**Statutory Declaration Form – Investor Test**

The Overseas Investment Office generally requires an application for consent under the Overseas Investment Act 2005 to include a statutory declaration stating that the overseas investors[[1]](#footnote-1) are not unsuitable to own or control any sensitive New Zealand assets.

Executed statutory declarations should be uploaded at the time the online application is submitted. The form below is a template statutory declaration that can be used as a guide.

* Option 1 applies where an individual is investing in their own name, or where the individual is an individual with control (IWC) of the relevant overseas person (ROP).
* Option 2 applies when a person is making the declaration on behalf of other ROP and/or IWCs. You should be specific about the actions that have been taken to verify the information contained in the declaration under paragraph 4 of Option 2.

If the relevant overseas persons and/or individuals with control of the relevant overseas persons identified in the submitted application are different from the ones determined by the responsible Minister or their delegate, additional statutory declarations will be required.

**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**

Each ROP and IWC (who are overseas persons) must be covered by an investor test statutory declaration.

**Statutory Declaration as to Investor Test**

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

*OPTION 1: IF THE DECLARANT IS THE INDIVIDUAL INVESTING IN THEIR OWN NAME OR IF THE DECLARANT IS AN INDIVIDUAL WITH CONTROL OF THE RELEVANT OVERSEAS PERSON*

*Choose one only. Either*

1. None of the factors set out at 18A(4) of the Overseas Investment Act 2005 regarding character and capability is relevant to me.
2. I am not unsuitable to own or control New Zealand assets.

*Or*

1. The factor[s] set out at section [18A(4)(a)(i), 18A(4)(a)(ii) …, Overseas Investment Act 2005] [is/are] relevant to me:
   1. [brief description of each offence, contravention, or other matter]
2. As per the submissions provided to the Overseas Investment Office on [date], I am not unsuitable to own or control New Zealand assets.
3. 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.

*OPTION 2: IF THE DECLARANT IS ACTING ON BEHALF OF THE RELEVANT OVERSEAS PERSON WHICH IS/ARE AN ENTITY/ENTITIES AND ON BEHALF OF INDIVIDUALS WITH CONTROL OF THE RELEVANT OVERSEAS PERSON*

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

1. In this statutory declaration, **Individuals** means:
2. [individual with control, excluding non-overseas persons]; and/or
3. [individuals who are ROP].
4. In this statutory declaration, **Entities** means:
5. [Relevant overseas person];
6. [Relevant overseas person]; and
7. [Relevant overseas person].
8. I have full authority to make this statement on each of the Individuals and Entities’ behalf.
9. I have taken steps to verify the information contained in this declaration, including having made enquiries with the individual/s listed above who [has/have] confirmed that the statements in this declaration relevant to them are correct.

*Choose only one. Either*

1. None of the factors set out in section 18A(4) of the Overseas Investment Act 2005 regarding character and capability are relevant to the Individuals and Entities.
2. The Individuals and the Entities are not unsuitable to own or control any sensitive New Zealand assets.

*Or*

1. The factor[s] set out at section [18A(4)(a)(i), 18A(4)(a)(ii) …, Overseas Investment Act 2005] [is/are] relevant to [name of Individual or Entity]:
   1. [brief description of each offence, contravention, or other matter]
2. As per the submissions provided to the Overseas Investment Office on [date], [name of the Individual or Entity] is/are not unsuitable to own or control New Zealand assets.
3. 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. ‘Investor’ means relevant overseas person (ROP) and all the individuals with control, if the ROP is not an individual. It excludes persons who are not overseas persons. See [s18A](https://www.legislation.govt.nz/act/public/2005/0082/latest/LMS468073.html?search=sw_096be8ed81af7c04_%22standing+consent%22_25_se&p=1), 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)