

FORM 5: DECLARATION IN SUPPORT OF APPLICATION BY INDIVIDUAL FOR AGENT'S LICENCE, BRANCH MANAGER'S LICENCE, OR SALESPERSON'S LICENCE

Section 38, Real Estate Agents Act 2008

(Important: this document must accompany your application form)

You should complete this declaration carefully and honestly. If you provide false or misleading information the REA can cancel your licence; you may also be fined.

I, [name, address],
.....
.....

am the applicant for an agent's/a branch manager's/a salesperson's* licence and I solemnly and sincerely declare that—

*Select one.

1. I have attained the age of 18 years.
2. I hold the prescribed qualifications.
3. **[Strike out paragraph 3 if the application and declaration relate to a salesperson's licence.]** I have had 3 years' experience in real estate agency work within the 10 years preceding this application to be licensed as an agent or a branch manager.
4. I have not been convicted, whether in New Zealand or another country, of a crime involving dishonesty (or of a crime that, if committed in New Zealand, would be a crime involving dishonesty) within the 10 years preceding this application.
5. I have not been convicted of an offence under section 14, 17 to 22, or 24 of the Fair Trading Act 1986 within the 5 years preceding this application.
6. **[Select the paragraph below that applies.]**
There are no unsatisfied judgments against me in any court. Or
Judgments obtained against me that are still unsatisfied are on the list attached to this declaration.
7. My licence or certificate of approval has not been cancelled within the preceding 5 years and my licence (if applicable) is not suspended.
8. I am not subject to an order made, or a notice given, under the law of a country, State, or territory outside New Zealand within the preceding 5 years that prohibits me from acting as an agent, a branch manager, or a salesperson (or equivalent) in that country, State, or territory.
9. I am not an officer of a licensee company, a chief executive officer of a licensee company, or a branch manager who has been disqualified from holding a licence or whose licence has been suspended under the Real Estate Agents Act 1976.

- 10. I am not prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993.
- 11. I am not a lawyer or conveyancing practitioner who is subject to the provisions of the Lawyers and Conveyancers Act 2006.
- 12. I am not an undischarged bankrupt nor am I subject to subpart 4 of Part 5 of the Insolvency Act 2006.

I also solemnly and sincerely declare that—

- 13. There are no other circumstances that would or might make me not a fit and proper person to hold a licence.
- 14. I am the person named in the documents submitted with my application.
- 15. The documents submitted with the application are complete and correct.

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

Signature of person making declaration:

[This section to be completed by the witness.]

Declared at [place]: [date]

Before me [signature]:

Name of witness [print name]:

(*Justice of the Peace, Solicitor, Notary Public, Registrar or Deputy Registrar of the High Court or any District Court, Authorised Officer in the service of the Crown, any Member of Parliament (*Circle one))

