is one we wholly or in part) for the applicant carries on the dealer, or for the ma	required to be lot tor-Vehicle Deal £50, knowingly in for a licence. The is responsible the management, or intends to care	lers Regulations to give false or e or intended to t of any branch arry on, business
-			Form MVD 2
APPLICATION BY	A COMPANY FOR MO	TOR-VEHICLE DE	ALER'S LICENCE
(Sect	ion 4 (1), Motor-Vehic		958)
T .1 36 1.	[To be filed in a	!uplicate]	
on business as a following place(s Principal place Additional place The following	ess of company] hereb motor-vehicle dealer () of business: e of business (a) (b) (c) person(s) (is) (are) (the company in respect of	(in motor cycles	only) from the
Full Name	Whether Officer or Responsible Employe	e.g., Bran	tion Held nch Manager at Place])
annexed hereto:	s to the character a	nd fitness of the	ose persons are
(a) [Full name (b) [Full name	(ii) [Name]. (iii) [Name].		
(c) [Full name	(iii) [Name].		

[Note-Unless the Magistrate decides otherwise, three original testimonials as to the character and fitness of the officers of the company and of all responsible employees connected with the business are required.]

A bond for (£2,000) (£500) from [State names of insurance company or other surety or sureties] is annexed hereto.

Dated at this day of 19...

Signed on behalf of [Name of Company]

State official position, e.g., Managing Director, Director, Secretary, etc.]

Note—1. It is an offence against the Motor-Vehicle Dealers Regulations 1958, punishable by a maximum fine of £50, knowingly to give false or misleading information in any application for a licence.

- 2. An "officer" is a director, manager, or secretary of the company; and includes any person (however designated) who is responsible for the management of the company or for the motor-vehicle dealer's business of the company.
- 3. A "responsible employee" is any employee who (not being an officer of the company) is responsible or is intended to be responsible (wholly or in part) for the management of any branch or place where the company carries on, or intends to carry on, business as a motorvehicle dealer, or for the management of any section of that business.

Form MVD 3

Notice of Application for Motor-Vehicle Dealer's Licence

(Section 7 (1), Motor-Vehicle Dealers Act 1958)

[Full name of applicant] of [Full address of applicant] has applied to the Magistrate's Court at ______ for a licence under the Motor-Vehicle Dealers Act 1958 to carry on business as a motor-vehicle dealer (in motor cycles only) under the name or style of [Insert name or style of proposed business from the following place(s) of business:

Principal [Full address].

Additional (i) [Full address].

(ii) Full address.

(iii) Full address].

and the application will be heard by the above Court after one month from the day of being the date of first publication of this notice.

The names of all persons whose character and fitness are relevant to this application may be seen at the office of the above Court:

[Name of applicant].

Form MVD 4

Notice	OF	OBJECTION	то	$\mathbf{G}_{\mathbf{RANT}}$	OR	Renewal	OF	MOTOR-VEHICLE
		· ·		EALER'S				

	DEALER'S LIGENGE	
(Sections 7	(2) and 14 (2), Motor-Vehic	cle Dealers Act 1958)
	[To be filed in duplica	te]
To: The Reg	istrar, Magistrate's Court at	
TAKE notice that a motor-vehicle dealer's licence is following grounds	I [Full name] of [Full addadealer's licence to (or renessued to) [Full name of app	ress] object to the issue of ewal of the motor-vehicle plicant or licensee] on the
7 (3) or section	14 (3) of the Act, as the communithis day of	ase may be.
Magistrate's Cour	objection to the issue of a lit, and a copy should be serve the date of the first publications.	ed on the applicant, within
2. An objection	to the renewal of an exist's Court, and a copy should	sting licence must be filed be served on the licensee,
		Form MVD 5
	MOTOR-VEHICLE DEALER'S	
(Sect	ion 8 (1), Motor-Vehicle Dec	alers Act 1958)
	ate's Court at	ŕ
Pursuant to the is hereby license motor cycles only	Motor-Vehicle Dealers Act 1 d to carry on business as a) under the name or style of	a motor-vehicle dealer (in from the
place(s) of busin Principal place	9 until the 31st day of Mar ness: of business: ces of business (a)(b)(c)	
	persons are responsible ente of the issue of this licence:	aployees or officers of the
Full Name	Responsible Employee or Officer	Position Held in Licensee's Business

Full Name	Responsible or Off	Employee icer			n Held in e's Business	ı
Given under	my hand and	the seal	of the	Court	at	this

(Deputy) Registrar.

Form MVD 6

APPLICATION FOR RENEWAL OF MOTOR-VEHICLE DEALER'S LICENCE

(Section 14 (1), Motor-Vehicle Dealers Act 1958)

[To be filed in duplicate]

In the Magistrate's Court at.....

from the following place(s) of business:

Principal place of business:

Additional places of business (a)

other surety or (£500) from [Na force in respect of for renewal). The following	(b)	es of insurance company or (or, the bond for (£2,000) or other surety or sureties] in in respect of this application responsible employee(s) or
Full Name	Whether Responsible Employee or Officer	Position Held (e.g., Branch Manager at [Place])
Dated at	thisday of	19
Signature: Licen	see [or, state official position, ector, Secretary, etc.]	

authority to act as such has not already been approved or consented to.

3. It is an offence against the Motor-Vehicle Dealers Regulations 1958, punishable by a maximum fine of £50, knowingly to give false or misleading information in any application for the renewal of a licence.

4. A "responsible employee" is one who (not being an officer of a

[Note—1. Application for renewal must be filed not earlier than

2. Unless the Magistrate decides otherwise, testimonials must be supplied, as in the case of an application for an original licence, in respect of any of the above responsible employees whose employment as such has not already been approved or consented to, and, where the licensee is a private company, in respect of any of the above officers whose

1 January and not later than the last day of February.

4. A "responsible employee" is one who (not being an officer of a company which is a licensee) is responsible or intended to be responsible (wholly or in part) for the management of any branch or place where the licensee carries on, or intends to carry on, business as a motor-vehicle dealer, or for the management of any section of that business.

5. An "officer" of a company that is a licensee is a director, manager,
or secretary of the company; and includes any person (however desig-
nated) who is responsible for the management of the company or for the
motor-vehicle dealer's business of the company.]

Form MVD 7
Application for Consent to Carry on Motor-Vehicle Dealer's Business Under Section 17 of the Motor-Vehicle Dealers Act 1958
[To be filed in duplicate]
In the Magistrate's Court at
Pursuant to section 17 of the above Act, application is hereby made by [Full name of applicant] of [Full address] as [Here state capacity in which application is made. See section 17 (1).] for consent (or, for consent to the appointment of [Full name] of [Full address]) to carry on the business of a motor-vehicle dealer at present licensed in the name of [Full name of licensee or former licensee] under licence No
Testimonials as to the character and fitness of the applicant (or the
proposed appointee) are enclosed from— (a) [Name]. (b) [Name]. (c) [Name]. A bond for (£2,000) (£500) from [Names of insurance company of
other surety or sureties] is hereto annexed.
The licence is forwarded herewith for endorsement.
Dated at this day of 19
Signature of Applicant: [Note—1. Unless the Magistrate decides otherwise, three original testimonials as to the character and fitness of the applicant or the proposed appointee are required. Testimonials are not required if the persor proposing to carry on the business is the Public Trustee or is already the holder of a licence.
2. A bond is not required where the person proposing to carry on the business is the Public Trustee or is already the holder of a licence. 3. It is an offence against the Motor-Vehicle Dealers Regulations 1958 punishable by a maximum fine of £50, knowingly to supply false or misleading information in this application.]
Form MVD 8
Application for Consent to Employ Responsible Employee
(Section 18 (1), Motor-Vehicle Dealers Act 1958)
[To be filed in duplicate]
To: The Registrar, Magistrate's Court at
Appropriate the licenses and the licenses and the licenses and the licenses

(Section 18 (1), Motor-Vehicle Dealers Act 1958)

[To be filed in duplicate]

To: The Registrar, Magistrate's Court at

APPLICATION is hereby made by [Full Name], the licensee under licence

No. issued in the Magistrate's Court at on the day of 19 for consent to employ [Full name] as a responsible employee of the licensee as defined in the above Act in the position of [State position, e.g., Branch Manager at [Place]].

I declare that I have examined the above Act and to the best of my knowledge and belief the said [Full name] is not disqualified under section 10 of the Act from being granted a motor-vehicle dealer's licence nor is he a person to whom section 11 of the Act applies, and that he is a person of good character and fit to be a responsible employee as defined in the Act.

[Note-It is an offence against the Motor-Vehicle Dealers Regulations 1958, punishable by a maximum fine of £50, knowingly to give false or misleading information in this application.]

Signature of applicant:

Dated at this day of 19

Form MVD 10

APPLICATION	FOR	Consent	то	Person	ACTING	AS	OFFICER	\mathbf{OF}	PRIVATE
				Compan	Y				

(Section 18 (3), Motor-Vehicle Dealers Act 1958)
[To be filed in duplicate]
To: The Registrar, Magistrate's Court at
APPLICATION is hereby made by [Full name], the licensee under licence No. issued by the Magistrate's Court at on the
day of19 for consent to [Full name] acting as an officer of the licensee as defined in the above Act in the position of [State position, e.g., Director, Manager, Secretary].
I declare that I have examined the above Act and to the best of my knowledge and belief the said [Full name] is not disqualified under section 10 of the Act from being granted a motor-vehicle dealer's licence nor is he a person to whom section 11 of the Act applies, and that he is a person of good character and fit to be an officer of the licensee as defined in the Act.
Testimonials as to the character and fitness of the proposed officer are annexed hereto from—
$egin{array}{ll} (a) & [Name]. \ (b) & [Name]. \ (c) & [Name]. \end{array}$
Dated at this day of 19
Signature of applicant: Licensee [Or state official position, e.g., Managing Director, Director, Secre- tary, etc.]
[Note—1. Unless the Magistrate decides otherwise, three original testimonials as to the proposed officer's character and fitness are required. 2. It is an offence against the Motor-Vehicle Dealers Regulations 1958, punishable by a maximum fine of £50, knowingly to supply false or misleading information in this application.]
Form MVD 11
Notice of Additional Place of Business
(Section 12, Motor-Vehicle Dealers Act 1958)
To: The Registrar, Magistrate's Court at
Notice is hereby given that [Full name] the holder of licence No. granted in this Court on the day of 19 intends to carry on business as a motor-vehicle dealer (in motor cycles only) at the following additional place(s) of business: [Set out full addresses].
The licence is forwarded herewith for endorsement.
Endorsement fee of £is enclosed.
Dated at this day of 19
Signature:
Licensee [Or state official position, e.g., Managing Director, Director, Secre- tary, etc.]

Form MVD 12

Application for Cancellation of Motor-Vehicle Dealer's Licence

(Section 25 (3), Motor-Vehicle Dealers Act 1958)

[To be lodged in duplicate]

[10 be touged in aupticute]			
In the Magistrate's Court at PURSUANT to section 25 (3) of the Motor-Vehicle Dealers I [Full name] of [Full address] hereby apply to the Court to motor-vehicle dealer's licence Noin the name of [Fullicensee] of [Address] granted in this Court on the	cance ll na c	el t <i>me</i> lay rou	the of of and
sought.]			
Dated at this day of 19			
Signature of applicant:			
[Note—A copy of the application should be served on the forthwith.]	ne li	cen	see
SECOND SCHEDULE			
Reg. 10			
Table of Fees	0		
1. For the issue of a motor-vehicle dealer's licence (except as provided in clause 2)—	£	s.	d.
(a) In respect of the licensee's only place of business as a dealer or, where he has two or more such places of business, his principal place of business	10	0	0
(b) In respect of each additional place of business of the licensee—			
 (i) Where situated in the same city, borough, town district, or county as the licensee's principal place of business 	1	0	0
(ii) Where the licensee's principal place of business is situated in the Auckland or Wel- lington or Christchurch or Dunedin metropoli- tan area and the additional place of business			
is situated in the same area	1	0	0
(iii) In other cases	5	0	0
2. For the issue of a motor-vehicle dealer's licence to a dealer in motor cycles only—			
(a) In respect of the licensee's only place of business			
as a dealer or, where he has two or more such places of business, his principal place of business	2	0	0
(b) In respect of each additional place of business of the licensee	1	0	0

SECOND SCHEDULE—continued

3. On notice under section 12 of each additional place of	£	s.	d.
business (except as provided in clause 4)— (a) Where situated in the same city, borough, town district, or county as the licensee's principal	1	0	0
place of business (b) Where the licensee's principal place of business is situated in the Auckland or Wellington or Christchurch or Dunedin metropolitan area	1	U	U
and the additional place of business is situa- ted in the same area	1	0	0
(c) In other cases	5	ő	0
4. On notice under section 12 of each additional place of	_	-	
business of the licensee where the licensee is a dealer in			
motor cycles only	1	0	0
5. On the renewal of a motor-vehicle dealer's licence (except			
as provided in clause 6)—			
(a) In respect of the licensee's only place of business			
as a dealer or, where he has two or more such	5	Λ	٥
places of business, his principal place of business	5	0	0
(b) In respect of each additional place of business of the licensee—			
(i) Where situated in the same city, borough,			
town district, or county as the licensee's princi-			
nal place of business	1	0	0
(ii) Where the licensee's principal place of			
business is situated in the Auckland or Wel-			
lington or Christchurch or Dunedin metropoli-			
tan area and the additional place of business			
is situated in the same area	1	0	0
(iii) In other cases	5	0	0
6. On the renewal of a motor-vehicle dealer's licence to a			
dealer in motor cycles only—			
(a) In respect of the licensee's only place of business			
as a dealer or, where he has two or more such	2	0	0
places of business, his principal place of business (b) In respect of each additional place of business	4	U	U
C .1 1'	1	0	0
7. On consent under section 17 of the Motor-Vehicle Dealers	1	U	U
Act 1958 (temporary licences)	2	0	0
8. On consent to employment of responsible employee or to	_	Ŭ	ŭ
person acting as officer of private company except where			
consent applied for with application for grant or renewal			
of licence	2	0	0
9. On consent to licensee entering into partnership with any	_		
person	2	0	0
T 1 61 10 15 61 61 61			

For the purposes of clauses 1, 3, and 5 of this Schedule, the term "metropolitan area", in relation to each of the cities of Auckland, Wellington, Christchurch, and Dunedin, means the area situated within a radius of 15 miles from the Central Post Office in that city.

T. J. SHERRARD, Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the procedure for applying for motor-vehicle dealers' licences under the Motor-Vehicles Dealers Act 1958 and the testimonials as to character and fitness that must accompany those applications.

The regulations also prescribe the procedure in other matters under that Act, the manner in which dealers are to keep records of transactions, the forms that are to be used for the purpose of applications and other matters arising under the Act, and the scale of fees payable.

Issued under the authority of the Regulations Act 1936. Date of notification in Gazette: 18 December 1958. These regulations are administered in the Department of Justice.