

1977/160



**THE MOTOR VEHICLE DEALERS REGULATIONS 1976,
AMENDMENT NO. 2**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of June 1977

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. 2, 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. Amendments of prescribed forms—(1) Form 2 in the Second Schedule to the principal regulations is hereby amended by inserting in paragraph 2 of the notes, after the words “*offered for sale*”, the words “*by any person other than a licensed motor vehicle dealer*”.

(2) The said Second Schedule is hereby further amended by revoking form 4, and substituting the form numbered 4 in the Schedule to these regulations.

(3) The said Second Schedule is hereby further amended by inserting, after form 12, the form numbered 12A in the Schedule to these regulations.

(4) Form 13 in the said Second Schedule is hereby amended by revoking the second paragraph, and substituting the following paragraph:

“It is hereby declared that to the best of the applicant’s knowledge and belief the person in respect of whom this application is made—

“(a) Is not disqualified under section 8 of the Motor Vehicle Dealers Act 1975 from applying for and obtaining a licence; and

“(b) Is a proper person to be an officer of the company having regard to the provisions of paragraph (aa) of section 14 (2) of the Motor Vehicle Dealers Act 1975.

or

“Is a proper person to be the chief executive officer of the company having regard to the provisions of paragraph (ab) (ii) of section 14 (2) of the Motor Vehicle Dealers Act 1975.”

(5) The said Second Schedule is hereby further amended by inserting, after form 15, the form numbered 15A in the Schedule to these regulations.

(6) Form 23 in the said Second Schedule is hereby amended—

(a) By omitting from paragraph 2 the expression “Date of delivery”, and substituting the expression “Date of sale”:

(b) By omitting from paragraph 3 the expression “date of delivery”, and substituting the expression “date of sale”.

3. Third Schedule amended—The Third Schedule to the principal regulations is hereby amended by adding the following items:

“12. For the removal of a licence under section 18A of the Act—

“(a) In respect of the approval of a new branch office 5.00

“(b) In respect of the approval of a new principal place of business 10.00

“13. For the approval of a person (not being the chief executive officer of a company) to supervise the conduct of a licensee company’s business from its principal place of business 10.00”.

4. First Schedule consequentially amended—(1) The First Schedule to the principal regulations is hereby consequentially amended by inserting, after the item relating to an application for the renewal of a motor vehicle dealer’s licence, the following item:

“Application for removal of motor vehicle dealer’s licence to different premises 18A 12A.”

(2) The said First Schedule is hereby further consequentially amended by inserting, after the item relating to an application for a temporary motor vehicle dealer’s licence, the following item:

“Application for approval of a person to conduct a licensee company’s business at its principal place of business 57 15A”.

5. Revocations—Subclauses (6) to (9) of regulation 3 of the Motor Vehicle Dealers Regulations 1975, Amendment No. 1 are hereby consequentially revoked.

Reg. 2

SCHEDULE

NEW FORMS INSERTED IN PRINCIPAL REGULATIONS

Section 9 (1)

Form 4

APPLICATION FOR MOTOR VEHICLE DEALER'S LICENCE BY A COMPANY
IN RESPECT OF PRINCIPAL PLACE OF BUSINESS*

[To be filed in duplicate]

In the Magistrate's
Court at

[Name and address of company] hereby applies for a licence to carry on business as a motor vehicle dealer at the following addresses, and under the following names or styles:

- (a) The principal place of business of the company will be at where its business will be carried on under the name or style of
- (b) Subsidiary place(s) of business of the company pursuant to the licence will be at where its business will be carried on under the name(s) or style(s) of.....

and the company hereby states as follows:

1. That it intends to apply for the necessary licence(s) to conduct business as a motor vehicle dealer at the following branch office(s) and subsidiary place(s) of business:

Branch Offices	Subsidiary Places
.....	of Business

2. That each subsidiary place of business proposed to be conducted under the licence to which this application relates is situated within 5 kilometres of the company's principal place of business.

or

That the company hereby applies for an order exempting it from the requirement to hold a separate licence in respect of the following subsidiary place(s) of business, being situated more than 5 kilometres from its principal place of business, on the ground that the person charged with the management of the principal place of business and the subsidiary place(s) of business will be able to personally supervise, manage, and control them both.

3. The name, residential address, and occupation of the person who will be the chief executive officer of the company if the application is granted are as follows:

Full name	Address	Occupation
.....

4. The name, residential address, and occupation of the person who will supervise the conduct of the company's business at its principal place of business instead of its chief executive officer are as follows:

Full name	Address	Occupation
.....

*If application is made in respect of a branch office, Form 6 must be used instead of this Form.

SCHEDULE—continued

5. With respect to the principal place of business, the name, residential address, and occupation of every person who will be an officer of the company (other than the chief executive officer) are as follows:

Full name	Address	Occupation
.....

6. Other businesses carried on or proposed to be carried on by the company are as follows:

Dated at this day of19 .

Signed on behalf of [*Name of company*] by:

.....
(*State official position, e.g., Managing Director, Director, Secretary, etc.*)

NOTES

1. This application must be accompanied by the prescribed application fee, and a declaration in Form 8 that the company is eligible to apply for and hold a motor vehicle dealer's licence.

2. The company is required to serve on the Motor Vehicle Dealers Institute a copy of this application, together with a copy of every document filed with it, other than a document dealing exclusively with its financial details.

3. The company is also required to publish notice of this application at least twice in a newspaper approved for the purpose by the Registrar of the Magistrate's Court in which the application is filed.

4. The company must also pay to the Institute the required contribution to the Motor Vehicle Dealers Fidelity Guarantee Fund, and the Institute's prescribed fees. Details of these amounts should be sought from the Institute.

5. You are advised that this application cannot be dealt with until the company has complied with the requirements mentioned in these notes.

6. By virtue of section 57 (2) of the Motor Vehicle Dealers Act 1975 (as inserted by section 19 of the Motor Vehicle Dealers Amendment Act 1976) a licensee company is required to supervise the conduct of its business as a motor vehicle dealer at its principal place of business (and any associated subsidiary places of business) through its chief executive officer, or some other person approved by the Court.

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



SCHEDULE—continued

Section 18A (2)

Form 12A

APPLICATION FOR REMOVAL OF MOTOR VEHICLE DEALER'S LICENCE TO
DIFFERENT PREMISES

[To be filed in duplicate]

In the Magistrate's
Court at

PURSUANT to section 18A (2) of the Motor Vehicle Dealers Act 1975 I, [Full name], of [Residential address] hereby apply for permission to remove my motor vehicle dealer's licence from [State full address of present place of business to which the licence relates] to [State full address of premises to which it is intended to remove the licence]. I hereby declare as follows:

1. That the full name, residential address, and occupation of the person who will be responsible for conducting my business as a motor vehicle dealer at the proposed premises if the application is granted are—
Full name Residential Address Occupation

.....
And that to the best of my knowledge and belief that person is not disqualified under section 8 (2) of the Motor Vehicle Dealers Act 1975 from applying for and obtaining a licence and is a proper person to conduct my business at the proposed premises having regard to the provisions of section 18A (4) of that Act.

2. The address of every subsidiary place of business from where it is proposed to carry on business under the licence if the application is granted is

Dated at this day of 19.....

.....
Applicant

NOTES

1. This application must be accompanied by the prescribed fee.
2. Unless exempted by a Magistrate from the following requirements you must—
 - (a) Serve on the Motor Vehicle Dealers Institute a copy of this application, together with a copy of every document filed with it, other than a document dealing exclusively with your financial details; and
 - (b) Publish notice of this application at least twice in a newspaper approved for the purpose by the Registrar of the Magistrate's Court in which your application is filed.
3. If the applicant is a licensee company and the application relates to its principal place of business it should be stated in the application whether or not the company proposes to conduct its business at the proposed premises through its chief executive officer. If it does not, the approval of the Court must be obtained, pursuant to section 57 (2) of the Act, in respect of the person through whom it does propose to conduct its business at those premises.
4. Where the application relates to a branch office you must ensure that the person who will be the branch manager if the application is granted has been approved by the Court pursuant to section 21 of the Act.

SCHEDULE—continued

5. You are advised that the Registrar cannot endorse your licence in respect of the proposed premises until he is satisfied that you have the right under the Town and Country Planning Act 1953 to conduct the business of a motor vehicle dealer at those premises.

6. You are also advised that the Court's approval in respect of any subsidiary place of business at which you may be presently carrying on business as a motor vehicle dealer under the licence will be automatically revoked if this application is granted.

Form 15A

Section 57 (3)

APPLICATION FOR APPROVAL OF A PERSON TO CONDUCT A LICENSEE
COMPANY'S BUSINESS AT ITS PRINCIPAL PLACE OF BUSINESS

In the Magistrate's

Court at.....

PURSUANT to section 57 of the Motor Vehicle Dealers Act 1975, [*Name and address of company*] hereby applies for approval of [*Full name*], of [*Address*], [*Occupation*] as the person to be responsible for the supervision, management, and control of its business at its principal place of business.

It is hereby declared that to the best of the applicant's knowledge and belief the person in respect of whom this application is made is not disqualified under section 8 (2) of the Motor Vehicle Dealers Act 1975 from applying for and obtaining a licence, and that he is a proper person to supervise, manage, and control the company's business as a motor vehicle dealer at its principal place of business having regard to the provisions of section 57 (5) of that Act.

Dated at this day of 19.....

Signed on behalf of [*Name of company*] by:

(*State official position in company, e.g., Managing Director, Director, Secretary, etc.*)

NOTES

1. Under section 57 of the Motor Vehicle Dealers Act 1975 a licensee company must supervise the conduct of its business at its principal place of business through its chief executive officer or through a person approved by the Court.

2. A copy of this application must be served on the Motor Vehicle Dealers Institute.

3. Where an application has been made, but not determined, in respect of any person a Registrar may authorise the licensee company to supervise its business at its principal place of business through that person for a period not exceeding 1 month. This period may be extended on application to a Magistrate.

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.

These regulations amend the Motor Vehicle Dealers Regulations 1976 consequent upon the enactment of the Motor Vehicle Dealers Amendment Act 1976.

Regulation 1 relates to the Title and commencement.

Regulation 2—

(a) Amends forms 2, 13, and 23 in the Second Schedule to the principal regulations:

(b) Substitutes a new form for form 4 in that Schedule:

(c) Prescribes new forms 12A and 15A, relating to removals of licences to different premises and approvals of persons to supervise licensee companies' businesses at their principal places of business respectively.

Regulation 3 prescribes the fee payable on an application for the removal of a licence to different premises, and for the approval of a person to supervise the conduct of a licensee company's business at its principal place of business.

Regulations 4 and 5 are of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 June 1977.

These regulations are administered in the Department of Justice.