



**THE MOTOR VEHICLE DEALERS REGULATIONS 1976,
AMENDMENT NO. 1**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of June 1976

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Motor Vehicle Dealers Act 1975, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Motor Vehicle Dealers Regulations 1976, Amendment No. 1, and shall be read together with and deemed part of the Motor Vehicle Dealers Regulations 1976* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Notices—(1) Regulation 5 of the principal regulations is hereby amended by omitting from subclause (3), and also from subclause (5), the words “any window of”.

(2) Regulation 5 of the principal regulations is hereby further amended by revoking subclause (4), and substituting the following subclause:

“(4) One copy of the notice, signed by the licensee (or an approved or registered salesman) and the purchaser at the time of the sale, shall be given to the purchaser, and one copy shall be retained by the licensee.”

3. Amendments to prescribed forms—(1) Form 2 in the Second Schedule to the principal regulations is hereby amended by omitting from the heading the word “BY”, and substituting the word “THROUGH”.

(2) Form 3 in the said Second Schedule is hereby amended by inserting, after the words "the following addresses", the words ", and under the following names or styles".

(3) The said Form 3 is hereby further amended by adding to paragraph (a) the words "where my business will be carried on under the name or style of".

(4) The said Form 3 is hereby further amended by adding to paragraph (b) the words "where my business will be carried on under the name(s) or style(s) of".

(5) The said Form 3 is hereby further amended by adding the following note:

"6. Before filing this application you should ensure that each part of this form that is inapplicable to your case has been deleted."

(6) Form 4 in the said Second Schedule is hereby amended by inserting, after the words "the following addresses", the words ", and under the following names or styles".

(7) The said Form 4 is hereby further amended by adding to paragraph (a) the words "where its business will be carried on under the name or style of".

(8) The said Form 4 is hereby further amended by adding to paragraph (b) the words "where its business will be carried on under the name(s) or style(s) of".

(9) The said Form 4 is hereby further amended by adding the following note:

"6. Before filing this application you should ensure that each part of this form that is inapplicable to the company's case has been deleted."

(10) The Second Schedule to the principal regulations is hereby further amended by revoking Form 17, and substituting the form set out in the Schedule to these regulations.

(11) Form 18 in the said Second Schedule is hereby amended by inserting, after the words "applicant for licence", the words ", and the name or style under which the licensee or applicant carries on or proposes to carry on business as a motor vehicle dealer".

(12) Form 20 in the said Second Schedule is hereby amended by inserting, after the words "the 31st day of March 19.....", the words "to be employed by [Full name and address of licensee or applicant for licence, and the name or style under which he carries on or proposes to carry on business as a motor vehicle dealer]".

(13) Form 22 in the said Second Schedule is hereby amended by revoking the words "NO WARRANTY", and substituting the following words:

"For sale by tender. No warranty.

or

Rebuilt vehicle. No warranty.

or

Repossessed vehicle. No warranty.

or

Ex-overseas. No warranty."

(14) Form 23 in the said Second Schedule is hereby amended by revoking paragraph 4, and substituting the following paragraph:

"4. Defect—Defect means any structural or mechanical flaw or malfunctioning that, having regard to the age of the motor vehicle, the total distance travelled by it, and the price obtained or sought for it by the licensee, has adversely affected or is likely to adversely affect—

"(a) The safety or roadworthiness of the motor vehicle; or

"(b) The market value of the motor vehicle; or

"(c) The serviceability of the motor vehicle.

"However, it does not include any panel repair or any damage caused by corrosion unless, by reason of that repair or damage, the motor vehicle is not in the condition required for the issue of a warrant of fitness in accordance with the Traffic Regulations 1956."

(15) Form 24 in the said Second Schedule is hereby amended by omitting the words "NO WARRANTY", and substituting the words "CATEGORY C. NO WARRANTY".

(16) The said Form 24 is hereby further amended by omitting the word "hereby", and substituting the words "solemnly and sincerely".

(17) The said Form 24 is hereby further amended by inserting, after the words "that Act.", the following words:

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

"Declared at this day of 19....."

(18) The said Form 24 is hereby further amended by inserting, after the word "Purchaser" where it lastly occurs, the following words:

"before me"

(Justice of the Peace,
Solicitor of the Supreme Court
of New Zealand, or other person
authorised to take statutory declarations)."

SCHEDULE

Reg. 3 (10)

NEW FORM 17 SUBSTITUTED IN PRINCIPAL REGULATIONS

"FORM 17

Record of Transactions of Licensed Motor Vehicle Dealer

[Name and address of licensee]

[Name and style of business]

Model designation of vehicle

Year of registration

Registration number

Engine number } (If no registration number)

Chassis number }

Odometer reading (At time of sale)

The name and address of the person from whom the motor vehicle was purchased or accepted

The date when the motor vehicle was purchased or accepted by the licensee

The total amount or value of the consideration (if any) passing from the licensee to the person from whom the motor vehicle was purchased or accepted

SCHEDULE—continued

The status of the person supplying the motor vehicle to the licensee
(that is, as owner, agent, hirer, or otherwise)

Description of all known encumbrances (if any) secured over the
motor vehicle

Whether the vehicle has been purchased by the licensee, or accepted
by him for any trade purpose, and, if the vehicle has been so accepted,
the trade purpose for which it has been accepted

The name and address of the person to whom the licensee disposed
of the vehicle, and the date of the disposal

The total amount or value of the consideration passing from that
person to the licensee

Where the motor vehicle is disposed of by the licensee as agent—

The amount in cash received by the licensee

The value of any trade-in or other consideration

The amount of any commission charged

The amount of any sum left on hire-purchase or instalment account
.....

The amount paid to the principal

The value of any motor vehicle or interest in any motor vehicle
supplied to the principal, and particulars of the same

Address of premises where transaction concluded

Name and address of salesman

.....
Signature of licensee.

NOTES

1. Under section 61 of the Motor Vehicle Dealers Act 1975 every licensee must keep or cause to be kept a record, with the particulars listed above, in every case where the motor vehicle dealer in the course of his business purchases or accepts for the purpose of selling, exchange, or leasing, any motor vehicle. The licensee must also keep or cause to be kept such a record in any other transaction where he has acted as a dealer.

2. Such a record must be kept for at least 6 years, and must be made available for inspection by any member of the Police at all reasonable times."

P. G. MILLEN,
Clerk of the Executive Council.



EXPLANATORY NOTE

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

The regulations make a number of administrative amendments to the Motor Vehicle Dealers Regulations 1976.

Regulation 2 (1) amends subclauses (3) and (5) of regulation 5 of the principal regulations which require certain notices to be attached to the windows of motor vehicles offered for sale by licensees. The amendment allows the notices to be affixed to any part of the vehicles so long as the notices are clearly visible from outside.

Regulation 2 (2) reduces from 3 to 2 the number of copies of notices required for the purposes of certain provisions of the Motor Vehicle Dealers Act 1975.

Regulation 3 makes a number of amendments to the forms prescribed for use under the Act.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 June 1976.

These regulations are administered in the Justice Department.