

**Version  
as at 15 December 2003**

## **Motor Vehicle Dealers Amendment Regulations 1999**

(SR 1999/261)

Motor Vehicle Dealers Amendment Regulations 1999: revoked, on 15 December 2003, pursuant to section 146 of the Motor Vehicle Sales Act 2003 (2003 No 12).

PURSUANT to section 148 of the Motor Vehicle Dealers Act 1975, Her Excellency the Administrator of the Government, acting by and with the advice and consent of The Executive Council, makes the following regulations.

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**New forms 7 and 17 substituted in Schedule 2 of principal regulations**

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**Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

**These regulations are administered by the Ministry of Justice.**

**1 Title and commencement**

- (1) These regulations may be cited as the Motor Vehicle Dealers Amendment Regulations 1999, and are part of the Motor Vehicle Dealers Regulations 1980<sup>1</sup> (“the principal regulations”).
- (2) These regulations come into force on 13 September 1999.

**2 Form 2 (application for exemption from the requirement to hold a licence in respect of a subsidiary place of business)**

Form 2 in Schedule 2 of the principal regulations is amended by omitting NOTES 1 and 2 to that form, and substituting the following notes:

1

The approval of the Board is not required in respect of—

- (a) Any proposed subsidiary place of business that is within a radius of 5 kilometres from the licensee’s principal place of business or any of the licensee’s branch offices; or
- (b) Any other place of business at which only new motor vehicle business is carried on by the licensee.

2

Personal supervision is not required in relation to the new motor vehicle business of any licensee (including a licensee company).

3

A copy of this application must be served on the Motor Vehicle Dealers Institute Incorporated, together with a copy of every document filed with the application, other than a document dealing exclusively with the applicant’s financial affairs.

**3 Form 3 (application for a motor vehicle dealer’s licence)**

- (1) Part A of form 3 in Schedule 2 of the principal regulations is amended by omitting paragraph 2, and substituting the following paragraph:

<p>2. If this application relates to the applicant’s principal place of business, the following address(es):</p> <p>Branch office(s):</p> <p>Subsidiary place(s) of business:</p>	<p>Address(es)</p>
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<sup>1</sup> SR 1980/33

<p>2. If this application relates to the applicant's principal place of business, the following address(es): If this application relates to a branch office of the applicant, the following address(es): Principal place of business: Any other branch office(s): Subsidiary place(s) of business: [Section 9(2)(d), Motor Vehicle Dealers Act 1975]</p>	<p>Address(es)</p>
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- (2) Part A of form 3 in Schedule 2 of the principal regulations is amended by inserting in paragraph 4, after the words "and control," the words "in accordance with section 57 of the Motor Vehicle Dealers Act 1975,".
- (3) Part D of form 3 in Schedule 2 of the principal regulations is amended by inserting, after the words "and control," the words "in accordance with section 57 of the Motor Vehicle Dealers Act 1975,".
- (4) Form 3 in Schedule 2 of the principal regulations is amended by adding to the NOTES, the following notes:

5  
*A licensee who holds a licence in respect of the licensee's principal place of business is not required to hold a separate licence in respect of any other place at which only new motor vehicle business is carried on by that licensee.*

6  
*A place at which only new motor vehicle business is carried on by such a licensee is not, for the purposes of the Act, regarded as a subsidiary place of business.*

7  
*Under section 57 of the Motor Vehicle Dealers Act 1975, personal supervision is not required in relation to the new motor vehicle business of any licensee (including a licensee company).*

**4 Forms 4 and 5 (declarations)**

Schedule 2 of the principal regulations is amended by omitting from form 4, and also from form 5, the words "Supreme Court", and substituting in each case the words "High Court".

**5 Form 6 (public notice of an application for a motor vehicle dealer's licence)**

Form 6 in Schedule 2 of the principal regulations is amended by adding the following heading and notes:

*Notes*

1

*A motor vehicle dealer who holds a licence in respect of the motor vehicle dealer's principal place of business is not required to hold a separate licence in respect of any other place at which only new motor vehicle business is carried on by that motor vehicle dealer.*

2

*A place at which only new motor vehicle business is carried on by such a motor vehicle dealer is not, for the purposes of the Act, regarded as a subsidiary place of business.*

**6 Form 7 (motor vehicle dealer's licence)**

Schedule 2 of the principal regulations is amended by revoking form 7, and substituting the form 7 set out in the Schedule of these regulations.

**7 Form 8 (application for the renewal of a motor vehicle dealer's licence and one or more certificates of approval)**

Form 8 in Schedule 2 of the principal regulations (as substituted by regulation 2(1) of the Motor Vehicle Dealers Regulations 1980, Amendment No 1) is amended by adding to the NOTES the following notes:

4

*A motor vehicle dealer who holds a licence in respect of the motor vehicle dealer's principal place of business is not required to hold a separate licence in respect of any other place at which only new motor vehicle business is carried on by that motor vehicle dealer.*

5

*A place at which only new motor vehicle business is carried on by such a motor vehicle dealer is not, for the purposes of the Act, regarded as a subsidiary place of business.*

**8 Form 9 (application for the removal of a motor vehicle dealer's licence to different premises)**

Form 9 in Schedule 2 of the principal regulations is amended by adding to the NOTES the following notes:

6

*A motor vehicle dealer who holds a licence in respect of the motor vehicle dealer's principal place of business is not required to hold a separate licence in respect of any other place at which only new motor vehicle business is carried on by that motor vehicle dealer.*

7

*A place at which only new motor vehicle business is carried on by such a motor vehicle dealer is not, for the purposes of the Act, regarded as a subsidiary place of business.*

**9 Form 14 (application for approval of a person to manage a licensee company's principal place of business)**

- (1) Form 14 in the Schedule 2 of the principal regulations is amended by inserting, after the words "supervise, manage, and control" in both places where they appear, the words ", in accordance with section 57 of the Motor Vehicle Dealers Act 1975,".
- (2) Form 14 in Schedule 2 of the principal regulations is amended by adding to the NOTES the following note:

4

*Under section 57 of the Motor Vehicle Dealers Act 1975, personal supervision is not required in relation to the new motor vehicle business of any licensee (including a licensee company).*

**10 Form 17 (application for approval of a motor vehicle salesman)**

Schedule 2 of the principal regulations is amended by revoking form 17, and substituting the form 17 set out in the Schedule of these regulations.

**11 Form 23 (declaration)**

Form 23 in Schedule 2 of the principal regulations is amended by omitting the words "Supreme Court", and substituting the words "High Court".

**Schedule**  
**New forms 7 and 17 substituted in Schedule 2 of principal regulations**

Regs 6, 10

## Form 7

Section 15(2)

No. ....

## MOTOR VEHICLE DEALER'S LICENCE

Issued by the Motor Vehicle Dealers  
Licensing Board at .....

PURSUANT to section 15 of the Motor Vehicle Dealers Act 1975, .....  
[Full Name] of ..... [Address of registered office] is licensed to carry  
on business under the name or style of ..... [Trade Name] as a motor  
vehicle dealer from the ..... day of ..... 19 ..... until  
the 31st day of March 19 .....

This licence authorises the licensee during the currency of the licence—

- (a) To carry on the business of a motor vehicle dealer at the following  
place(s) of business:

Principal place of business (or branch office): .....

Subsidiary place(s) of business: ..... ; and

- (b) To carry on new motor vehicle business anywhere.

The following persons are registered or approved salesmen, employees, or  
officers of the licensee at the date of issue of this licence:

Full name	Designation	Position Held in Licensee's Business

Given under my hand and the seal of the Board at .....  
this ..... day of ..... 19 .....

.....  
Registrar

*Endorsements*

PURSUANT to section 19(1) of the Motor Vehicle Dealers Act 1975, .....,  
trading under the name or style of ....., is authorised to carry on business  
as a motor vehicle dealer in partnership with ....., the holder of motor  
vehicle dealer's licence No .....

.....  
Registrar

Additional place(s) of business approved since issue of licence:

Address(es)                      Date granted

.....  
Registrar

.....  
Registrar

.....  
Registrar

## Form 17

Section 81(1)

## APPLICATION FOR APPROVAL OF A MOTOR VEHICLE SALESMAN

To: The Motor Vehicle Dealers Licensing Board.

PURSUANT to section 81 (1) of the Motor Vehicle Dealers Act 1975, . . . . .  
 . . . . . [Full name of applicant], of . . . . . [Address], . . . . .  
 [Occupation], being the holder of licence number . . . . . and carrying  
 on business as a motor vehicle dealer pursuant to that licence under the name or  
 style of . . . . . (or being the applicant for a licence), applies  
 for approval of . . . . . [Full name of proposed salesman], of . . . . .  
 . . . . . [Residential address], . . . . . [Occupation], as a motor vehicle  
 salesman.

It is proposed that, if the application is granted, the said . . . . .  
 [Name of proposed salesman] will be employed—

\* At . . . . . [Address of place of business], being the principal place of  
 business (or a branch office or a subsidiary place of business) of the applicant,  
 as a salesman of secondhand motor vehicles (or both secondhand motor  
 vehicles and new motor vehicles).

\* At . . . . . [Address of place of business], being the principal place of  
 business (or a subsidiary place of business) of the applicant, as a salesman of  
 of new motor vehicles, at other places.  
 of both secondhand motor vehicles and new motor vehicles, and as a salesman

\* As a salesman of new motor vehicles only.

\* Delete whichever is not applicable

Two testimonials relating to the character of the proposed salesman are attached  
 to this application, and are given by:

Full name:

Full name:

Address:

Address:

Occupation:

Occupation:

The fee of \$ . . . . . prescribed for this application is tendered herewith.

Dated at . . . . . this . . . . . day of . . . . . 19 . . . . .

Signed . . . . .  
 (Applicant)

OR Signed on behalf of the applicant  
 applicant company by . . . . .  
 . . . . .  
 [State position in company]

**Notes**

- 1 *A copy of this application must be served on the Motor Vehicle Dealers Institute Incorporated.*
- 2 *Public notice of this application must be published at least twice in a newspaper approved for the purpose by the Registrar of the Board.*

MARIE SHROFF

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, which come into force on 13 September 1999, amend forms set out in Schedule 2 of the Motor Vehicle Dealers Regulations 1980.

Most of the amendments are consequential on the passing of the Motor Vehicle Dealers Amendment Act 1999.

That Act—

- (a) Allows a licensee to conduct new motor vehicle business at *any* place, while continuing to require the licensee to have at least one licensed place of business; and
- (b) Removes the requirement of *personal* supervision of the conduct of a licensee's new motor vehicle business.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 12 August 1999.

**Consolidation notes****1    *General***

This is a consolidation of the Motor Vehicle Dealers Amendment Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

**2    *About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

**3    *Amendments incorporated in this consolidation***

Motor Vehicle Sales Act 2003 (2003 No 12): section 146