**Statutory Declaration – Repeat Investor**

A person who has previously met the investor test on or after 22 March 2021 who applies for consent for a new investment is not required to undergo another assessment to determine their suitability to own or control any sensitive New Zealand assets. Instead, such person is required to provide with their application a statutory declaration verifying that no changes related to that applicant’s character and capability have occurred since the investor test was last met.[[1]](#footnote-1)

The statutory declaration should be uploaded at the time the online application is submitted. The following is the suggested statutory declaration template for investors who previously met the investor test and no changes related to the investors’ character and capability have occurred.

* Option 1 should be used where an individual invests in their own name, or if the individual is an individual with control (IWC) of the relevant overseas person (ROP).
* Option 2 should be used where a person is making the declaration on behalf of the ROP.
* Option 3 should be used where a person is making the declaration on behalf of other IWCs. You should be specific about the actions that have been taken to verify the information contained in the declaration under paragraph 5 of this option.

**Making a Statutory Declaration**

A statutory declaration is a written statement declaring something to be true in the presence of an authorised witness[[2]](#footnote-2). It is an offence to give any altered, false, incomplete or misleading information or to make a false statement or declaration.

**Who should sign this form**

A person who previously met the investor test on or after 22 March 2021 who is applying for consent for a new investment.

**STATUTORY DECLARATION OF REPEAT INVESTORS AS TO INVESTOR TEST**

I, [Name], of [place of abode and occupation], solemnly and sincerely declare that:

*OPTION 1: IF AN INDIVIDUAL INVESTS IN THEIR OWN NAME OR IS AN INDIVIDUAL WITH CONTROL*

1. None of the factors set out in section 18A(4) of the Overseas Investment Act 2005 regarding character and capability are relevant to me.
2. I am not unsuitable to own or control any sensitive New Zealand assets.
3. There are no relevant changes that have occurred related to my character and capability since I last met the investor test in section 18A(4) of the Overseas Investment Act 2005.

*OPTION 2: IF THE RELEVANT OVERSEAS PERSON IS AN ENTITY*

1. I am [a/the] [designation – for example, director, chief executive officer] of [name of entity which is a relevant overseas person] and I have authority to make this statement on its behalf.
2. None of the factors set out in section 18A(4) of the Overseas Investment Act 2005 regarding character and capability are relevant to [name of entity].
3. [Name of entity] is not unsuitable to own or control any sensitive New Zealand assets.
4. There are no relevant changes that have occurred related to the character and capability of [name of entity] since it last met the investor test in section 18A(4) of the Overseas Investment Act 2005.

*OPTION 3: IF THE DECLARANT REPRESENTS INDIVIDUALS WITH CONTROL OF THE RELEVANT OVERSEAS PERSONS*

1. I have full authority to make this declaration on behalf of the following individual/s:
2. [Name]
3. [Name]
4. [Name]
5. None of the factors set out in section 18A(4) of the Overseas Investment Act 2005 regarding character and capability are relevant to the individual/s named above.
6. The individual/s named above is/are not unsuitable to own or control any sensitive New Zealand assets.
7. There are no relevant changes that have occurred related to the character and capability of individual/s named above since they last met the investor test in section 18A(4) of the Overseas Investment Act 2005.
8. I have taken steps to verify the information contained in this declaration, including having made enquiries with the individuals listed above who have confirmed that the statements in this declaration relevant to them are correct.
9. I understand that if I make any false or misleading statements, or make any material omission, I may be committing an offence and be liable to prosecution.

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

|  |  |  |
| --- | --- | --- |
| Declared at [place] on [date] | | |
|  |  | Signature of the declarant |
| Before me | | |
|  |  |  |
|  |  | Witness signature |
|  |  |  |
|  |  | Witness name |
|  |  |  |
|  |  | Witness qualification |
|  |  | A person authorised to take statutory declarations by the Oaths and Declarations Act 1957 |

1. Section 29A(3), Overseas Investment ACT 2005. [↑](#footnote-ref-1)
2. Sections 9 and 11, Oaths and Declarations Act 1957. See also the [Minister of Justice guidance](https://www.justice.govt.nz/about/news-and-media/covid-19-news/oaths-affirmations-or-declarations) on how to administer remote statutory declarations under the [Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020](http://www.legislation.govt.nz/regulation/public/2020/0063/latest/LMS337268.html?search=ts_act%40bill%40regulation%40deemedreg_epidemic_resel_25_a&p=1). [↑](#footnote-ref-2)