

DRAFT FOR CONSULTATION

Gas (Safety and Measurement) Regulations 2010

Governor-General

Order in Council

At Wellington this day of 2010

Present:
in Council

Pursuant to section 54 of the Gas Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Energy after consultation with the Environmental Risk Management Authority in accordance with section 54(6) of the Gas Act 1992, makes the following regulations.

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Gas safety compliance labels

Regulations

- 1 Title**
These regulations are the Gas (Safety and Measurement) Regulations 2010.
- 2 Commencement**
These regulations come into force on 4 May 2010.

Interpretation

- 3 Interpretation**
 - (1) In these regulations, unless the context otherwise requires,—
 - Act** means the Gas Act 1992
 - all practicable steps** has the meaning given in section 2(1) of the Act
 - appliance** has the meaning given in section 2(1) of the Act
 - AS/NZS**, when immediately followed by a number, means a joint Australian and New Zealand Standard of that number
 - calorific value** means the amount of heat, expressed in megajoules, that is generated by the complete combustion in air of 1 cubic metre of gas free from water vapour, with the gas, air, and products of combustion all being measured at standard conditions, and with all of the water formed by combustion being condensed, and with the heat from condensation of water being recovered
 - certificate of compliance** means a certificate issued in respect of gasfitting in accordance with regulations 48 to 52
 - CNG** means compressed gas consisting of more than 50% methane by volume
 - CNG station** means a CNG gas installation supplying CNG for use in vehicle cylinders, transportable cylinders, or both types of cylinder
 - CNG station certificate of compliance** means a certificate given under regulation 86
 - competent organisation** means—
 - (a) a testing laboratory accredited to ISO 17025 by a third-party laboratory accreditation agency for the purposes

of regulations 24, 82, or 86, or GCP 2, as the case may be; or

- (b) an organisation that is accredited to ISO 17020 by a third-party agency accredited under the treaty negotiated between the Australian and New Zealand Governments entitled Joint Accreditation System—Australia and New Zealand (JAS-ANZ) for the purposes of regulations 24, 82, or 86, or GCP 2, as the case may be; or
- (c) any other laboratory or organisation that satisfies the Secretary that it is competent to perform the relevant functions for the purposes of regulations 24, 82, or 86, or GCP 2, as the case may be

error means the deviation of a measured or applied value from a true value (usually expressed as a percentage of the true value)

factors means the factors applied by a device or by calculation to convert the volume of gas measured by the meter at uncorrected conditions to a volume based upon standard conditions of temperature and pressure

fittings means 1 or more fittings within the meaning given in section 2(1) of the Act

gas transmission system means a gas supply system (other than a distribution system or a gas installation) consisting of high-pressure gas pipelines operated at a gauge pressure usually exceeding 2 000 kilopascals

GCP 1 has the meaning given in Schedule 1

GCP 2 has the meaning given in Schedule 1

harm means death, illness, injury, or any of those

install includes assemble and connect

Internet site means the Internet site maintained by, or on behalf of, the Secretary for the purpose of publishing supplier declarations (whether or not the site is also maintained for other purposes)

point of supply has the meaning given in regulation 4

reticulated gas means gas that is supplied to a consumer from a distribution system; and **non-reticulated gas** has the contrary meaning

safe, in respect of any distribution system, gas installation, fittings, or gas appliance, means that there is no significant risk of injury or death to any person, or of damage to any property, as a result of the use of the distribution system, gas installation, gas appliance, or fittings

serious harm has the meaning given in section 2(1) of the Act

standard conditions means a temperature of 15°C and an absolute pressure of 101.325 kilopascals

supply includes supply (or resupply) by way of gift, sale, exchange, lease, hire, or hire purchase

trickle-fill, in relation to the filling of a vehicle cylinder with gas, means that the vehicle cylinder filling is completed in a period exceeding 30 minutes

uncorrected, with reference to measured volume or to flow rate, means that the measurement is referenced to or made at operating conditions of temperature and pressure

unsafe means that there is a significant risk of injury or death to any person, or of damage to any property, as a result of the use or operation of the distribution system, gas installation, gas appliance, or fittings

year means a calendar year.

- (2) In these regulations, gas codes of practice (**GCPs**) and official standards are referred to by the abbreviations listed in Parts 1 and 2 of Schedule 1.
- (3) If an official standard is referred to in any other official standard by an abbreviation listed in the first column of Part 2 of Schedule 1, the abbreviation must be taken to refer to the appropriate official standard listed in column 2 of Schedule 1.
- (4) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

4 Definition of point of supply

- (1) The purpose of this regulation is to prescribe where the point of supply is deemed to be for the purpose of—
 - (a) the Gas Act 1992 (*see* definition of distribution system in section 2(1) of that Act):
 - (b) section 5 of the Plumbers, Gasfitters, and Drainlayers Act 2006:

- (c) these regulations.
- (2) **Point of supply**, unless the context otherwise requires, means,—
 - (a) in relation to a place at which reticulated gas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the gas measurement system that exclusively supplies gas to the consumer; or
 - (ii) if there is no gas measurement system that exclusively supplies gas to the consumer, the point that is the outlet of the first upstream isolation valve on the gas line; or
 - (iii) if there is no such valve, the point at which gas enters the place; and
 - (b) in relation to a place at which non-reticulated liquid petroleum gas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the outlet valve of the cylinder, if the gas is supplied from a cylinder:
 - (ii) the first stage regulator of the tank, if the gas is supplied from a tank:
 - (iii) the outlet of the fittings, if the gas is supplied from fittings; and
 - (c) in relation to a place at which any other non-reticulated gas is supplied to a consumer, the outlet of the outlet valve of the container from which gas is supplied to the consumer.
- (3) However, the point of supply in relation to any gas installation that has the design capacity to consume 10 terajoules or more of gas per year is the point that is specifically agreed between the consumer or gas refueller and the supplier, if those parties have specifically agreed on a point of supply other than that prescribed in subclause (2).
- (4) In this regulation, **place** includes a relocatable building.

Offences

5 Grade A and grade B offences

- (1) A **grade A offence** is an offence for which the defendant, on summary conviction, is liable to,—

- (a) in the case of a natural person, a fine not exceeding \$10,000; or
 - (b) in any other case, a fine not exceeding \$50,000.
- (2) A **grade B offence** is an offence for which the defendant, on summary conviction, is liable to,—
- (a) in the case of a natural person, a fine not exceeding \$2,000; or
 - (b) in any other case, a fine not exceeding \$10,000.

6 Strict liability offences

- (1) Subclauses (2) and (3) apply to every offence in these regulations except those that specifically refer to a defendant's state of knowledge or intention in respect of the facts constituting the offence.
- (2) In a prosecution for an offence to which this subclause applies, it is not necessary for the prosecution to prove that the defendant knew or intended the facts that constitute the offence.
- (3) It is a defence to a prosecution for an offence to which this subclause applies if the defendant proves—
- (a) that—
 - (i) the action or event to which the prosecution relates was necessary for the purpose of saving or protecting life or health, or preventing serious damage to property; and
 - (ii) the defendant's conduct was reasonable in the circumstances; and
 - (iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or
 - (b) that the action or event to which the prosecution relates occurred because of an event beyond the control of the defendant (such as natural disaster, mechanical failure, or sabotage), and—
 - (i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and

- (ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

Compare: 2004 No 72 s 388

7 Infringement offences

- (1) Offences against the following are infringement offences:
 - (a) all offences against any regulation in Parts 2 to 6 of these regulations:
 - (b) section 21(d) of the Act:
 - (c) section 27 of the Act.
- (2) The infringement fee for a grade A offence is,—
 - (a) for an individual, \$1,000; and
 - (b) for a body corporate, \$3,000.
- (3) The infringement fee for a grade B offence is,—
 - (a) for an individual, \$500; and
 - (b) for a body corporate, \$1,000.
- (4) The infringement fee for an offence against section 21(d) or 27 of the Act is the infringement fee set for a grade A offence.
- (5) The prescribed form for infringement notices is set out in form 1 of Schedule 2.
- (6) Reminder notices for infringement offences must be in form 2 of Schedule 2.

Part 1

General safety requirements

Requirements for gas safety

8 Requirements to be safe

- (1) Distribution systems, gas installations, fittings, and gas appliances must be designed, commissioned, constructed, installed, tested, maintained, and operated so that they are safe.
- (2) The requirement in subclause (1) includes a requirement that the characteristics of the gas, including odorization, must be compatible with the distribution system, gas installation, fittings, and gas appliance that conveys or utilises the gas.

- (3) Distribution systems, gas installations, fittings, and gas appliances must be able to be turned off or decommissioned in such a way that they are safe when not in use.
- (4) A person who owns, supplies, sells, hires, or operates a distribution system, a gas installation, fittings, or a gas appliance must not use, and must not allow any other person to use, the distribution system, gas installation, fittings, or gas appliance if the distribution system, gas installation, fittings or gas appliance is unsafe.
- (5) Every person commits a grade A offence who—
 - (a) fails to comply with subclause (1) or (2); or
 - (b) fails to comply with subclause (3) knowing that, or being reckless as to whether, the distribution system, gas installation, fittings, or gas appliance is unsafe.

9 Obligation to notify Secretary of danger

- (1) Any person carrying out gasfitting work (including a person acting under an exemption) who has reasonable grounds to believe that any gas installation, fittings, or gas appliance presents immediate danger to life or property must, as soon as practicable, advise both the following people of the danger:
 - (a) the owner or occupier of the property where the danger exists; and
 - (b) the Secretary.
- (2) A person commits a grade A offence if the person has reasonable grounds to believe that any gas installation, fittings, or gas appliance presents an immediate danger to life or property and the person fails to comply with subclause (1).

Compare: SR 1997/60 r 50

When things considered unsafe

- ## **10 General rules for when things are considered to be unsafe**
- Without limiting what may be considered to be unsafe, a distribution system, a gas installation, fittings, or a gas appliance is unsafe if measures are not in place that—
- (a) ensure a release of gas is detectable; and
 - (b) ensure unburned gas is not released in an uncontrolled manner; and

- (c) ensure air or oxygen does not enter any pipe containing gas except for the purpose of controlled combustion or to prevent the build up of unintended combustible mixtures in any pipe; and
- (d) eliminate or isolate sources of ignition when not required to establish or sustain combustion; and
- (e) ensure persons are not exposed to carbon monoxide and other unsafe products of combustion of gas associated with, or resulting from the presence of, the supply, storage, or use of gas; and
- (f) ensure persons and property are not exposed to excessive temperatures associated with, or resulting from the presence of, the supply, storage, or use of gas; and
- (g) ensure persons and property are not exposed to excessive forces; and
- (h) ensure that the failure of any control device does not expose the downstream to excessive pressure over and above the rated pressure of any distribution system and equipment downstream of that control device.

11 Additional rules for when distribution systems are considered to be unsafe

A distribution system is deemed to be unsafe if—

- (a) the safety-related characteristics of any fittings used in the distribution system are impaired; or
- (b) a connection between pipes, or between pipes and fittings, is inadequate or unreliable; or
- (c) an installation or fittings are exposed to a pressure exceeding their maximum rated pressure in the case of failure of immediate control devices upstream; or
- (d) a pipe (whether above or below ground) is inadequately protected against the risk of damage or corrosion; or
- (e) a pipe is subject to forces beyond its design criteria; or
- (f) there is insufficient space, access, lighting, or facilities to operate, maintain, repair, test, and inspect all fittings of the distribution system (other than buried pipe) in a safe manner.

12 Additional rules for when installations are considered to be unsafe

- (1) An installation is deemed to be unsafe if—
- (a) the characteristics of any fittings used in the installation are impaired; or
 - (b) a connection between pipes, or between pipes and fittings, is inadequate or unreliable; or
 - (c) leakage of gas within the installation is outside the tolerance of a soundness test or is within test parameters but there is a detectable smell of gas; or
 - (d) a pipe or equipment containing gas or intended to contain gas is not capped (except where ending in a burner or relief valve); or
 - (e) the safety controls for the installation are inoperative or the safety controls fail; or
 - (f) the installation is connected to an unsafe or uncertified gas appliance or fittings; or
 - (g) the pipes are unsuitable for the gas to be supplied; or
 - (h) a flue is terminated into an internal space; or
 - (i) installed permanent ventilation has been closed off; or
 - (j) any fittings that cause or are subject to high temperatures are placed in a position, or are unprotected, so as to create a risk of ignition of flammable materials or a risk of injury to persons or damage to property.
- (2) A gas installation is deemed to be unsafe if the installation is exposed to a supply of gas at a pressure in a manner that is unsafe.

13 Additional rules for when appliances are considered to be unsafe

An appliance is deemed to be deemed unsafe if—

- (a) the safety-related characteristics of any fittings used in the appliance are impaired; or
- (b) the appliance is not suitable for the gas being supplied to it; or
- (c) the appliance or flue is spilling products of combustion abnormally or outside the design specification, directly or indirectly into an enclosed space; or

- (d) the safety controls for an appliance are inoperative or inadequate; or
- (e) any fittings that cause or are subject to high temperatures are placed in a position, or are unprotected, so as to create a risk of ignition of flammable materials or a risk of injury to persons or damage to property.

14 Additional rules for when fittings are considered to be unsafe

Fittings are deemed to be unsafe if—

- (a) the safety-related characteristics of the fittings are impaired; or
- (b) the fittings are not suitable for the gas being supplied to the fittings; or
- (c) fittings that cause or are subject to high temperatures are placed in a position, or are unprotected, so as to create a risk of ignition of flammable materials or a risk of injury to persons or damage to property.

15 Additional rules for when gas supply is considered to be unsafe

- (1) A supply of gas is deemed to be unsafe if it is at a pressure or has a characteristic that, in a properly functioning gas installation, results in—
 - (a) a flashback or an extinguishment of flame or some other flame abnormality; or
 - (b) the creation of hazardous levels of toxic gas (for example, carbon monoxide); or
 - (c) leakage or failure of a downstream fitting.
- (2) In this regulation, **flame abnormality** means a flame condition that results in appreciable yellow tipping and carbon composition (not including that which occurs in appliances designed for luminous effect), lifting, floating, lighting back, objectionable odour, incomplete combustion, or noise.

Protection of fittings

16 Interference with, or movement of, fittings

- (1) A person must not interfere with, or move or attempt to move, any of the fittings of a distribution system, gas installation, or gas measurement system, whether or not the fittings have been damaged, unless—
 - (a) the person obtains permission from the owner or operator of the fittings; or
 - (b) the person is authorised by an enactment; or
 - (c) an emergency requires it.
- (2) A person commits a grade B offence if the person fails to comply with subclause (1).

Compare: SR 1993/76 r 36; SR 1997/60 rr 93A, 100(d)(vi)

Part 2

Safety of gas distribution systems

Gas quality and pressure

17 Quality of gas

- (1) Any gas supplied for use in gas installations and gas appliances, or for use as an automotive fuel, must be of a specification that is suitable and safe for those uses.
- (2) Natural gas must comply with NZS 5442.
- (3) Product marked as propane must comply with the commercial propane specifications of NZS 5435.
- (4) Product marked as butane must comply with the commercial butane specifications of NZS 5435.
- (5) Every supplier of gas must ensure that the gas that it supplies at a consumer's point of supply complies with this regulation.
- (6) Every person commits a grade A offence who supplies gas that does not conform to the requirements of this regulation.

Compare: SR 1993/76 r 3

18 Gas pressure

- (1) Gas must be supplied to consumers at a pressure that ensures the safe supply, passage, and use of the gas, where the gas is used for its intended purpose in a properly functioning gas installation.

- (2) Every supplier of gas must ensure that the gas that it supplied at a consumer's point of supply complies with this regulation.
- (3) Every person commits a grade A offence who supplies gas that does not conform to the requirements of this regulation.

Compare: SR 1993/76 r 4

Gas odorisation

19 General requirement about what gas must be odorised and to what level

- (1) All gas in a gas distribution system or supplied from a gas distribution system, and all gas that is supplied from a container, must, at all times,—
 - (a) be odorised; and
 - (b) have a distinctive and unpleasant odour so that the presence of gas in the atmosphere is readily detectable at a concentration equivalent to one-fifth of the lower flammability limit of the gas.
- (2) Compliance with Part 2 of NZS 5263 is deemed to be compliance with subclause (1).
- (3) However, this regulation does not apply to gas supplied directly from a gas transmission system to a gas installation that has the design capacity to consume 60 000 megajoules or more of gas energy per hour if the owner or operator of the installation—
 - (a) operates a system that is documented, can demonstrate that the system readily detects the presence of gas in the atmosphere at one-fifth the lower flammability limit, and manages the associated risks for that installation; and
 - (b) has asked the supplier to supply non-odorised gas in accordance with a written agreement.
- (4) In this regulation, **lower flammability limit** means the smallest proportion of gas that, when mixed with air, will ignite and burn without the continuous application of heat from an external source.
- (5) Every person commits a grade A offence who supplies gas that does not conform to the requirements of this regulation.

Compare: SR 1993/76 r 5

20 Responsibility for odorising gas

The following persons must ensure that gas complies with regulation 19:

- (a) for reticulated gas,—
 - (i) the gas distributor, in respect of any gas in a gas distribution system of which the person is the owner or operator; and
 - (ii) the gas retailer, in respect of any gas that is at the point of supply to a consumer:
- (b) for non-reticulated gas,—
 - (i) the gas wholesaler; or
 - (ii) if there is no gas wholesaler in respect of the gas, the gas retailer:
- (c) for gas imported into New Zealand, the person who imported the gas into New Zealand.

21 Requirements for gas odorisation

- (1) Every person who odorises, or is responsible for the odorisation of, any gas must use only odorants that do not damage the integrity of any gas distribution system, gas installation, fittings, or gas appliance.
- (2) Every person who odorises, or is responsible for the odorisation of, any gas must have documentation that demonstrates that—
 - (a) the gas is odorised at all times to the required level; and
 - (b) the gas is odorised in accordance with a quality assurance procedure that tests and monitors whether the gas is odorised to the required level; and
 - (c) appropriate contingency plans are in place in the event of an emergency in respect of the odorisation of the gas; and
 - (d) all persons carrying out the odorisation, testing, and monitoring are competent to carry out those functions.
- (3) Compliance with Part 2 of NZS 5263 is deemed to be compliance with subclause (2).
- (4) Every person commits a grade B offence who fails to comply with subclause (1) or subclause (2).

22 Owners and operators of gas distribution systems must have relevant odourisation documentation

- (1) Every owner and operator of a gas distribution system must have documentation that demonstrates that—
 - (a) the gas in the gas distribution system is odourised to the required level; and
 - (b) a quality assurance procedure in respect of the gas distribution system is in place that tests and monitors whether the gas is odourised at all times to the required level; and
 - (c) appropriate contingency plans are in place in the event of an emergency in respect of the odourisation of the gas in the gas distribution system; and
 - (d) all persons carrying out the testing and monitoring of the odourisation are competent to carry out those functions.
- (2) Every person commits a grade B offence who fails to comply with this regulation.

*Gas measurement***23 Gas measurement**

- (1) Every person who sells gas must do so in accordance with the requirements of Part 1 of NZS 5259 unless there is an agreement in writing to the contrary between the seller and the purchaser.
- (2) Gas, other than CNG sold from a CNG station, must be sold by energy content measured by a gas measurement system.
- (3) Compliance with Part 2 of NZS 5259 is deemed to be compliance with subclauses (2) and (4).
- (4) Every person who owns a gas measurement system used to measure the supply of gas to consumers must ensure that adequate records are kept.
- (5) Every person commits a grade A offence who fails to comply with this regulation.

Compare: SR 1993/76 r 9

24 Testing and installation of gas measurement systems

- (1) This regulation—

- (a) applies to any gas measurement system, before the system is placed in service, and before it is returned to service after being disconnected from service for the purpose of maintenance or recalibration of that system; but
 - (b) does not apply to a CNG gas measurement system to which regulation 80 applies.
- (2) Every gas measurement system to which this regulation applies must, before being put into service, be tested by a competent organisation to determine its accuracy, and must be sealed by the same competent organisation following confirmation that the system complies with regulation 23(2).
 - (3) Compliance with Part 2 of NZS 5259 is deemed to be compliance with subclause (2).
 - (4) Any gas measurement system that does not pass the test carried out in accordance with subclause (2) must not be sealed, and any seal that may have been placed on the system must be removed or destroyed.
 - (5) Where a test has been carried out in accordance with subclause (2) and the gas measurement system has been transported before being put into service, the person owning the gas measurement system must ensure that the calibration of the system is unaffected by that transportation before putting that system into service.
 - (6) Every person commits a grade A offence who installs or uses a gas measurement system contrary to the requirements of this regulation.
 - (7) Every competent organisation commits a grade A offence that seals a gas measurement system contrary to the requirements in respect of sealing in this regulation.
 - (8) Every person commits a grade B offence who, not being a competent organisation, breaks the seal of any gas measurement system to which this regulation applies.

Compare: SR 1993/76 r 10(1), (2), (3), (4), (7)

25 Records of tests of gas measurement systems must be kept

- (1) A record of the results of each test carried out in accordance with regulation 24 must be kept by—
 - (a) the competent organisation that carried out the test; and

- (b) the operator of the gas measurement system tested.
- (2) The records kept by the operator of a gas measurement system pursuant to subclause (1)(b) must be retained by that operator for the period of that operator's ownership of that gas measurement system.
- (3) Every operator of a gas measurement system commits a grade B offence if the operator fails to keep any of the records required by subclause (1).
- Compare: SR 1993/76 r 10(5), (6)

26 Requests for tests to be carried out on gas measurement systems

- (1) A consumer or a gas retailer supplying a consumer may request the Secretary to carry out a test of the accuracy of the gas measurement system measuring the gas supplied to the premises of that consumer.
- (2) The Secretary must conduct, or arrange for, a test of the accuracy of the gas measurement system as soon as practicable after receiving the request (unless the request is withdrawn).
- (3) The prescribed fee is payable by any consumer who requests a test, after the test is completed.
- (4) The results of any test carried out in accordance with subclause (2) must be supplied to the consumer and the gas retailer supplying that consumer.
- (5) This regulation does not apply to measurements of calorific value or to CNG gas measurement systems of CNG stations.
- Compare: SR 1993/76 r 11

Part 3 Safety management

Preliminary provisions

27 Overview of this Part

This Part sets out requirements—

- (a) for all distribution systems; and
- (b) relating to safety management systems that certain owners and operators of gas supply systems are required to have under section 46A of the Act.

28 Interpretation of this Part

In this Part, unless the context otherwise requires,—

accredited auditor means an auditor accredited by any of the following:

- (a) a body with relevant technical capability that is accredited by the Joint Accreditation System of Australia and New Zealand;
- (b) a body with relevant technical capability that is accredited by a current signatory to the International Accreditation Forum for management systems;
- (c) a body approved, by or under an international agreement between New Zealand and another country that is not a member of the International Accreditation Forum, to assess a person's compliance with these regulations or safety management systems generally

audited safety management system means an audited safety management system for which an audit certificate has been issued under regulation 38 and not cancelled under regulation 40

gas supply system means either of the following distribution systems, gas installations, fittings, and gas appliances:

- (a) a gas distribution system that has the design capacity, measured at normal operating conditions, to supply 10 gigajoules or more of gas per hour;
- (b) a gas measurement system that has the design capacity, measured at normal operating conditions, to measure 10 terajoules or more of gas per year

hazard has the meaning given in section 54A(5) of the Act, and includes an existing hazard and a potential hazard

safety management system means a system that is implemented and maintained by a safety management system operator for the purpose of ensuring that all practicable steps are taken to prevent the gas supply system from presenting a significant risk of—

- (a) serious harm to any member of the public; or
- (b) significant damage to property owned by a person other than the safety management system operator

safety management system operator means—

- (a) a person who chooses to implement and maintain a safety management system; or
- (b) an owner or operator of a gas supply system who is required, by section 46A of the Act, to implement and maintain a safety management system.

Requirements for all distribution systems

29 Operators of distribution systems must keep records and plans

- (1) Every operator of a distribution system or of a part of a distribution system must keep records and plans of all aspects of that system or part that are relevant to the safety of that system or part.
- (2) Compliance with either Part 3 of NZS 5258 (to the extent that that Part relates to records or plans of distribution systems), or Part 1 of AS/NZS 4645, in relation to that system or part of a system is deemed to be compliance with subclause (1).
- (3) Every person commits a grade B offence who fails to keep records and plans in accordance with this regulation.

Compare: SR 1993/76 r 6

30 Owners and operators of distribution systems must ensure continuity of supply, safety, and satisfactory operation

- (1) Every owner and every operator of a distribution system or of a part of a distribution system must take all practicable steps to ensure that the system or part is designed, constructed, maintained, and operated in a manner that, as far as practicable, achieves continuity of supply, safety, and satisfactory operation of the distribution system.
- (2) Every owner and every operator of a distribution system must comply with Part 1 (network management) of AS/NZS 4645.
- (3) Compliance with Part 2 (steel pipe systems) and Part 3 (plastic pipe systems) of AS/NZS 4645 is deemed to be compliance with subclause (2).
- (4) Every person commits a grade A offence who, being the owner or operator of a distribution system or of a part of a distribution system, fails to take all practicable steps to ensure that the dis-

tribution system or part is designed, constructed, maintained, and operated in a manner that, as far as practicable, achieves continuity of supply, safety, and satisfactory operation.

Compare: SR 1993/76 r 7(1), (3)

31 Duties of owners and operators of distribution systems in relation to work carried out on system

- (1) Every owner and every operator of a distribution system or of a part of a distribution system who works on, or authorises work to be carried out on, that system or part must take all practicable steps to ensure that the person or persons who carry out the work are—
 - (a) competent to perform the tasks assigned to them; and
 - (b) familiar with appropriate safety procedures when working with or near gas or fittings; and
 - (c) maintaining the distribution system in accordance with the requirements of these regulations; and
 - (d) keeping records of activities carried out on the distribution system and able to identify readily the location of the distribution system and any work done on it to keep it to the required standard; and
 - (e) competent to ensure that the work carried out will be consistent with the ongoing safe operation of the distribution system.
- (2) Compliance with either Parts 2 and 3 of NZS 5258, or Parts 2 and 3 of AS/NZS 4645, is deemed to be compliance with this regulation.
- (3) This regulation does not limit regulation 30.
- (4) Every person commits a grade A offence who fails to comply with this regulation.

Compare: SR 1993/76 r 7(2)-(4)

Safety management systems that certain owners and operators of gas supply systems are required to have under section 46A of Act

32 Who must have safety management system

- (1) Every owner and operator of a gas supply system must implement and maintain a safety management system if—

- (a) the gas supply system is a distribution system, gas installation, fittings, or gas appliance that forms part of a system for conveying gas to consumers; and
 - (b) the gas supply system either—
 - (i) is a gas supply system that has the technical capacity, measured at normal operating conditions, to supply 10 terajoules or more of gas per year; or
 - (ii) is any other gas supply system in respect of which the owner or operator is opted-in to comply with the requirements of these regulations about safety management systems.
- (2) A person is **opted-in** to comply with the requirements of these regulations about safety management systems for the period commencing on the date when a declaration is made under regulation 33 and ending on the date when the declaration is revoked.

33 How person opts in

- (1) An owner or operator of a gas supply system may opt in to comply with the requirements of these regulations about safety management systems by making a declaration to the Secretary.
- (2) The declaration must be made in writing to the Secretary, including a valid audit certificate.
- (3) The declaration must be made within 10 working days of the decision to opt in being made.
- (4) A declaration may be revoked in the same manner as it was made.

34 What safety management systems must do

- (1) Every safety management system must comply with either—
 - (a) NZS 7901; or
 - (b) regulations 35 and 36.
- (2) Nothing in regulations 35 and 36 applies to safety management systems that comply with NZS 7901.
- (3) Every safety management system must include an audit programme that complies with regulations 37 to 40.

35 Substantive requirements of safety management systems

Every safety management system must provide for the following:

- (a) the systematic identification of existing and new or potential hazards associated with the gas supply system, if possible before, and otherwise as, the hazards arise; and
- (b) the assessment by the safety management system operator, at appropriate regular intervals, of the scope and magnitude of each hazard; and
- (c) the steps that must be taken to eliminate, isolate, or minimise hazards (both generally and with respect to particular hazards), and to mitigate risks from those hazards; and
- (d) the assessment of the effectiveness of steps taken to eliminate, isolate, or minimise hazards and to mitigate risks from hazards; and
- (e) the investigation of accidents that involve or affect the gas supply system or the part of the gas system that the safety management system operator is involved in; and
- (f) how the safety management system operator proposes to continuously enhance the safety performance of the gas supply system; and
- (g) compliance with Part 1 of AS/NZS 4645.

36 Documentation of safety management systems

(1) Every safety management system must be fully documented, and the documentation must include, at a minimum, a description of the following:

- (a) the gas supply system (including its components) to which the safety management system relates;
- (b) all the matters referred to in regulation 35.

(2) The documentation of the safety management system must be in a format and style that enable anyone auditing it to read it easily.

37 Audit of safety management systems

(1) Every safety management system must be regularly audited, at intervals of no more than 5 years, by an accredited auditor.

- (2) However, the first audit under this regulation of a safety management system must take place within 2 years after the date that this regulation comes into force.
- (3) The audit is for the purpose of confirming that the safety management system, and its implementation by the safety management system operator, comply with,—
 - (a) in the case of a safety management system that purports to comply with NZS 7901, that standard; and
 - (b) in any other case, the requirements of regulations 35 and 36.

38 Audit certificate for safety management systems

- (1) If an accredited auditor is satisfied of the matters in regulation 37(3), the auditor may issue an audit certificate for the safety management system.
- (2) The audit certificate comes into force on and from the date it is issued and remains in force until the expiry date stated on the certificate (which must not be later than 5 years after the date of issue), unless earlier cancelled.

39 Statutory declaration by safety management system operator

- (1) Every safety management system operator must, at least once every 5 years, make, and send to the Secretary, a statutory declaration that confirms that the operator's safety management system has a current audit certificate.
- (2) However, the first statutory declaration made under this regulation must be made and sent to the Secretary within 6 months after the first audit of the safety management system.

40 Cancellation of audit certificate

- (1) An accredited auditor must cancel an audit certificate of a safety management system if the accredited auditor, having conducted an audit, is satisfied that the safety management system, or its implementation by the safety management system operator, does not meet the requirements of regulation 37(3).

- (2) The auditor cancelling an audit certificate must issue a notice of cancellation to the safety management system operator and give a copy of the notice of cancellation to the Secretary.
- (3) If the Secretary, or a person having exercised on behalf of the Secretary any of the powers under section 6 of the Act, is satisfied that a safety management system, or its implementation by the safety management system operator, does not comply with these regulations, the Secretary or that person may request an accredited auditor to cancel the audit certificate in respect of the system.
- (4) An audit certificate of a safety management system is not valid after a request under subclause (3) has been made in respect of it.

41 Certification and declaration deemed to be compliance with section 46A of Act

For the purpose of section 46A of the Act, a person is deemed to be implementing and maintaining a safety management system if—

- (a) the person holds a current audit certificate in respect of an audited safety management system; and
- (b) the Secretary has received the statutory declaration required by regulation 39 within the time required by that regulation.

42 Offences by accredited auditors

An accredited auditor commits a grade A offence if the auditor—

- (a) issues an audit certificate under regulation 38 without being satisfied of the matters in regulation 37(3); or
- (b) fails to cancel an audit certificate in the circumstances described in regulation 40(1); or
- (c) fails to issue a notice, or give a copy of the notice, as required by regulation 40(2).

*Gas supply systems not covered by audited
safety management systems*

43 Safety checks of gas supply systems

- (1) Every owner of a gas supply system that is not covered by an audited safety management system must—
 - (a) establish a system for regular checking of the safety of the gas supply system by a competent person; and
 - (b) implement the system that is so established.
- (2) The safety checking system must—
 - (a) provide for periodic checking of the gas supply system at reasonable intervals; and
 - (b) require records to be kept of the results of every periodic check.
- (3) A person who owns a gas supply system commits a grade A offence if the person—
 - (a) fails to comply with this regulation; or
 - (b) fails to carry out the checks required by a system established and operated in accordance with this regulation.
- (4) A person who operates a gas supply system commits a grade A offence if the gas supply system has not been inspected as required by a system established for the purposes of this regulation, and the person knows, or is reckless as to whether, the gas supply system has been inspected.

Compare: SR 1997/60 rr 60(3), 66(5)

Part 4
Safety of installations

Safety of gas installations

44 Safety of gas installations

- (1) Every person who commissions, installs, or tests a gas installation or a part of a gas installation, or an extension, addition, or replacement of a gas installation or part of a gas installation, must commission, install, or test that gas installation or part, or the extension, addition, or replacement, as the case may be, in accordance with Part 1 of NZS 5261.
- (2) Subclause (1) also applies in respect of a gas installation that receives gas at a supply pressure of over 700 kilopascals

gauge, despite the fact that Part 1 of NZS 5261 states that it does not apply.

- (3) This regulation does not apply to CNG stations.
- (4) Every person commits a grade A offence who commissions, installs, or tests a gas installation or a part of a gas installation, or an extension, addition, or replacement, contrary to the requirements of this regulation.

Compare: SR 1993/76 r 12(1), (6)

45 Gas installations under 250MJ/h

Compliance with Part 2 of NZS 5261 is deemed to be compliance with regulation 44, in relation to the following types of installation:

- (a) a gas installation that does not contain any gas appliance with a rated input of more than 250 MJ/h;
- (b) a part of a gas installation if the gas installation as a whole does not contain any gas appliance with a rated input of more than 250 MJ/h;
- (c) any part of a gas installation that does not contain a gas appliance with a rated input of more than 250MJ/h and that does not include pipework connected to a gas appliance with a rated input of more than 250MJ/h.

Compare: SR 1993/76 r 12(2), (3)

46 Gas installations of 250MJ/h or more

- (1) Compliance with Part 1 of NZS 5261 is deemed to be compliance with regulation 44, in relation to the application of a particular performance requirement to an installation to which this regulation applies, if—
 - (a) that particular performance requirement is fully satisfied by 1 or more standards listed in Part 3 of NZS 5261; and
 - (b) at least 1 of those standards is complied with.
- (2) This regulation applies to the following types of installation:
 - (a) a gas installation that contains a gas appliance with a rated input of 250 MJ/h or more:

- (b) a part of a gas installation if the gas installation as a whole contains a gas appliance with a rated input of 250 MJ/h or more.

Compare: SR 1993/76 r 12(4), (5)

47 Safety of gas installations in caravans and boats

- (1) This regulation applies to installations within the meaning of NZS 5428.
- (2) Compliance with NZS 5428 or Part 2 of NZS 5261 is deemed to be compliance with regulation 44.
- (3) Every person who imports a gas installation or part of a gas installation must ensure that the installation or part complies with Part 1 NZS 5261.
- (4) Every person commits a grade A offence who imports a gas installation or part contrary to the requirements of subclause (3).

Certification of gasfitting work

48 What types of gasfitting must be certified

- (1) For the purposes of section 47(1) of the Act, this regulation and regulations 51 and 53 apply to the following kinds of gasfitting:
 - (a) newly constructed or imported gas installations:
 - (b) extensions, additions, and replacements to existing gas installations:
 - (c) alterations to gas installations that result in repositioning of pipework or changes to the operation of the installation:
 - (d) repairs to gas installations, gas appliances, or fittings following accidents that are notifiable under section 17 of the Act.
- (2) Every person who is responsible for carrying out any gasfitting to which this regulation applies, or, if that person is acting under supervision, the person who is responsible for that supervision, must ensure that the gasfitting is certified by a person who is authorised under the Plumbers, Gasfitters, and Drainlayers Act 2006 to certify that kind of gasfitting.

- (3) Every person commits a grade A offence who, being a person who is responsible for ensuring that gasfitting is certified under this regulation, fails to ensure that the gasfitting is certified in accordance with this regulation and regulation 51.

Compare: SR 1993/76 r 24(1)

49 Spare clause number

Spare

50 Exemptions from requirement to certify gasfitting

- (1) This regulation, regulation 48, and regulations 51 and 53 do not apply to—
- (a) any work on any pipes or fittings supplied with liquid petroleum gas from any portable gas storage container or containers that contain or together contain less than 15 kg of liquid petroleum gas; or
 - (b) any gasfitting that replaces an installation's appliance with a like-for-like appliance where the work on the replacement appliance, or the replacement appliance itself, does not result in repositioning of pipework, repositioning of flue system components, change in the installation pressure, significant change in the energy consumption, change in the ventilation, or change to the operation of the installation.
- (2) In this regulation, **replacement** includes refitting (where the same appliance is removed, fixed, and then put back) as well as replacement (where an appliance is removed and replaced with a similar appliance (ie, a gas oven)).

51 Time when gasfitting must be certified

- (1) Certification of gasfitting must be completed within 7 working days of the completion of the work or the importation of the installation.
- (2) Gasfitting is certified when a certificate of compliance that complies with these regulations is signed by a person authorised to certify that gasfitting.
- (3) Every person commits a grade A offence who operates or uses a gas installation that has not been certified in accordance

with regulation 48 and this regulation, where that installation should have been so certified.

Compare: SR 1993/76 r 24A

52 How gasfitting must be certified

- (1) A certificate of compliance must contain—
 - (a) an accurate description of the relevant gasfitting; and
 - (b) a statement that the gas appliances and fittings worked on are safe; and
 - (c) a statement that the gasfitting was carried out in accordance with all applicable requirements of the Act and these regulations; and
 - (d) a statement that the gasfitting that the certification applies to does not make other parts of the installation unsafe or otherwise non-compliant with the Act or these regulations; and
 - (e) in the case of a gas appliance or fittings that have been imported or manufactured by a person for the person's own use, a statement that the appliance or fittings have been imported or manufactured by a person for the person's own use.
- (2) The certificate of compliance must be in the form approved by—
 - (a) the Secretary (by notice in the *Gazette*), in the case of gasfitting carried out under an employer licence granted under section 39A of the Plumbers, Gasfitters, and Drainlayers Act 1976 or under section 57(3) of that Act; or
 - (b) the Board under regulation 54, in any other case.
- (3) A person must not certify gasfitting unless the person is satisfied, on reasonable grounds, that the statements that must be provided under subclause (2) are accurate.
- (4) If gasfitting is carried out by a person exempted under section 57 of the Plumbers, Gasfitters, and Drainlayers Act 1976 or section 12 of the Plumbers, Gasfitters, and Drainlayers Act 2006, inspection, testing, and certification in accordance with GCP 1 are deemed to be compliance with subclause (4).

- (5) Every person commits a grade B offence who signs a certificate of compliance contrary to the requirements of subclause (4).

53 Supply and retention of certificates of compliance

- (1) The person who is responsible for ensuring that the gasfitting is certified must ensure that—
- (a) the original of the completed certificate of compliance is supplied to the Board within 5 working days of the certification of the gasfitting if the gasfitting is carried out by a craftsman gasfitter, by a gas inspector, or under section 57(1) of the Plumbers, Gasfitters, and Drainlayers Act 1976; and
 - (b) a copy of the completed certificate of compliance is supplied, within 5 working days of the certification of the gasfitting, to—
 - (i) the person for whom the gasfitting was carried out; and
 - (ii) the person supplying or proposing to supply gas to the installation.
- (2) The person certifying the gasfitting or the holder of the employer licence (as the case may be) must retain a copy of the certificate of compliance for 7 years or until that person ceases (as the case may be)—
- (a) to be involved in gasfitting; or
 - (b) to hold an employer licence.
- (3) Every person commits a grade B offence who fails to comply with this regulation.

Compare: SR 1993/76 r 24B

54 Forms for certificates of compliance

- (1) The Board must provide or approve forms of certificates of compliance.
- (2) The Board may sell forms of certificates of compliance to any person certifying work in accordance with regulation 52(3)(b), or may sell them to resellers, who must maintain a register of persons to whom the forms are sold.
- (3) Each form must have a unique identifier.

- (4) The fee for each form sold by the Board must be the prescribed fee.

Compare: SR 1993/76 r 25

Testing of gas installations

55 Spare clause number

56 Obligations of person connecting to gas supply after certain gasfitting work done

- (1) This regulation applies when a gas installation, or any part of it, is being connected to a gas supply and the installation is not a gas installation to which regulation 57 applies.
- (2) Before connecting a gas installation to a gas supply, the person doing the connection must—
- (a) do all of the following:
- (i) ensure that the connection is sound; and
 - (ii) ensure that oxygen does not enter any pipe containing gas; and
 - (iii) ensure that the gas installation is compatible with the gas supply system; and
 - (iv) ensure that the gas installation has been tested in accordance with regulation 55; and
- (b) if gasfitting work has been done on the installation that requires certification in accordance with regulation 48, either certify the work or sign a certificate given by another person that complies with subclause (3).
- (3) Any certification for the purpose of subclause (2)(b) must—
- (a) be dated not earlier than 6 months before the date of connection of the gas installation to the gas supply; and
- (b) certify the matters in regulation 52.
- (4) A person who connects a gas installation to a gas supply commits a grade A offence if the person fails to comply with subclause (2)(a)(i) to (iii) or (2) or (3).
- (5) This regulation does not limit section 47 of the Act.

57 Supplying gas to installations on which no gasfitting work done

- (1) This regulation applies to a gas installation—

- (a) that is disconnected from a gas supply; and
 - (b) on which no gasfitting work has been done since the gas installation was last disconnected from a gas supply.
- (2) If the period since the last disconnection is 6 months or less and the owner of the installation confirms that no gasfitting has occurred during that time, regulation 56 does not apply, and a person may reconnect the gas installation to the gas supply without doing the things referred to in that regulation.

58 Obligations of gas wholesalers and gas retailers after certain gasfitting work done

- (1) This regulation applies the first time that gas is supplied to an installation after gasfitting to which regulation 48 applies has been done.
- (2) Every gas wholesaler and every gas retailer must ensure that the gasfitting has been certified in accordance with regulations 48 to 52 before supplying gas to that installation.
- (3) A gas wholesaler or gas retailer must cease supply of gas to an installation if the wholesaler or retailer becomes aware that—
 - (a) a gas installation has been connected to a gas supply contrary to the requirements of this regulation; and
 - (b) the installation is unsafe.
- (4) A person who supplies gas to a gas installation commits a grade B offence if the person supplies gas to the gas installation not knowing that, or being reckless as to whether, this regulation has been complied with.
- (5) This regulation does not limit section 47 of the Act.

Compare: SR 1993/76 r 26

Part 5

Safety of gas appliances and fittings

Safety of gas appliances and fittings

59 Safety of gas appliances and fittings

- (1) This regulation applies to every person who manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fittings (including a gas appliance or fittings

that are imported as part of an installation, for example, as part of an imported caravan).

- (2) Every person to whom this regulation applies must—
 - (a) take all practicable steps to ensure that the gas appliance or fittings are safe in all reasonably foreseeable circumstances, taking into account New Zealand climatic conditions; and
 - (b) comply with the other general requirements of these regulations as to—
 - (i) sale (*see* regulation 65); and
 - (ii) certification or approval (*see* regulations 60 and 61 and Part 4); and
 - (iii) declaration (*see* regulations 67 to 73); and
 - (iv) labelling (*see* regulations 74 and 75).
- (3) Without limiting subclause (2), a gas appliance is not safe unless it has either—
 - (a) been certified in accordance with regulation 60 (third-party certification); or
 - (b) been approved in accordance with regulation 61 (small production, large gas appliances, and used imported installations).
- (4) Without limiting subclause (2), fittings are not safe if—
 - (a) the fittings have a gas leakage; or
 - (b) the fittings may be operated in a manner that is hazardous when exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions.
- (5) Despite subclause (4)(a), minute leakages from some fittings are permissible under relevant testing procedures.
- (6) Every person commits a grade A offence who manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fittings without complying with this regulation.
- (7) However, if a gas appliance or fittings are a declared article to which regulation 63 applies, the requirements of subclause (3) in relation to third-party certification or approval by an approved practitioner do not apply.

Compare: SR 1993/76 r 13

60 Third-party certification regime

- (1) This regulation sets out the rules for certification for the purposes of regulation 59(3)(a).
- (2) Before a gas appliance, or any fittings that the Secretary has specified, by notice in the *Gazette*, to be of a type to which this regulation applies, are offered for sale, a supplier, whether an importer or a manufacturer, must ensure that the gas appliance or fittings have a current third-party certification that has been issued by an approved conformity assessment body.
- (3) In this regulation, an **approved conformity assessment body** means any of the following:
 - (a) a body that is accredited to the Joint Accreditation System of Australia and New Zealand for product certification:
 - (b) a body that is accredited by an accreditation body that is a signatory to the International Accreditation Forum's Multilateral Recognition Arrangement for product certification:
 - (c) an accreditation body that is recognised by New Zealand in an international agreement between New Zealand and another country (that is not a member of the International Accreditation Forum) as being able to assess a body's compliance with these regulations or compliance with safety management systems.
- (4) Certification must be carried out in accordance with NZS 5262:2003.
- (5) Certification in accordance with either of the following is deemed to be compliance with this regulation, provided that certification includes certification and testing of the recognised equivalent test gas specifications specified in subclause (6):
 - (a) AS 3645:2009:
 - (b) the European Council directive of 29 June 1990 on the approximation of the laws of the Member states relating to appliances burning gaseous fuels (90/396/EEC), including the annexes that ensure compliance with subclause (7).
- (6) **Recognised equivalent test gas specifications** means that—

- (a) gas appliances using natural gas must be tested with methane bases gases with Wobbe indexes equal or less than 43.7 and equal or more than 54.6; and
 - (b) LPG gas appliances must be tested using commercial propane and commercial butane as test gases.
- (7) In addition to all of the other requirements of this regulation, certification must be carried out, as a minimum, in accordance with product certification system 2 as defined in ISO/IEC Guide 67:2400(E).
- (8) Every approved conformity assessment body commits a grade A offence who issues a certificate under this regulation knowing that the appliance or fittings do not meet the requirements of this regulation, or being reckless as to that matter.

61 Approval regime for small production, large gas appliances, and used imported installations

- (1) This regulation sets out the rules for approval of certain appliances or fittings for the purposes of regulation 59(3)(b).
- (2) The alternative approval rules set out in this regulation may be complied with instead of the certification rules in regulation 60 if—
- (a) the appliance or fittings are of a type of which there are 11 or fewer in New Zealand; or
 - (b) the appliance or fittings have a technical capacity for energy consumption that exceeds 250 MJ/h; or
 - (c) the appliance or fittings form part of an imported used installation.
- (3) The alternative approval rules are that, before being offered for sale, a supplier, whether an importer or a manufacturer, must ensure that the gas appliance—
- (a) is of a type referred to in subclause (2); and
 - (b) has a current approval issued by an approved practitioner that endorses that, in the opinion of that approved practitioner, the gas appliance or fittings to which the endorsement relates—
 - (i) comply with these regulations; and
 - (ii) comply with NZS 5262; and

- (iii) are safe to use with at least 1 of the recognised equivalent test gases specified in regulation 60(6).
- (4) Every endorsement of approval must include the following:
 - (a) the full name and address of the manufacturer or importer; and
 - (b) the full name of the approved practitioner giving the endorsement; and
 - (c) the full name and address of the owner or purchaser of the gas appliance or fittings (the person to whom it was supplied); and
 - (d) the address where the gas appliance or fittings are located (if permanently affixed); and
 - (e) a statement identifying the gas appliance or fittings that are covered by the endorsement; and
 - (f) the endorsement as required by this regulation.
- (5) An **approved practitioner**, for the purpose of this regulation, is a person approved by the Secretary under regulation 62.
- (6) A copy of every endorsement of approval must be given—
 - (a) to the Secretary; and
 - (b) to the owner or purchaser of the gas appliance or fittings covered by the certificate.
- (7) Every person commits a grade B offence who issues an endorsement of approval knowing that the appliance or fittings do not meet the requirements of this regulation, or being reckless as to that matter.

62 Approved practitioner regime

- (1) The Secretary, on application made on the form approved by the Secretary for the purpose, may grant to the applicant an approval authorising the applicant to give certificates for the purposes of regulation 61.
- (2) The Secretary may not approve an application unless the applicant has qualifications and experience in assessing the safety and suitability of gas appliances and fittings.
- (3) The Secretary may grant an approval subject to any terms and conditions that the Secretary thinks fit, and may revoke an approval at any time.

- (4) The Secretary must publish and maintain a list of approved practitioners on the Internet site at all reasonable times.
- (5) Every person commits a grade A offence if that person issues a certificate of approval other than in accordance with the grant of approval by the Secretary under this regulation.

Declared and prohibited articles

63 Declared articles not to be sold unless approved

- (1) The Secretary may, by notice in the *Gazette*, declare that particular types or categories of gas appliances or fittings, are fittings or appliances (in this regulation and regulations 63A and 63B called **declared articles**).
- (2) A declared article may not be sold or offered for sale unless—
 - (a) it is approved for sale by the Secretary under regulation 63A and all conditions of the approval are complied with; or
 - (b) it is deemed, under regulation 63B, to be approved by the Secretary, and all relevant terms and conditions to which the approval is subject are complied with.
- (3) A person who sells or offers for sale a declared article commits a grade A offence if—
 - (a) the article is not approved for sale under regulation 63A or deemed to be approved under regulation 63B; or
 - (b) the article is approved for sale under regulation 63A, or deemed to be approved under regulation 63B, but all relevant terms and conditions of the approval or deemed approval are not complied with.

Compare: SR 1993/76 r 28

63A Approval by Secretary for sale of declared articles

- (1) Any person may apply to the Secretary for approval to sell a declared article by applying in a form prescribed by the Secretary and paying the prescribed fee set out in Schedule 5.
- (2) The Secretary may refer the application to an experienced person for advice on compliance by the declared article with safety requirements.

- (3) The Secretary must notify the applicant in writing of his or her decision, and must notify the applicant of any conditions of the approval imposed by the Secretary.
- (4) The Secretary may, on giving 7 days' notice in writing to the applicant,—
 - (a) vary or withdraw the approval; or
 - (b) vary or revoke any condition, or specify any additional conditions, to which the approval is subject.

63B Deemed approval by Secretary for sale of declared articles

- (1) A declared article is deemed to have the Secretary's approval if the article—
 - (a) is approved or certified by an organisation or agency, or under a programme or regime, recognised by the Secretary under subclause (2); and
 - (b) complies, as required, with any terms or conditions of the approval or certification.
- (2) The Secretary may, by notice in the *Gazette*, recognise an organisation or agency, or a programme or regime of compliance, for the purposes of subclause (1).
- (3) The Secretary may, by notice in the *Gazette*, specify conditions to which a deemed approval is subject.
- (4) The Secretary may, by notice in the *Gazette*,—
 - (a) vary or withdraw any deemed approval; or
 - (b) vary or revoke any conditions, or specify additional conditions, to which the deemed approval is subject.
- (5) A notice given under subclause (4) takes effect on the seventh day after the date of notification

64 Prohibition of unsafe appliances and fittings

- (1) If the Secretary believes on reasonable grounds that an appliance or fittings are or may be unsafe, the Secretary may prohibit all or any of the following activities in relation to the appliance or fittings:
 - (a) manufacture:
 - (b) importation:
 - (c) sale:
 - (d) use.

- (2) If the Secretary believes on reasonable grounds that an appliance or fittings used or intended to be used in the application of gas are or may be unsafe, the Secretary may control, or prescribe conditions in respect of, the installation of that appliance or those fittings.
- (3) A prohibition or control under this regulation—
 - (a) must be made by notice in the *Gazette*; and
 - (b) takes effect on and from the date specified for the purpose in the notice, which date must be later than the date of publication of the notice in the *Gazette*; and
 - (c) must adequately describe the appliance or fittings being prohibited or controlled; and
 - (d) must give brief reasons for the belief that the appliance or fittings are or may be unsafe.
- (4) Where the Secretary knows the New Zealand address of the manufacturer, importer, seller, or user concerned, the Secretary must give notice of the prohibition or control to that person before the date specified in the notice in the *Gazette* as the date on which the prohibition or control takes effect.
- (5) A notice under this regulation may be varied or revoked in the same manner as it was made.
- (6) A person commits a grade A offence if the person manufactures, imports, sells, installs, or uses any appliance or fittings contrary to a prohibition or control under this regulation.

Compare: SR 1993/76 r 29

Sale of gas appliances and fittings

65 Sale of gas appliances and fittings

- (1) Every gas appliance or fittings that are sold or offered for sale must be safe.
- (2) This regulation applies whether the appliance or fittings are new or used.
- (3) A person commits a grade A offence who sells or offers to sell a gas appliance or fittings in breach of this regulation, knowing that, or being reckless as to whether, the appliance or fittings are unsafe.

66 Specified fittings

- (1) The Secretary may, by notice in the *Gazette*, specify fittings that must not be sold or offered for sale before those specified fittings have been certified in accordance with regulation 60 (third-party certification regime) or approved by an approved practitioner in accordance with regulation 61 (approval regime).
- (2) The notice must specify for any specified fittings which certification route must be followed.
- (3) The Secretary may amend or revoke a notice under this regulation by notice in the *Gazette*.

Supplier declarations

67 Gas appliances and fittings to which supplier declaration requirements apply

Regulations 69 to 73 apply to the following:

- (a) all gas appliances other than those of a type referred to in regulation 61(2) (small production, large gas appliances, and used imported installations); and
- (b) any fittings that the Secretary has specified, by notice in the *Gazette*, to be of a type to which regulations 69 to 73 apply (a **specified fitting**).

Compare: SR 1993/76 r 15

68 Secretary's power to specify which fittings require supplier declaration

- (1) The Secretary may—
 - (a) specify fittings that must not be sold, or offered for sale, before a declaration of compliance by the supplier is given; and
 - (b) prescribe the form of declaration of compliance that must be used by a supplier.
- (2) Decisions by the Secretary under subclause (1)—
 - (a) must be made by notice in the *Gazette*; and
 - (b) may be amended or revoked, at any time, by notice in the *Gazette*.
- (3) A declaration of compliance prescribed by the Secretary under subclause (1) in respect of fittings must—

- (a) include a statement, by the supplier of specified fittings, that the fittings comply with any requirements prescribed by the Secretary; and
 - (b) refer to or specify any documents used as the basis for the statement under paragraph (a).
- (4) Subclause (3) does not limit regulation 70.

69 Manufacturer or importer must make supplier declaration

- (1) This regulation applies to—
- (a) all persons who manufacture in New Zealand gas appliances or specified fittings referred to in regulation 67; and
 - (b) all importers of gas appliances or specified fittings referred to in that regulation (including gas appliances or fittings that are imported as part of an installation, for example, as part of an imported caravan).
- (2) Every person to whom this regulation applies must, before that person supplies in New Zealand a gas appliance or specified fittings referred to in regulation 67,—
- (a) make a supplier declaration that relates to the appliance or fittings; and
 - (b) publish the declaration on the Internet site (unless the appliance or fittings are of a type of which the person supplies 11 or fewer in New Zealand).
- (3) Every person commits a grade A offence who, being a manufacturer or importer, supplies a gas appliance or specified fittings referred to in regulation 67 without complying with this regulation.

Compare: SR 1993/76 r 15A

70 Contents of supplier declaration

Every supplier declaration must—

- (a) be in a form prescribed for the purpose by the Secretary (if any) by notice in the *Gazette*; and
- (b) specify the full name of the manufacturer or importer and the full name of the person making the declaration; and

- (c) specify the full address of the manufacturer or importer and the full address of the person making the declaration (including an email address, if any); and
- (d) identify the gas appliances or specified fittings covered by the declaration; and
- (e) include a statement that the manufacturer or importer has complied with—
 - (i) regulations 59 and 74 in relation to all gas appliances covered by the declaration; and
 - (ii) regulation 59 in relation to all specified fittings covered by the declaration; and
- (f) include the details specified by the certifying body, including the certificate number, the date of issue, and the fuel types that the appliance may safely use; and
- (g) include a statement of how to obtain a copy of the test report or other documentation that shows how the appliance complies with the relevant standard.

Compare: SR 1993/76 r 15B

71 Offence committed by manufacturers and importers relating to supplier declarations

Every person commits a grade B offence who, being a manufacturer or importer, publishes on the Internet site, or gives to the person to whom a gas appliance or specified fittings are supplied, a supplier declaration that is false or misleading in a material respect.

72 Management of Internet site

- (1) Every manufacturer or importer who is required to publish a supplier declaration on the Internet site must ensure that the manufacturer or importer has—
 - (a) registered with the Secretary so as to enable the manufacturer or importer to publish supplier declarations on the Internet site; and
 - (b) supplied to the Secretary any information reasonably required by the Secretary to register the manufacturer or importer.
- (2) The Secretary—

- (a) may remove from the Internet site any supplier declaration that appears to the Secretary to be incorrect, frivolous, non-complying, incomplete, or outdated; and
- (b) must promptly send notice of the removal to the manufacturer or importer.

Compare: SR 1993/76 r 15C

73 Other suppliers and installers must check that declaration published or supplied

- (1) Every person who supplies a gas appliance or specified fittings in relation to which a supplier declaration is required to be published on the Internet site under regulation 69, other than the manufacturer or importer, must, before supplying the appliance or fittings, ensure that a supplier declaration relating to the appliance or fittings is so published.
- (2) Every person who installs a gas appliance or specified fittings in relation to which a supplier declaration is required to be published on the Internet site under regulation 69 must, before installing the appliance or fittings,—
 - (a) ensure that a supplier declaration relating to the appliance or fittings is so published; and
 - (b) ensure that the appliance or fittings are labelled in accordance with regulation 75.
- (3) Every person commits a grade B offence who, being a person to whom this regulation applies, fails to comply with this regulation.

Compare: SR 1993/76 r 15F

Marking and labelling of gas appliances and fittings

74 Marking of gas appliances

- (1) Every gas appliance sold or intended for sale must, as a minimum, be legibly and clearly marked in the English language in a permanent manner with all of the following:
 - (a) the name or registered trademark or other means of identifying the manufacturer or New Zealand supplier; and

- (b) the type or types of gases the gas appliance may safely use; and
 - (c) the minimum and maximum gas supply pressure at which the gas appliance will operate safely; and
 - (d) the nominal heat input rating (kW) of the gas appliance; and
 - (e) a gas safety compliance mark; and
 - (f) the model number of the appliance.
- (2) However, LPG appliances connected to disposable canisters do not have to be marked with the information specified in subclause (1)(c) and (d).
- (3) Every person commits a grade A offence who sells or offers for sale a gas appliance that is not marked in accordance with this regulation.

Compare: SR 1993/76 r 14

75 Gas safety compliance marks for gas appliances and specified fittings

- (1) Every person who supplies or installs a gas appliance or specified fittings must ensure that the appliance or fittings are labelled with a gas safety compliance label before that person supplies or installs the gas appliance or specified fittings in New Zealand.
- (2) No person may supply or install a gas appliance or specified fittings referred to in subclause (1) unless the appliance or specified fittings are labelled with a gas safety compliance label.
- (3) A gas safety compliance label—
- (a) must be as per the specification shown in Schedule 6, which must be no smaller than 3mm in diameter; and
 - (b) must include identification of the third-party certifier of the appliance, including any relevant certification reference, which details must be no less than 1mm in height; and
 - (c) must be permanently affixed to the appliance in a manner that is clearly visible to the installer; and
 - (d) must be legibly and durably applied on the external surface of the gas appliance as near as is possible to the model identification (if there is a model identification), unless this is not possible owing to the size or nature of

- the product, in which case the label may be placed on the packaging or warranty or instructions for the product; and
- (e) must be reproduced in either red and black, or grey and black, as shown in Schedule 6; and
 - (f) may also be placed on promotional material associated with the product.
- (4) Every person commits a grade B offence who—
- (a) affixes a label to an appliance or fittings that does not meet the requirements of regulations 59 to 73; or
 - (b) removes a label from an appliance or fittings that was correctly applied to that appliance or fittings; or
 - (c) installs or sells an appliance or fittings that does not have a label that complies with this regulation.

Miscellaneous

76 Supply of documents

- (1) Every manufacturer or importer of a gas appliance or specified fittings must, within 10 working days of a request being made by the Secretary, supply to the Secretary a document or documents that demonstrate that the manufacturer or importer has,—
- (a) in the case of a gas appliance, complied with regulations 59, 74, and 75 in relation to the gas appliance; or
 - (b) in the case of specified fittings, complied with regulations 59 and 75 in relation to the specified fittings.
- (2) The manufacturer or importer must supply with any document that is supplied an accurate English translation of the whole or any part of that document if the document or that part is in a language other than English.
- (3) Every person commits a grade A offence who, being a manufacturer or importer, fails to supply a document or documents to the Secretary in accordance with this regulation.

Compare: SR 1993/76 r 15D

77 Repairs, modifications, and adjustments to gas appliances and fittings

- (1) Every person who repairs, modifies, or makes adjustments to a gas appliance or fittings must take all practicable steps to ensure that the appliance or fittings—
 - (a) are safe in all reasonably foreseeable circumstances before the appliance or fittings are returned to service; and
 - (b) comply with the technical requirements of section 4 of NZS 5262.
- (2) Without limiting subclause (1), an appliance or fittings are not safe if—
 - (a) they have a gas leakage; or
 - (b) they are operated in a manner that is hazardous when they are exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions.
- (3) Despite subclause (2)(a), minute leakages from some fittings are permissible under relevant testing procedures.
- (4) Every person commits a grade A offence who, having repaired, modified, or made adjustments to a gas appliance or those fittings, returns that gas appliance or fittings to service before taking all practicable steps to ensure that the gas appliance or fittings are safe in all reasonably foreseeable circumstances in accordance with this regulation.

Compare: SR 1993/76 r 16

78 Responsibility of persons hiring or leasing gas appliances, fittings, and installations

- (1) Every person who hires out or leases out any gas appliance, fittings, or gas installation must take reasonable steps to ensure that, before so hiring or leasing them out,—
 - (a) the appliance, fittings, or installation are in a safe condition and are complete with any safety accessory (for example, fireguard); and
 - (b) any instructions to ensure the safe use of the appliance, fittings, or installation are provided and are practical and suitable for the safe use of the appliance, fittings, or installation.

- (2) Every person commits a grade A offence who hires out or leases out any gas appliance, fittings, or gas installation without complying with this regulation.

Compare: SR 1993/76 r 17

Part 6 **CNG**

Measurement

79 Measurement of CNG

- (1) CNG sold from any CNG station must meet the requirements of this regulation, unless there is agreement in writing to the contrary between the seller and the purchaser.
- (2) CNG gas measurement systems of CNG stations must—
- (a) meter gas by mass:
 - (b) provide a clear indication of quantity in kilograms and price per kilogram, and of total price in dollars:
 - (c) prevent delivery of CNG during the operation of the reset mechanism:
 - (d) be provided with a means of sealing the calibration unit:
 - (e) for all expected variations in ambient conditions, gas supply temperatures, pressure and composition, and electrical supply, and for all expected electrical supply interference, not exceed a margin of error of—
 - (i) plus or minus 2% immediately after calibration, and a further plus or minus 1% at subsequent times while in service, for quantities over 5 kilograms; or
 - (ii) plus or minus 0.1 kilograms immediately after calibration, and a further plus or minus 0.05 kilograms at subsequent times while in service, for quantities of 5 kilograms or less.
- (3) Compliance with Division 3.3 of NZS 5425.3 is deemed to be compliance with subclause (2).
- (4) Every person who owns a gas measurement system used to measure the supply of gas to consumers must ensure that adequate records are kept so that the accuracy requirements of subclause (2) are met in relation to that system.

- (5) Compliance with sections 4, 5, and 6 of NZS 5259 is deemed to be compliance with subclause (4).
- (6) Every person commits a grade A offence who sells gas otherwise than in accordance with this regulation.

Compare: SR 1993/76 r 9

80 Testing and installation of CNG measurement systems

- (1) This regulation applies to any CNG gas measurement system of a CNG station that has been subject to servicing on site and that may suffer alteration to calibration while subsequently in service.
- (2) Every gas measurement system to which this regulation applies must, before being put into service, be tested by a competent organisation to determine the system's accuracy, and must be sealed by the same competent organisation following confirmation that the system complies with regulation 79(2)(e).
- (3) Any gas measurement system that does not pass the test carried out in accordance with subclause (2) must not be sealed, and any seal that may have been placed on the system must be removed or destroyed.
- (4) Where a test has been carried out in accordance with subclause (2) and the gas measurement system or a part of the system has been transported before being put into service, the person owning the gas measurement system must ensure that the calibration of the system is unaffected by that transportation before putting that system into service.
- (5) A record of the results of each test carried out in accordance with subclause (2) must be kept by—
 - (a) the competent organisation that carried out the test; and
 - (b) the operator of the gas measurement system tested.
- (6) The records kept by the operator of a gas measurement system under subclause (5)(b) must be retained by that operator for the period of that operator's ownership of that gas measurement system, and must be kept at the site where the system is located.
- (7) Every person commits a grade A offence who fails to comply with this regulation.

Compare: SR 1993/76 r 10

*CNG station safety***81 Particular requirements for CNG stations**

- (1) This regulation applies to every person who owns or installs a CNG station.
- (2) Every person to whom this regulation applies must take all practicable steps to ensure that the CNG station is designed and installed in a manner that ensures that the station is safe in all reasonably foreseeable circumstances.
- (3) Without limiting subclause (2), a CNG station is not safe if—
 - (a) the CNG compressor of the station allows the ingress of air; or
 - (b) any refuelling hose or assembly is of a kind that does not prevent electrostatic ignition; or
 - (c) any refuelling probe is of a design that does not minimise wear on seals or minimise any other effects that may result in a sudden gas release during refuelling.
- (4) Compliance with NZS 5425.2 is deemed to be compliance with this regulation in relation to a CNG compressor.
- (5) Compliance with NZS 5425.1 is deemed to be compliance with this regulation in relation to a fast-fill CNG station.
- (6) Compliance with NZS 5425.4 is deemed to be compliance with this regulation in relation to a trickle-fill CNG station.
- (7) Subclauses (5) and (6) are subject to subclause (4).
- (8) Every person commits a grade B offence who owns or installs a CNG station without complying with this regulation.

Compare: SR 1993/76 r 18

82 Sealing of pressure-limiting devices and metering units for CNG stations

- (1) Every person who owns or installs a CNG station must ensure that every pressure-limiting device and metering unit of a CNG station is sealed.
- (2) Only competent organisations or the Secretary may make or break the seal or adjust those fittings.
- (3) Every person commits a grade A offence who owns or installs a CNG station without complying with subclause (1).

- (4) Every person, being a person other than the Secretary or a competent organisation, commits a grade A infringement offence who fails to comply with subclause (2).
- (5) Every person commits a grade B offence who, not being a competent organisation, breaks the seal of any pressure-limiting device or metering unit of a CNG gas station.

Compare: SR 1993/76 r 19

83 Maintenance and operation of CNG stations

- (1) Every owner and every operator of a CNG station must take all practicable steps to ensure that the CNG station is—
 - (a) maintained in a safe condition; and
 - (b) operated safely.
- (2) Compliance with GCP 2 is deemed to be compliance with this regulation.
- (3) Every person commits a grade A offence who owns or operates a CNG station without complying with this regulation.

Compare: SR 1993/76 r 19A

84 CNG filling pressures

- (1) The maximum fill pressure of a CNG dispenser of a CNG station is 20 megapascals (gauge).
- (2) However, for trickle-fill CNG gas installations the maximum fill pressure is 16.5 megapascals (gauge).
- (3) Every person commits a grade A offence who owns or operates a CNG dispenser that operates at above the maximum fill pressures specified in this regulation.

Compare: SR 1993/76 r 20

85 CNG training

- (1) Every operator of a CNG station must ensure that vehicles are filled at the station by or in the presence of a person who has received training in the safety requirements specified in Schedule 3.
- (2) The Secretary may exempt a particular CNG station from the requirements of this regulation if the Secretary is satisfied that alternative safety procedures or fittings are in place in the CNG

station so as to render compliance with those requirements unnecessary in the particular case.

- (3) Every person commits a grade B offence who, being an owner or operator of a CNG station, fails to ensure that personnel filling or being present for the filling of vehicles with CNG have received the training required by this regulation.

Compare: SR 1993/76 r 21

86 Inspection of CNG stations

- (1) Every owner or operator of a CNG station must ensure that the CNG station is inspected at least once every 2 years by a competent organisation that has approval to certify the safety of the fittings of the station, and the safety of the operation of the station.
- (2) Where an inspection required under subclause (1) is carried out, the CNG station must be used only if the competent organisation certifies the safety of the fittings of the station and issues a certificate in the form set out in Schedule 4.
- (3) Compliance with GCP 2 is deemed to be compliance with subclause (1).
- (4) Every person commits a grade B offence who, being an owner or operator of a CNG station, fails to have the installation certified in accordance with this regulation.
- (5) Every competent organisation commits a grade A offence that provides a certificate under this regulation where any fittings of the CNG station are not safe.

Compare: SR 993/76 r 22

87 Records for CNG stations

- (1) Every operator of a CNG station must maintain—
- (a) records of any adjustments or repairs to the gas measurement system of the installation, including, where seals are broken or fitted, the person who broke or fitted the seals; and
 - (b) records of the names of staff at the station and any training undertaken and completed by the staff for the purpose of regulation 85(1);
 - (c) logbooks in accordance with section 4 of GCP 2.

- (2) Compliance with clause 7.3.1 of GCP 2 is deemed to be compliance with subclause (1)(b).
- (3) Every competent organisation must keep records for each installation in respect of which work is carried out, and the results of the work, after—
 - (a) making or breaking seals, or adjusting fittings, of pressure-limiting devices or metering units under regulation 82; or
 - (b) carrying out inspections or issuing certificates in accordance with regulation 86.
- (4) The records required to be kept under this regulation must,—
 - (a) in the case of operators of CNG stations, be retained for the operational life of the installation;
 - (b) in the case of a competent organisation, be retained for a period of 7 years from the date of the last entry in the particular record, or until the organisation ceases business, whichever occurs first.
- (5) Every person commits a grade B offence who, being an operator of a CNG station, fails to maintain the records required by this regulation.

Compare: SR 1993/76 r 23

Part 7

Miscellaneous provisions

Exemptions

88 Secretary's power to exempt from requirements

- (1) The Secretary may, if the Secretary is satisfied that safety will not be compromised, exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by or under all or any of regulations 17 18, 19, 23, 24, 32, 34, 43, 44 to 47, 55 to 58, 59, 60, 61, 69, 73, 74, 75, 76, and 79 to 87.
- (2) The Secretary may exempt any distribution system, gas installation, fittings, or gas appliances from the provisions of section 46 of the Act.
- (3) An application for exemption must—
 - (a) specify the precise exemption sought and the reason it is sought; and

- (b) demonstrate how safety will be ensured if the exemption is granted; and
 - (c) be made in a form prescribed by the Secretary; and
 - (d) be accompanied by the fee prescribed in Schedule 5.
- (4) The Secretary may grant the exemption subject to any conditions that the Secretary thinks fit.
- (5) The Secretary may refer an application for an exemption to an experienced person in the gas industry for advice.
- (6) Every exemption—
 - (a) must be in writing; and
 - (b) must specify the period to which it applies; and
 - (c) may be subject to any conditions that the Secretary thinks fit.
- (7) The Secretary must give notice of an exemption—
 - (a) to the applicant; and
 - (b) if the exemption will affect persons other than the applicant, in the *Gazette*.
- (8) The Secretary may amend or revoke an exemption—
 - (a) on the request of the exemption holder; or
 - (b) in order to prevent any danger or potential danger to any person or property, but only after giving the exemption holder at least 20 working days' notice of the proposed amendment or revocation.
- (9) Notice of any amendment or revocation of an exemption must be given in the same manner as the exemption was given.
- (10) An exemption is not a regulation for the purposes of the Acts and Regulations Publication Act 1989 or the Regulations (Disallowance) Act 1989.

Compare: SR 1993/76 r 30

89 Chief executive responsible for Building Act 2004 may grant exemptions

- (1) The chief executive of the department of State responsible for the administration of the Building Act 2004 may, in writing, and for any period that the chief executive specifies, exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by regulations 44 to 47 if the exemption is required as a result of the grant of a

waiver or modification of the building code, or of a compliance document (within the meaning of the Building Act 2004), in relation to an application for a building consent that is referred to the chief executive under section 70 of that Act.

- (2) The chief executive may amend or revoke an exemption in order to avoid a circumstance that is not safe.
- (3) The chief executive may grant the exemption subject to any conditions that the chief executive thinks fit.

Compare: SR 1993/76 r 31

General provisions

90 Issuing of urgent instructions

- (1) In any case of urgency, the Secretary may issue instructions, orders, or requirements for securing the protection of persons from injuries likely to be caused, directly or indirectly, by the presence, escape, or use of gas.
- (2) Any instruction, order, or requirement issued by the Secretary must be,—
 - (a) if the instruction, order, or requirement is specific to a particular person or persons, by notice in writing to that person or those persons; or
 - (b) if the instruction, order, or requirement is of more general application, by notice in the *Gazette*.
- (3) No instruction, order, or requirement issued under this regulation, whether or not subsequently amended, remains in force later than 6 months after its date of issue.
- (4) The Secretary may amend or revoke an instruction, order, or requirement in the same manner as it was made.
- (5) Every person commits a grade A offence who fails to comply with any instruction, order, or requirement issued under this regulation.

Compare: SR 1993/76 r 32

91 Details to be provided in reporting accidents

- (1) Any person who notifies the Secretary of an accident, in accordance with section 17 of the Act, must give a full report to the Secretary in writing that sets out the following matters:

- (a) the name and contact details of the person giving notice (which should include, if possible, telephone and fax numbers, and an email address):
 - (b) the place, date, and time of the accident:
 - (c) a complete description of the accident:
 - (d) a description of any injuries, damage, or losses resulting from the accident:
 - (e) where known, the names and contact information of any witness, investigator at the scene, or other person who could provide cogent information on the accident:
 - (f) possible causative factors (if any are known):
 - (g) where known, the name, age, sex, occupation, and residential address of the victim.
- (2) An accident may initially be notified to the Secretary by telephone, fax, email, or any other electronic means, as long as the full written report is sent to the Secretary within 2 weeks after that initial notification.
- (3) The full written report may be sent to the Secretary by post, fax, email, or any other electronic means.

Compare: SR 1993/76 r 33

92 Competent organisations to supply copies of seals they use

- (1) A competent organisation intending to carry out work under regulation 24 or 82 must, before carrying out the work, supply to the Secretary a copy of the seal that competent organisation must be using in respect of that work.
- (2) Every competent organisation commits a grade A offence that fails to provide a copy of a seal in accordance with this regulation.

Compare: SR 1993/76 r 35

93 Offence for competent organisations to fail to keep records

Every competent authority commits a grade A offence that fails to keep any of the records required by these regulations to be kept by competent organisations.

Compare: SR 1993/76 r 37

94 Fees

- (1) The fees specified in Schedule 5 are payable in respect of the matters specified in that schedule.
- (2) The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.
Compare: SR 1993/76 r 38

95 Revocation

The Gas Regulations 1993 (SR 1993/76) are revoked.

Transitional provisions

96 Transitional provisions about gas appliance safety

- (1) For the period of 1 year starting on the date on which Part 1 comes into force, compliance with the provisions of regulations 12 to 17 of the Gas Regulations 1993 (before their revocation by these regulations) is deemed to be compliance with regulations 67 to 73 (supplier declaration requirements) of these regulations.
- (2) For the period of 2 years starting on the first anniversary of the date on which Part 1 comes into force, compliance with the provisions of regulations 12 to 17 of the Gas Regulations 1993 (before their revocation by these regulations) is deemed to be compliance with regulations 67 to 73 (supplier declaration requirements) of these regulations to the extent only of supplier declarations that were given before the start of that period.

97 Transitional provisions relating to third-party certification, approval by approved practitioners, and labelling

No prosecution for an offence against any of regulations 59 to 62, 74, or 75 may be brought in respect of any act or omission that occurs before the second anniversary of the date that these regulations come into force.

98 Transitional provision about repair of appliances made and installed before 1985

A person may, without contravening these regulations, repair and use a gas appliance that was made and installed before 1985, provided that the repairs, modifications, and adjustments of the appliances meets the safety requirements in section 4 of NZS 5262.

99 Transitional provision about CNG station certificates of compliance

The revocation of the Gas Regulations 1993 does not affect the validity of any CNG station certificate of compliance issued under regulation 22 of those regulations.

100 Transitional provision about safety management systems

See regulation 37(2), which requires the first audit of a safety management system within 2 years after the date that that regulation comes into force.

Schedule 1

r 3

List of gas codes of practice and official standards

Gas codes of practice

Abbreviations used in regulations**Full title**

GCP 1

New Zealand Gas Code of Practice for Inspection, Testing and Certification of Gasfitting Work Done Under Supervision (NZ GCP 1:1993) issued by the Secretary on 2 February 1993, and approved by the Minister of Energy on 18 March 1993

GCP 2

New Zealand Gas Code of Practice for Maintenance and Safety of CNG Refuelling Stations (NZ GCP 2:1993) issued by the Secretary on 2 February 1993, and approved by the Minister of Energy on 18 March 1993

Official standards

Abbreviations used in regulations

Full title

AS 3645:2009	Australian Standard known as AS 3645:2009 (Essential requirements for gas equipment)
AS/NZS 4645	New Zealand Standard known as AS/NZS 4645:2008 (Gas distribution networks Parts 1, 2, and 3)
ISO 17020	International Organisation for Standardization Standard known as ISO/IEC 17020:1998 (General criteria for the operation of various types of bodies performing inspection)
ISO 17025	International Organisation for Standardization Standard known as ISO/IEC 17025:2005 (General requirements for the competence of testing and calibration laboratories)
NZS 4219	New Zealand Standard known as NZS 4219:2009 (Seismic performance of engineering systems in buildings)
NZS 5258	New Zealand Standard known as NZS 5258:2003 (Gas distribution networks)
NZS 5259	New Zealand Standard known as NZS 5259:2004 (Gas measurement)
NZS 5261	New Zealand Standard known as NZS 5261:2003 (Gas installation)
NZS 5262	New Zealand Standard known as NZS 5262:2003 (Gas appliance safety)
NZS 5263	New Zealand Standard known as NZS 5262:2003 (Gas detection and odourisation)
NZS 5425.1	New Zealand Standard known as NZS 5425.1:1994 (Code of practice for CNG compressor and refuelling stations—on site storage and location of equipment)
NZS 5425.2	New Zealand Standard known as NZS 5425.2:1996 (Code of practice for CNG compressor and refuelling stations—compressor equipment)
NZS 5425.3	New Zealand Standard known as NZS 5425.3 (Code of practice for CNG compressor and refuelling stations—metering devices)
NZS 5425.4	New Zealand Standard known as NZS 5425.4:1994 (Code of practice for CNG compressor and refuelling stations—CNG trickle-fill stations on commercial and industrial premises)
NZS 5428	New Zealand Standard known as NZS 5428:2006 (LPG installations for non-propulsive purposes in caravans and boats)
NZS 5435	New Zealand Standard known as NZS 5435:1996 (Specification for liquefied petroleum gas (LPG))

**Abbreviations used
in regulations**

NZS 5442

Full title

New Zealand Standard known as NZS 5442:2008 (Specification for reticulated natural gas)

NZS 7901

New Zealand Standard known as NZS 7901:2008 (Electricity and gas industries—safety management systems for public safety)

Schedule 2

r 7

Infringement notice and reminder notice

Form 1

Infringement notice

Section 57C, Gas Act 1992

Infringement notice number:

This infringement notice is sent under section 57C of the Gas Act 1992—

- to you (*see* your details below)
- in respect of an alleged infringement offence (the **offence**) (*see* details of offence below)
- by a person authorised to issue an infringement notice (the **informant**) (*see* details of informant below).

Your details

Full name:

Full address:

Telephone number(s):

Date of birth:

Gender:

Occupation:

Details of offence

Nature of offence:

Where it occurred:

When it occurred:

Offence against [*specify provision of Gas Act 1992 or Gas (Safety and Measurement) Regulations 2010*]

Details of informant

Full name of informant:

Full address:

Payment of infringement fee

The amount of the infringement fee for the offence is [*specify*].

Form 1—*continued*

The fee is payable on or before [*specify*], which is 28 days after the date on which this notice is posted to you or delivered to you personally.

The fee must be paid to the informant at the informant's address (*see above*) by delivering or posting it so that it arrives on or before the due date.

If you are paying by cheque, the cheque must be made out to [*specify*] and be crossed "not transferable". When paying, include the following information with the payment:

- the infringement notice number (given at the top of this notice)
- your full name
- your address for contact, but only if it is different from the one shown on this notice.

Paying the infringement fee now

If you pay the infringement fee on or before the due date, no further action will be taken against you.

General enquiries

You may contact the informant at any time. Contacting the informant does not stop the infringement fee being payable by the due date, unless you request a hearing.

If you want further information, or if you want to raise any other matter, write to the informant at the informant's address (*see above*). When writing, please give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

Requesting hearing

You should write to the informant if you want to request a hearing on the grounds that—

- you deny liability for the offence; or
- you admit liability for the offence, but you want a court to consider written submissions by you about any matter, such as the amount of the penalty.

Form 1—*continued*

If you write to request a hearing, the request must be signed by you, and be received by the informant on or before the due date of the infringement fee, or by any later time allowed by the informant. When writing, give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

If you write to request a hearing and deny liability, and if the informant decides to commence court proceedings against you, you will be served with a notice of hearing. The notice will set out the place, date, and time of the hearing before the court.

If the court finds you guilty of the offence, court costs will be imposed on you in addition to any fine.

If you write to request a hearing but you admit liability, your letter should clearly—

- admit liability; and
- set out the written submissions that you wish the court to consider.

The informant will file the letter containing your submissions in court. There is no provision for you to make oral submissions at the hearing, or for anyone else to do so on your behalf.

The court will impose court costs on you in addition to any fine.

In any proceedings, it is a defence if you prove that the infringement fee was paid in full to the informant, at the informant's address, on or before the due date. Late payment, or payment to an address other than the informant's address, is not a defence, but late payments may be applied towards any fine and costs you become liable to pay.

If you do nothing

If you have not paid the infringement fee by the due date, and have not requested a hearing on or before that date (or within any further time the informant allows), the informant may send you a reminder notice. The reminder notice will set out a final due date, which will be the date that is 28 days after the date on which the reminder notice is posted or delivered to you.

If you do not pay the infringement fee on or before that final due date and do not request a hearing on or before that date (or within any

Form 1—*continued*

further time the informant allows), you will be liable to pay court costs in addition to a fine of the same amount as the infringement fee.

Further information

Further information about infringement offences and fees is contained in sections 21 and 78A of the Summary Proceedings Act 1957. If there is anything in this notice that you do not understand, contact a lawyer.

Form 2
Infringement reminder notice
Section 57D, Gas Act 1992

Infringement notice number:

An infringement notice was sent under section 57C of the Gas Act 1992—

- to you (*see* your details below)
- in respect of an alleged infringement offence (the **offence**) (*see* details of offence below)
- by a person authorised to issue an infringement notice (the **informant**) (*see* details of informant below).

The infringement notice was served on [*date*] by [*method of service*].
This reminder notice is served on [*date*] by [*method of service*] at [*full address at which reminder notice served*].

Your details

Full name:

Full address:

Telephone number(s):

Date of birth:

Gender:

Occupation:

Details of offence

Nature of offence:

Where it occurred:

When it occurred:

Offence against [*specify provision of Gas Act 1992 or Gas (Safety and Measurement) Regulations 2010*]

Details of informant

Full name of informant:

Full address:

Payment of infringement fee

The amount of the infringement fee for the offence is [*specify*].

Form 2—*continued***Final due date**

The due date for payment of the infringement fee was [*specify*]. By that date, payment had not been received, and you had not requested a hearing.

The final due date is now [*specify*], which is 28 days after the date on which this notice is posted to you or delivered to you.

The fee must be paid to the informant at the informant's address (*see* above) by delivering or posting it so that it arrives on or before the final due date.

If you are paying by cheque, the cheque must be made out to [*specify*] and be crossed "not transferable". When paying, include the following information with the payment:

- the infringement notice number (given at the top of this notice)
- your full name
- your address for contact, but only if it is different from the one shown on this notice.

Paying the infringement fee now

You can pay the infringement fee to the informant now, at the informant's address. If you pay it on or before the final due date, no further action will be taken against you.

General enquiries

You may contact the informant at any time. Contacting the informant does not stop the infringement fee being payable by the final due date, unless you request a hearing.

If you want further information, or if you want to raise any other matter, write to the informant at the informant's address (*see* above). When writing, please give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

Form 2—*continued*

Requesting hearing

You should write to the informant if you want to request a hearing on the grounds that—

- you deny liability for the offence; or
- you admit liability for the offence, but you want a court to consider written submissions by you about any matter, such as the amount of the penalty.

If you write to request a hearing, the request must be signed by you, and be received by the informant on or before the final due date, or by any later time allowed by the informant. When writing, give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

If you write to request a hearing and deny liability, and if the informant decides to commence court proceedings against you, you will be served with a notice of hearing. The notice will set out the place, date, and time of the hearing before the court.

If the court finds you guilty of the offence, court costs will be imposed on you in addition to any fine.

If you write to request a hearing but you admit liability, your letter should clearly—

- admit liability; and
- set out the written submissions that you wish the court to consider.

The informant will file the letter containing your submissions in court. There is no provision for you to make oral submissions at the hearing, or for anyone else to do so on your behalf.

The court will impose court costs on you in addition to any fine.

In any proceedings, it is a defence if you prove that the infringement fee was paid in full to the informant, at the informant's address, on or before the final due date. Late payment, or payment to an address other than the informant's address, is not a defence, but late payments may be applied towards any fine and costs you become liable to pay.

Form 2—*continued***If you do nothing**

If you do not pay the infringement fee on or before the final due date and do not request a hearing on or before that date (or within any further time the informant allows), you will be liable to pay court costs in addition to a fine of the same amount as the infringement fee.

Further information

Further information about infringement offences and fees is contained in sections 21 and 78A of the Summary Proceedings Act 1957. If there is anything in this notice that you do not understand, contact a lawyer.

Schedule 3
Requirements for CNG safety training

r 85

- 1 Equipment knowledge—
 - (a) compressors—
 - (i) location and operation of CNG equipment (gas and electrical):
 - (ii) start-up and shutdown procedures:
 - (iii) emergency shutdown procedures:
 - (b) storage—
 - (i) location and operation of storage:
 - (ii) location and operation of shut-off valves:
 - (c) forecourt—
 - (i) location and operation of shut-off valves:
 - (ii) location and operation of compressor stop buttons:
 - (d) dispensers—location and operation of dispensing equipment.
- 2 Cylinder-filling procedures—
 - (a) safety checks before commencing filling:
 - (b) filling procedures:
 - (c) safety checks following the completion of filling.

- 3 Emergency procedures—
- (a) gas leak from vehicle:
 - (b) gas leak during refuelling:
 - (c) other gas leaks:
 - (d) fire.
-

Schedule 4

r 86(2)

Form

CNG station certificate of compliance

[to come]

This certificate is issued to *[name of CNG station]* for a period of 24 months from *[date that compliance is established]* to *[date 2 years from date compliance is established]*.

The CNG installation at *[name of CNG station]* has been inspected by me and the fittings and operation of the installation are safe.

Name of certifier (being a competent organisation):

Name of employee of certifier so certifying:

Signature of employee:

Date:

Schedule 5

r 79, 88(3)

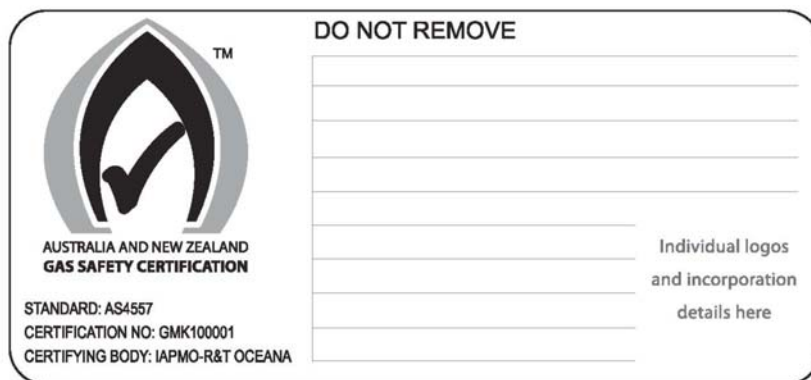
Prescribed fees

- 1 Requests for tests under regulation 26—
- | | |
|--|---|
| For domestic gas measurement systems | \$80 for each hour or part of an hour, up to a maximum of \$80 |
| For non-domestic gas measurement systems | \$80 for each hour or part of an hour, up to a maximum of \$160 |
- 2 For gasfitting certification certificates provided by the Board pursuant to regulation 54, for each certificate, \$25.
- 3 For declared article approvals—

Initial application	\$640
Application for modification to approval	\$400
Application for exemption	\$400

Schedule 6
Gas safety compliance labels

r 75(3)(a)





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 4 May 2010, completely overhaul and replace the Gas Regulations 1993.

Some of the main differences between the Gas Regulations 1993 and these new regulations are as follows:

- regulation 4 prescribes, under section 54(1)(se) of the Gas Act 1992, where the point of supply is deemed to be in relation to any place. The definition of point of supply applies for the purposes of the Gas Act 1992, where the point of supply is the boundary of a gas distribution system, and for the purposes of the Plumbers, Gasfitters, and Drainlayers Act 2006, where work downstream of the point of supply is gasfitting work that is regulated under that Act:

- Part 1 introduces a general overarching safety requirement. This is that distribution systems, gas installations, fittings, and gas appliances must be designed, commissioned, constructed, installed, tested, maintained, and operated so that they are safe:
- Part 3 introduces requirements for owners and operators of gas supply systems to implement and maintain safety management systems:
- Part 5 introduces the third party certification regime and the joint New Zealand and Australia gas safety compliance label.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*:
These regulations are administered by the Ministry of Consumer Affairs.
