

# INSTRUCTIONS TO APPLICANT COMPANIES FOR A REAL ESTATE AGENT'S LICENCE



## PLEASE COMPLETE THE FOLLOWING IN THIS ORDER

1. Form the company at the companies office  
(This must be completed before advertising your application)

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2. Publish two notices of your application in your daily newspaper at an interval of no more than 14 days apart. (use the wording on Form 4)

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3. Fill out all forms provided in the application pack  
(additional forms 2 and 2a will be required for any additional directors of the company)

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4. Have the declarations sworn and signed before a solicitor, Justice of the Peace or other person authorised to take statutory declarations

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**NOTE:** Please be aware that in accordance with S.22(3) of the Real Estate Agents Act 1976 the application cannot be heard or considered until one (1) month from the date of receipt of the application by the Real Estate Institute of New Zealand Incorporated or one month from the date of the first advertisement, whichever is the later.

5. **Send the following documents to:**

The Real Estate Agents Licensing Board,  
P O Box 99881, Newmarket, AUCKLAND

- a) Original of Forms 1, 2, 2a, 3, 3a and 4  
b) All additional company information as outlined in the company circular  
c) Full newspaper pages showing advertising, dates and newspaper used  
d) Application fee of \$421.88 (GST inclusive) plus (\$33.75 for each additional branch office)

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*[Half application fee of \$210.94 applies between 1 September and 28 February]*

6. **Send a copy of the following documents to:**

The Real Estate Institute of NZ Inc,  
P O Box 5663, Parnell, AUCKLAND

- a) Forms 1,2,3 and 4  
b) Auditors acceptance form (completed)  
c) Contribution to the fidelity fund of \$151.88 (GST inclusive)

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For any further enquiries or assistance with your application please call  
The Real Estate Agents Licensing Board on (09) 520 6949

# COMPANY CIRCULAR



## FURTHER COMPANY INFORMATION TO BE PROVIDED

1. The following must be provided to the Board's satisfaction:

a) An opening balance sheet prepared by a chartered accountant.

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b) Certification from the chartered accountant that the company has a fully paid up capital of not less than \$50,000 for cash consideration.

Where a company has previously traded, the net assets of the company must be no less than \$50,000

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c) A list of names and addresses of the present shareholders and their share holdings.

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d) A copy of the most recent Particulars of Directors as filed with the Registrar of Companies.

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*[Note: The Board has designated that all directors must be eligible to apply for or obtain a licence (S. 17 (3) and S. 30)]*

e) A copy of the Certificate of Incorporation of the company.

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**REMINDER:** The annual renewal of a company licence requires a declaration that the financial situation of the company is not substantially different from the statement filed either with the application for the original licence, or at the time of the last renewal.

## REAL ESTATE AGENTS ACT 1976:- EFFECTIVE CONTROL

2. The principal officer of the company must be in effective control of the principal place of business of the company (S. 54 (1)). "Effective control" means that the principal officer must personally supervise, manage and control the real estate agency business at the principal place of business, and he/she must work actively and substantially at or from that place (S. 2).
3. There are situations where the principal officer holds no shares or not sufficient share to enable him/her to control the company. The Act does not prohibit such a share holding structure, but still places a clear obligation on the principal officer to maintain effective control of the real estate agency business. Evidence that the company, its shareholders and the principal officer recognise this obligation is normally provided to the Board by way of an employment agreement between the principal officer and the company, including an acknowledgement by the shareholders that effective control is vested in the principal officer.
4. **Be aware that** if a principal officer is found by the Board not to be in effective control of the real estate agency business, the company's licence may be cancelled and the business closed.

# APPLICATION FOR REAL ESTATE AGENT'S LICENCE

(Section 18, Real Estate Agents Act 1976)



## APPLICATION BY COMPANY

FORM 1

Application is hereby made by .....  
(name of applicant company)

For a licence under the Real Estate Agents Act 1976

## THE FOLLOWING COMPANY PARTICULARS ARE TO BE SUPPLIED

1. Trading name/Name of franchise or marketing group (if any)

.....

2. Full address of principal place of business

.....

3. The name and residential address of the person who will be in effective control of the principal place of business

.....

.....

4. The address(es) of any branch office(s) at which it is proposed to carry on business

The name(s) of person(s) who will be in effective control of each branch office

.....

.....

.....

.....

.....

.....

5. Full name and residential address of each director of the company

Name .....

Name .....

Address .....

Address .....

.....

.....

.....

.....

## REFEREES DETAILS TO BE PROVIDED

For each director / officer of the company, please provide the name and address of two persons from whom we may seek references, who have known the person for at least twelve months and who are not related to him/her. One referee must be a current licence holder and member of the Real Estate Institute of New Zealand Incorporated

Name .....

Name .....

Address .....

Address .....

.....

.....

.....

.....

## DETAILS OF INTENDED SALESPERSON(S)

The full name, address and place of employment of every salesperson intended to be employed

<i>name</i>	<i>address</i>	<i>office</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

*(If there is insufficient space please attach a separate list for the above)*

## CERTIFICATION

I CERTIFY

That the above particulars are true and correct in every particular, and that I am duly authorised to make this application

Dated at ..... this ..... day of.....20.....

Signature.....

Position in company .....

## WAIVER OF HEARING (Sec, 21(3), Real Estate Agents Act 1976)

If there is no objection to this application and if the Board decides to consider it without a hearing, then I do not wish to be heard in support of the application.

Signature.....

Position in company .....

## NOTE:

It is an offence against the Real Estate Agents Act 1976 Sec. 40, punishable by a maximum fine of \$1000 knowingly to give false or misleading information in any application for a licence or in any testimonial given or information supplied for the purpose of any such application.

# DECLARATION IN SUPPORT OF AN APPLICATION FOR A REAL ESTATE AGENT'S LICENCE



DECLARATION BY A DIRECTOR OR PRINCIPAL OFFICER OF A COMPANY

FORM 2

I .....occupation.....  
(full name)

of .....  
(residential address)

**solemnly and sincerely declare:**

1. I am a director and/or principal officer of the company applying for a licence under the Real Estate Agents Act 1976
2. I have attained the age of 20 years

*Delete whichever line is NOT applicable in the following item*

3. There are:
  - no unsatisfied judgments against me in any Court
  - OR - judgments against me and still unsatisfied are as per list marked "C"
4. There is no statutory bar to my obtaining a real estate agent's licence
5. I am not an un-discharged bankrupt
6. I have not been a director or officer of a company that has been subject to an order of liquidation
7. I do not hold a practising certificate as a barrister or solicitor of the High Court of New Zealand
8. I have passed the examinations of the Real Estate Institute of New Zealand Incorporated in the year .....  
OR I am eligible for a licence under Section 17(1) of the Act on the following grounds:

.....  
.....

9. I have had in the five years preceding this application at least three years practical experience in real estate agency work as an employee of:

*Employer*

*date employment  
commenced*

*date employment  
ceased*

.....  
.....  
.....  
.....

**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 20 ..... )

before me )

.....  
*A Solicitor of the High Court of New Zealand, Justice of the Peace or other person  
authorised to take statutory declarations*

.....  
*(Signature of person making declaration)*



# FURTHER DECLARATION IN SUPPORT OF AN APPLICATION FOR A REAL ESTATE AGENT'S LICENCE

DECLARATION BY A DIRECTOR OR PRINCIPAL OFFICER OF A COMPANY

FORM 2A

I ..... occupation.....  
(full name)  
of .....  
(residential address)

**solemnly and sincerely declare:**

1. That after the payment of all my just and lawful debts I am worth not less than the sum of \$.....  
as shown by the attached statement of my assets and liabilities marked "D" which I hereby declare to be true and correct  
in every particular
2. a) I hereby consent to the disclosure by the New Zealand Police of any information they may have pursuant to this  
application, to the Real Estate Agents Licensing Board.  
b) I hereby consent to the disclosure by the Real Estate Agents Licensing Board to the Real Estate Institute  
of New Zealand Incorporated of any information that has been received from the New Zealand Police  
pursuant to this application.  
c) I understand that any record of criminal convictions I might have will automatically be concealed if I meet  
the eligibility criteria stipulated in Section 7 of the Criminal Records (Clean Slate) Act 2004.

**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 ..... 20 ..... )  
before me ..... )

.....  
A Solicitor of the High Court of New Zealand, Justice of the Peace or other person  
authorised to take statutory declarations

.....  
(Signature of person making declaration)

**NOTE:**

1. This declaration to be attached to Board copy of application only
2. Statement "D" must be attached to this declaration and must be  
EITHER certified as correct by a chartered accountant or completed as a statutory declaration

# DECLARATION IN SUPPORT OF AN APPLICATION BY A COMPANY FOR A REAL ESTATE AGENT'S LICENCE



## DECLARATION BY COMPANY

FORM 3

.....  
(name of applicant company)

I.....  
(full name of director/principal officer)

of.....  
(residential address)

### solemnly and sincerely declare:

1. The above named company is an applicant for a licence under the Real Estate Agents Act 1976
2. I am a Director and/or Principal Officer of the above named company
3. On the ..... day of .....20....., and on the .....day of .....20.....the company caused to be published in the prescribed form notice of the application for such a licence, copies of which are hereunto annexed and marked "A" and "B" respectively:

*Delete whichever line is NOT applicable in the following question*

4. There are: - no unsatisfied judgments against the company in any Court  
OR - judgments obtained against the company and still unsatisfied are as per list marked "C"
5. There is no statutory bar to the grant of the above mentioned application
6. The company is not in liquidation
7. The date of incorporation of the company was .....20.....
8. That every officer of the company as has been designated by the Board on an application made to it in that behalf under section 17(3) of the Act is eligible to apply for and obtain a real estate agent's licence in his/her own right
9. The following officers of the company have passed the examinations of the Real Estate Institute of New Zealand Inc.

Full name

Position in company

Year of exam

10. In the five years preceding this application, the following officers of the company have had 3 years practical experience in real estate agency work as an employee of

Employer

date employment  
commenced

date employment  
ceased

11. Subject to the application being granted, .....

.....  
has been appointed to be the auditor of the company for the purposes of the Real Estate Agents Audit Regulations 1977, and the Council of the Real Estate Institute of New Zealand Incorporated has approved the appointment.

**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 20 ..... )

before me )

.....  
A Solicitor of the High Court of New Zealand, Justice of the Peace or other person  
authorised to take statutory declarations

.....  
(Signature of person making declaration)

# APPLICATION FOR REAL ESTATE AGENT'S LICENCE

(Section 18, Real Estate Agents Act 1976)



## DECLARATION OF FINANCIAL POSITION

FORM 3A

.....  
(name of applicant company)

.....  
(address)

I .....occupation.....  
(full name)

of .....  
(residential address)

### solemnly and sincerely declare:

1. I am a Director and/or Principal Officer of the above named company
2. After the payment of all just and lawful debts the company is worth not less than the sum of \$.....  
as shown by the attached opening balance sheet or statement of financial position of the company marked "D" which  
I hereby declare to be true and correct in every particular

**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 ..... 20 ..... )

before me ..... )

.....  
A Solicitor of the High Court of New Zealand, Justice of the Peace or other person  
authorised to take statutory declarations

.....  
(Signature of person making declaration)

### NOTE:

An opening balance sheet or statement of financial position must be supplied by a chartered accountant to show evidence of paid up capital and equity of the company.



NEWSPAPER ADVERTISEMENT

**NOTICE OF APPLICATION FOR REAL ESTATE AGENT'S LICENCE**

(Section 20(1) Real Estate Agents Act 1976)

FORM 4

In the matter of the Real Estate Agents Act 1976,

Take notice that:

I,.....  
(Full name of applicant company)

of.....  
(address)

have (has) applied to the Real Estate Agents Licensing Board for a licence under the above Act to carry on business as a real estate agent under the name of

.....  
(insert name of company together with any trading name and/or franchise/marketing name)

From the following place(s) of business: .....

Principal Place of Business: .....

Branch office(s) .....

The application will be heard by the above Board after one month from the .....day

of.....20....., being the date of the first publication of this notice.

.....  
(Name of Director and/or Principal Officer of company)

**NOTE:**

Using the wording above, two notices of your application must be published in your daily newspaper at an interval of no more than 14 days apart.



202 PARNELL ROAD, PARNELL  
PO Box 5663, Auckland  
NEW ZEALAND

Phone 09 656 1755  
Fax: 09 379 8471  
E-Mail [reinz@reinz.co.nz](mailto:reinz@reinz.co.nz)  
Web [www.reinz.co.nz](http://www.reinz.co.nz)  
[www.realenz.co.nz](http://www.realenz.co.nz)

### **AUDITOR'S ACCEPTANCE FORM (New Licence)**

Re:

The above-mentioned applicant for a real estate licence has nominated you as auditor in accordance with the requirements of the Real Estate Agents Audit Regulations 1977 and Amendments.

Section 5, subclause 7 of the Regulations required that we have written evidence of your acceptance of the nomination so that your appointment may be approved by Council.

Will you please confirm therefore, that you have accepted nomination by completing the details below to enable the applicant to return this form with the application.

Re:

I hereby confirm that I/we hold a current Certificate of Public Practice.

NAME: .....

ADDRESS: .....

.....

.....

PHONE: .....

SIGNED .....

DATED: .....