

Version
as at 1 August 2022



Motor Vehicle Sales Regulations 2003 (SR 2003/327)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of November 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 144 of the Motor Vehicle Sales Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title

These regulations are the Motor Vehicle Sales Regulations 2003.

2 Commencement

These regulations come into force on the commencement of the Motor Vehicle Sales Act 2003.

Regulation 2: Motor Vehicle Sales Act 2003 brought into force, on 15 December 2003, by the Motor Vehicle Sales Act Commencement Order 2003 (SR 2003/329).

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Motor Vehicle Sales Act 2003

New Zealand Business Number means the number allocated to an entity under the New Zealand Business Number Act 2016.

Regulation 3: replaced, on 2 September 2019, by regulation 4 of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

Records of contracts for sale of motor vehicles

4 Motor vehicle trader must keep record of contracts for sale

The information that is required, under section 21(2)(a) of the Act, to be included in a record of each contract for the sale of a motor vehicle is as follows:

- (a) the names of all parties to the contract; and
- (b) the consideration for the sale; and
- (c) a description of the motor vehicle, including—
 - (i) the make and model of the motor vehicle as recorded on the motor vehicle register established under Part 17 of the Land Transport Act 1998 (the **motor vehicle register**); and
 - (ii) the calendar year in which the motor vehicle was manufactured or the model year of the motor vehicle (as designated by the manufacturer) as recorded on the motor vehicle register; and
 - (iii) the vehicle identification number of the motor vehicle as recorded on the motor vehicle register, if so recorded; and
 - (iv) the chassis number of the motor vehicle as recorded on the motor vehicle register, if so recorded and if the vehicle identification number is not recorded on the motor vehicle register.

Regulation 4(c)(i): amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

Registration of motor vehicle traders

5 Information required in application for registration by individual

An application for registration as a motor vehicle trader made by an individual must contain, in addition to the information required under section 32 of the Act, the information specified in Part 1 of Schedule 1 to the extent that the information is applicable to the individual.

6 Information required in application for registration by company

An application for registration as a motor vehicle trader made by a company must contain, in addition to the information required under section 32 of the Act, the information specified in Part 2 of Schedule 1 to the extent that the information is applicable to the company.

7 Licensed motor vehicle dealers to provide further information

[Revoked]

Regulation 7: revoked, on 24 October 2019, by section 87(2)(a) of the Statutes Amendment Act 2019 (2019 No 56).

8 Evidence of change in circumstances of individual

- (1) This regulation applies to an individual who gives written notice to the Registrar under section 40 of the Act of a change in circumstances in relation to a matter set out in Part 1 of Schedule 2.
- (2) An individual to whom this regulation applies must produce evidence of that change in circumstances to the Registrar.
- (3) The evidence produced must be acceptable to the Registrar.

9 Evidence of change in circumstances of company

- (1) This regulation applies to a company that gives written notice to the Registrar under section 40 of the Act of a change in circumstances in relation to a matter set out in Part 2 or Part 3 of Schedule 2.
- (2) A company that this regulation applies to must produce evidence of that change in circumstances to the Registrar.
- (3) The evidence produced must be acceptable to the Registrar.

Contents and searches of register of motor vehicle traders and list of banned persons

Heading: amended, on 2 September 2019, by regulation 5 of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

9A Contents of register and list of banned persons

- (1) For the purpose of section 54(h) of the Act, the register must contain a motor vehicle trader's New Zealand Business Number (if any).
- (2) For the purpose of section 75(h) of the Act, the list of banned persons must contain a banned person's New Zealand Business Number (if any).

Regulation 9A: inserted, on 2 September 2019, by regulation 6 of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

9B Search criteria

- (1) For the purpose of section 57(e) of the Act, the register may be searched by reference to a motor vehicle trader's New Zealand Business Number (if any).
- (2) For the purpose of section 79(e) of the Act, the list of banned persons may be searched by reference to a banned person's New Zealand Business Number (if any).

Regulation 9B: inserted, on 2 September 2019, by regulation 6 of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

10 Search results

- (1) A search result in relation to a search of the register must include all data contained in the register that match the search criteria provided by the searcher in accordance with section 57 of the Act.
- (2) A search result in relation to a search of the list of banned persons must include all data contained in the list of banned persons that match the search criteria provided by the searcher in accordance with section 79 of the Act.
- (3) A manual search of the register may be requested from the Registrar after payment of the fee prescribed under regulation 13(1)(f).
- (4) Search results must be delivered to the person who requested the search within 5 working days of the Registrar's receipt of the request for a manual search of the register.

Regulation 10(3): amended, on 1 August 2022, by regulation 4 of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

Access to register of motor vehicle traders and banned persons list

11 Access to register of motor vehicle traders

Without limiting section 52 of the Act, the Registrar may refuse access to the register or otherwise suspend the operation of the register, in whole or in part, if the Registrar considers that—

- (a) there is a fault affecting the register; or
- (b) the integrity of the register is, has been, or may be compromised.

12 Access to list of banned persons

Without limiting section 73 of the Act, the Registrar may refuse access to the list of banned persons or otherwise suspend the operation of the list, in whole or in part, if the Registrar considers that the integrity of the list is, has been, or may be compromised.

Fees and forms

13 Fees

- (1) The fees set out below are payable for the following matters:
 - (a) for an individual applying for registration as a motor vehicle trader under section 31 of the Act, \$432;
 - (b) for a company applying for registration as a motor vehicle trader under section 31 of the Act, \$863;
 - (c) for an individual applying for renewal of registration as a motor vehicle trader under section 39 of the Act, \$401;
 - (d) for a company applying for renewal of registration as a motor vehicle trader under section 39 of the Act, \$802;

- (e) for a certified copy of information contained in the register, \$22.22 per document:
 - (f) for a manual search of the register, \$8.89:
 - (g) for applying to commence proceedings before a Motor Vehicle Disputes Tribunal under clause 4 of Schedule 1 of the Act, \$43.48.
- (2) The fees prescribed by subclause (1) are exclusive of goods and services tax.
- Regulation 13: replaced, on 1 August 2022, by regulation 5 of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

14 Arrangements for payment of certain prescribed fees

- (1) A fee payable under regulation 13(1)(a) to (f) must be paid—
- (a) to the Registrar; and
 - (b) in a form that is acceptable to the Registrar.
- (2) Subject to subclauses (3) and (4) and the Act, the Registrar may enter into an arrangement with any person for the payment of a fee payable under regulation 13(1)(a) to (f) (for example, the method of that person's payment).
- (3) The prescribed fee in regulation 13(1)(e) must be paid before the copy of the information is certified.
- (4) The prescribed fee in regulation 13(1)(f) must be paid before the search is submitted.

Regulation 14(1): amended, on 1 August 2022, by regulation 6(1) of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

Regulation 14(2): amended, on 1 August 2022, by regulation 6(1) of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

Regulation 14(3): amended, on 1 August 2022, by regulation 6(2) of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

Regulation 14(4): amended, on 1 August 2022, by regulation 6(3) of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

15 Arrangements for payment of prescribed fee for commencing proceedings

A fee payable under regulation 13(1)(g) must be paid—

- (a) to the chief executive of the Ministry of Justice; and
- (b) in a form that is acceptable to the chief executive of the Ministry of Justice.

Regulation 15: amended, on 1 August 2022, by regulation 7 of the Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189).

16 Forms

- (1) The forms set out in Schedule 3 are the forms that must be used for the matters under the Act to which the forms relate.

- (2) Despite subclause (1) and Schedule 3, forms for use in the Motor Vehicle Disputes Tribunal must be in a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators.

Regulation 16(2): inserted, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 1

Content of application for registration as motor vehicle trader

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Part 1

Application for registration as motor vehicle trader by individual

An application for registration as a motor vehicle trader made by an individual must contain the following information:

- any alias used by the applicant; and
- the applicant's New Zealand Business Number (if any); and
- the applicant's—
 - postal address; and
 - phone number; and
 - mobile phone number; and
 - email address; and
 - driver licence number and country of issue; and
 - passport number and country of issue.

Schedule 1 Part 1: amended, on 2 September 2019, by regulation 7(1) of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

Schedule 1 Part 1: amended, on 2 September 2019, by regulation 7(2) of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

Part 2

Application for registration as motor vehicle trader by company

Schedule 1 Part 2: replaced, on 2 September 2019, by regulation 7(3) of the Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165).

An application for registration as a motor vehicle trader made by a company must contain—

- the company's New Zealand Business Number (if any); and
- the following information for each person concerned in the management of the company:
 - any alias used by the person; and
 - whether or not the person is a director of the company; and

- the person's—
 - postal address; and
 - phone number; and
 - mobile phone number; and
 - email address; and
 - driver licence number and country of issue; and
 - passport number and country of issue.

Part 3
**Further information to be provided by licensed motor vehicle
dealers**

[Revoked]

Schedule 1 Part 3: revoked, on 24 October 2019, by section 87(2)(b) of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 2

Change in circumstances for which evidence is required

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Part 1

Change in circumstances of individual for which evidence is required

An individual must produce evidence if there is a change in his or her—

- name; or
- date of birth; or
- driver licence number and country of issue; or
- passport number and country of issue.

Part 2

Change in circumstances of company for which evidence is required

A company must produce evidence if there is a change in the—

- company's name; or
- date of its incorporation; or
- address of its registered office; or
- unique number assigned to the company on its incorporation.

Part 3

Change in circumstances of person concerned in the management of company for which evidence is required

A company must produce evidence if there is a change in any of the following matters in relation to a person concerned in the management of that company:

- the person's name; or
- the person's date of birth; or
- the person's driver licence number and country of issue; or
- the person's passport number and country of issue.

Schedule 3
Forms

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Form 1

Application for exemption under section 27 of Motor Vehicle Sales Act 2003
from requirement to register as motor vehicle trader

To Minister of Consumer Affairs

I, *[full name and address of applicant]*, apply under section 28 of the Motor Vehicle Sales Act 2003 to be exempt from registration as a motor vehicle trader under the Act. The grounds on which this application are made are—

[applicant must state the grounds for the exemption].

*Information supporting this application is/is not attached.

*Delete whichever is inapplicable.

.....
Signature of applicant

.....
Date

Form 2

Infringement notice under section 113 of Motor Vehicle Sales Act 2003

Infringement Notice — Issued under section 113 of the Motor Vehicle Sales Act 2003.

Notice number _____

Enforcement Authority: Ministry of Economic Development

Issued to:	First name	Surname
Address:		
Date of birth:		

Alleged infringement offence(s) details

You are alleged to have committed an infringement offence(s) against section(s) _____ of the Motor Vehicle Sales Act 2003 as follows:

Section	Description of offence	Infringement fee payable
102	Failing to take reasonable steps to ensure that a consumer complies with section 14(2)	\$
105(1)(a)	Entering any false information into a record of contracts for sale	\$
105(1)(b)	Falsifying any matter recorded in a record of contracts for sale	\$
105(1)(c)	Failing to comply with the requirements of section 21 (motor vehicle trader must keep record of contracts for sale)	\$
106	Failing to produce a certificate of registration, or a copy of the certificate, when requested to do so	\$
108	Failing to notify the Registrar of any change in circumstances in accordance with section 40	\$
109(1)(a)	Resisting or obstructing an inspection by the Registrar, or any person authorised by the Registrar, or deceiving or attempting to deceive that person	\$
109(1)(b)	Failing to comply with any requirement made by the Registrar, or any person authorised by the Registrar, during an inspection	\$
109(1)(c)	Giving false or misleading information to the Registrar, or any person authorised by the Registrar, during an inspection	\$
110	Resisting, obstructing, or delaying any person executing, or assisting in the execution of, a search warrant	\$

Date:	Time:	Day of week: M T W T F S S
Location:		

Payment of infringement fee(s)

The infringement fee(s) is/are payable to the “Ministry of Economic Development” within 28 days after service of this notice.
Payment by cheque or money order should be crossed “Account payee only”.
The infringement fee(s) must be paid to the Ministry of Economic Development and posted to the National Enforcement Unit at Private Bag 92513, Auckland.
IMPORTANT – please read the summary of rights printed overleaf

Summary of rights**Notes**

If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

- (1) This notice sets out an alleged infringement offence.
- If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement to pay by installments with an informant in respect of an infringement fee payable by you, paragraphs 4(b), 4(c), 5, 6, and 7 in these notes do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Payments

- (2) If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payments may be made at the place indicated on the front page of this notice.

Defences

- (3) You have a complete defence against proceedings if the infringement fee has been paid to the Ministry of Economic Development at the place for payment shown on the front page of this notice before, or within 28 days, after you have been served with a reminder notice.
- Late payment or payment at any other place will not be a defence.

Further action

- (4) If you wish to—
- raise any matter relating to the alleged offence for consideration by the Ministry of Economic Development; or
 - deny liability for the offence and request a court hearing (refer to paragraph 5); or
 - admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 7),—
- you should write to the Ministry of Economic Development at the address shown on the front page of this notice. Any such letter must be personally signed.
- (5) You have a right to request a hearing. If you deny liability for the offence and request a hearing, the Ministry of Economic Development will serve you with a notice of hearing that sets out the place and time of court proceedings.
- If the court finds you guilty of the offence, costs may be imposed against you in addition to any penalty.

- (6) A request for a hearing must—
- (a) be in writing and signed by you; and
 - (b) be delivered to the Ministry of Economic Development at the address shown on the front page of this notice; and
 - (c) be delivered before, or within 28 days after, you have been served with a reminder notice.
- (7) If you admit liability for the offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—
- (a) ask for a hearing; and
 - (b) admit the offence; and
 - (c) set out the written submissions you wish to be considered by the court.

The Ministry of Economic Development will then file your letter with the court (unless the Ministry of Economic Development decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

Costs may be imposed against you in addition to any penalty.

Non-payment of fee

- (8) If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the Ministry of Economic Development decides otherwise).
- (9) If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless the Ministry of Economic Development decides not to commence proceedings against you).
- (10) When writing or making payment, please include—
- (a) the date of the infringement; and
 - (b) the infringement notice number; and
 - (c) your address for replies.

All queries and all correspondence regarding this infringement must be directed to the Ministry of Economic Development at the address shown on the front page of this notice.

Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Form 3

Search warrant issued under section 130 of Motor Vehicle Sales Act 2003

[Revoked]

Schedule form 3: revoked, on 1 October 2012, by regulation 4 of the Motor Vehicle Sales Amendment Regulations 2012 (SR 2012/241).

Form 4

Application for proceedings before a Motor Vehicle Disputes Tribunal under
clause 4 of Schedule 1 of the Motor Vehicle Sales Act 2003

[Revoked]

Schedule 3 form 4: revoked, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 November 2003.

Notes

1 *General*

This is a consolidation of the Motor Vehicle Sales Regulations 2003 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Motor Vehicle Sales Amendment Regulations 2022 (SL 2022/189)

Statutes Amendment Act 2019 (2019 No 56): section 87

Motor Vehicle Sales Amendment Regulations 2019 (LI 2019/165)

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51) section 340(3)

Motor Vehicle Sales Amendment Regulations 2012 (SR 2012/241)

Land Transport Amendment Act 2009 (2009 No 17): section 35(5)

Motor Vehicle Sales Act Commencement Order 2003 (SR 2003/329)