

Version
as at 28 October 2021



Gas (Safety and Measurement) Regulations 2010 (SR 2010/76)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 29th day of March 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 54 and 54A 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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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title

These regulations are the Gas (Safety and Measurement) Regulations 2010.

2 Commencement

- (1) Regulation 45 comes into force on 1 April 2010.
- (2) The rest of these regulations come into force on 4 May 2010.

Part 1

Preliminary provisions

Interpretation

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
accredited auditor means any of the following bodies:
 - (a) a body accredited by either of the following to assess an organisation's compliance with these regulations and safety management systems generally:
 - (i) the Joint Accreditation System of Australia and New Zealand;
 - (ii) a signatory to the International Accreditation Forum multilateral recognition arrangement for management systems;
 - (b) a body approved, by or under an international agreement between New Zealand and another country that does not have a national accreditation body that is a signatory to the International Accreditation Forum multi-

lateral recognition arrangement for management systems, to assess an organisation's compliance with these regulations and safety management systems generally

Act means the Gas Act 1992

audited safety management system means an audited safety management system for which an audit certificate has been issued under regulation 36 and not cancelled under regulation 38

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

calorific value means the gross calorific value

canister means a non-refillable container designed to supply gas to a portable gas appliance

certificate of compliance means a certificate, issued under regulation 46, regarding the lawfulness and safety of gasfitting work done on a gas installation or part installation

certified design means a design for a gas installation that has been certified in accordance with regulation 43

CNG means compressed gas consisting of more than 50% methane by volume for storage or use outside a transmission or distribution system

CNG station means a CNG gas installation supplying CNG for use in vehicle cylinders, transportable cylinders, or both types of cylinder

competent organisation means—

- (a) a testing laboratory accredited to ISO 17025 by the Accreditation Council operating as International Accreditation New Zealand for the purposes of regulation 22, 77, 79, 83, 84, or 88, or GCP 2, as the case may be; or
- (b) an organisation that is accredited to ISO 17020 either by International Accreditation New Zealand under subpart 3 of Part 1 of the Standards and Accreditation Act 2015 or by a third-party agency accredited under the agreement negotiated between the Australian and New Zealand Governments entitled Joint Accreditation System of Australia and New Zealand (JAS-ANZ) for the purposes of regulation 22, 79, or 83, or GCP 2, as the case may be; or
- (c) any other laboratory or organisation that satisfies WorkSafe that it is competent to perform the relevant functions for the purposes of regulations 22, 79, or 83, or GCP 2, as the case may be

connect means to carry out gasfitting whereby a supply of gas—

- (a) will be provided to a gas installation or part of a gas installation; or
- (b) could be provided to a gas installation or part of a gas installation through a further activity that is not itself gasfitting

danger includes dangers such as, or associated with, fire, burns, mechanical injury, toxicity, and radiation

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

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

gas appliance has the meaning given in section 2(1) of the Act

gas distributor has the meaning given in section 2(1) of the Act

gas installation has the meaning given in section 2(1) of the Act; and **part installation** means any part of a gas installation

gas retailer has the meaning given in section 2(1) of the Act

gas safety certificate means a certificate, issued under regulation 52B, regarding the safety of a gas installation that is connected to a gas supply

gas supplier means a gas wholesaler, a gas distributor, or a gas retailer, as the context requires

gas wholesaler has the meaning given in section 2(1) of the Act

gasfitting has the meaning given in section 5 of the Plumbers, Gasfitters, and Drainlayers Act 2006

GCP 2 has the meaning given in Schedule 1

general gasfitting has the meaning given in regulation 5A(3)

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

high-risk gasfitting has the meaning given in regulation 5A(2)

install, in relation to a gas installation, includes to construct, alter, relocate, or add to the whole or any part of the installation

Internet site means an Internet site maintained by, or on behalf of, WorkSafe for the purpose of these regulations

level 1 penalty has the meaning given in regulation 6(1)

level 2 penalty has the meaning given in regulation 6(2)

location, for the purpose of identifying on a certified design, certificate of compliance, or gas safety certificate the location of a gas installation or part installation, has the meaning given in regulation 52K

low-risk gasfitting has the meaning given in regulation 5A(1)

lower explosive limit means the concentration of flammable gas, vapour, or mist in air below which an explosive gas atmosphere will not be formed

maintenance includes repair

non-reticulated gas means gas supplied to a consumer other than by means of a gas distribution system

point of supply has the meaning given in regulation 5

reasonably practicable has the meaning given in section 2(1) of the Act

reticulated gas means piped gas that is supplied to a consumer from a distribution system

safe has the meaning given in regulation 4

safety management system means a system that is implemented by a safety management system operator for the purpose of ensuring, so far as is reasonably practicable, that the gas supply system is prevented 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) 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; or
- (b) a person who opts to implement and maintain a safety management system

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

specified caravan or boat means any vehicle or pleasure vessel that contains sleeping quarters, or is intended to be used for sleeping in

specified fittings means fittings specified under regulation 64

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

supplier declaration means a declaration that complies with regulation 67

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

unsafe has the meaning given in regulation 4

year means a calendar year.

- (2) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.
- (3) A term used in connection with a particular standard has the meaning used in that standard, unless the term is defined in the Act or these regulations, in which case it has that meaning.
- (4) In these regulations, gas codes of practice (**GCPs**) and official standards are referred to by the abbreviations listed in Schedule 1.

- (5) If an official standard is referred to in any other official standard by an abbreviation listed in the first column of Schedule 1, the abbreviation must be taken to refer to the appropriate official standard listed in column 2 of Schedule 1.

Regulation 3(1) **accredited auditor**: substituted, on 10 November 2011, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 3(1) **all practicable steps**: revoked, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 3(1) **certificate of compliance**: replaced, on 1 July 2013, by regulation 4(3) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **certified design**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **competent organisation** paragraph (a): amended, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Regulation 3(1) **competent organisation** paragraph (a): amended, on 10 November 2011, by regulation 4(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 3(1) **competent organisation** paragraph (b): amended, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Regulation 3(1) **competent organisation** paragraph (b): amended, on 10 November 2011, by regulation 4(3) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 3(1) **competent organisation** paragraph (c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 3(1) **connect**: substituted, on 10 November 2011, by regulation 4(4) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 3(1) **gas installation**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **gas safety certificate** : inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **gasfitting**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **general gasfitting**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **grade A offence**: revoked, on 1 July 2013, by regulation 4(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **grade B offence**: revoked, on 1 July 2013, by regulation 4(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **high-risk gasfitting**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **install**: amended, on 1 July 2013, by regulation 4(4) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **Internet site**: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 3(1) **level 1 penalty**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **level 2 penalty**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **location**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **low-risk gasfitting**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **maintenance**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 3(1) **non-reticulated gas**: substituted, on 10 November 2011, by regulation 4(5) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 3(1) **reasonably practicable**: inserted, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 3(1) **safety management system**: replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 3(1) **specified caravan or boat**: inserted, on 1 July 2013, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

4 Meanings of safe and unsafe

In these regulations, unless the context otherwise requires,—

safe, in respect of any distribution system, gas installation, fittings, gas appliance, or associated equipment, means that there is no significant risk that a person or property will be injured or damaged by dangers arising, directly or indirectly, from the use of, or passage of gas through, the distribution system, gas installation, fittings, gas appliance, or associated equipment

unsafe, in respect of any distribution system, gas installation, fittings, gas appliance, or associated equipment, means that there is a significant risk that a person may suffer serious harm, or that property may suffer significant damage, as a result of dangers arising, directly or indirectly, from the use of, or passage of gas through, the distribution system, gas installation, fittings, gas appliance, or associated equipment.

Regulation 4 **safe**: amended, on 1 July 2013, by regulation 5(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 4 **unsafe**: amended, on 1 July 2013, by regulation 5(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

5 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 to 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 gas refueller; or

- (ii) if there is no gas measurement system that exclusively supplies gas to the consumer or gas refueller, 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 to which non-reticulated liquefied petroleum gas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the outlet valve of the cylinder, if the vapour phase gas is supplied from a cylinder:
 - (ii) the outlet of the first stage vapour phase regulator in the supply system, if the gas is supplied from a tank or in the liquid phase from a cylinder:
 - (iii) the outlet of the fittings, if the gas is supplied from fittings; and
 - (c) in relation to a place to which biogas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the gas measurement system that exclusively supplies biogas to the consumer or gas refueller; or
 - (ii) the outlet of any processing facility; or
 - (iii) the outlet of any manifold collecting biogas if there is neither an outlet referred to in subparagraph (i) nor an outlet referred to in subparagraph (ii); and
 - (d) in relation to a place to 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 a gas installation may be varied by agreement as follows:
 - (a) in relation to a gas installation that typically consumes 10 terajoules or more of gas per year, the point of supply is the point that is specifically agreed between the consumer or gas refueller on the one hand and the gas supplier on the other hand if those 2 parties have specifically agreed on a point of supply other than that prescribed in subclause (2); and
 - (b) in relation to any other gas installation, the point of supply is the point that is specifically agreed between the gas distributor, the gas retailer, or the gas wholesaler (as appropriate), and the consumer if those 3 parties have specifically agreed on a point of supply other than that prescribed in subclause (2) and—
 - (i) the point of supply is permanently marked as the point of supply by the gas distributor; and
 - (ii) that point is maintained as the point of supply by the gas distributor; and

(iii) records of that point are held at all times by the gas distributor.

(4) In this regulation,—

cylinder means a refillable or non-refillable compressed gas container that is commonly used for storing and transporting LPG

place includes a ship, boat, caravan, vehicle, train, or relocatable building.

Regulation 5(2)(b)(i): replaced, on 31 July 2014, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 5(2)(b)(ii): replaced, on 31 July 2014, by regulation 4(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 5(4): replaced, on 31 July 2014, by regulation 4(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

5A Meanings of low-risk, high-risk, and general gasfitting

(1) In these regulations, **low-risk gasfitting** means gasfitting that comprises any of the following:

- (a) the replacement of a gas appliance with an equivalent gas appliance, but only if—
 - (i) the work on the replacement appliance, or the replacement appliance itself, does not result in any of the following:
 - (A) the repositioning of pipework:
 - (B) the repositioning of flue system components:
 - (C) a change in the installation pressure:
 - (D) a change in the gas type:
 - (E) a significant change in energy consumption:
 - (F) a change in the ventilation:
 - (G) a change to the operation of the installation; and
 - (ii) the appliance is not located in a specified caravan or boat:
- (b) the maintenance of fittings and appliances in an installation, other than repair work that is carried out following an accident that is notifiable under section 17 of the Act:
- (c) the replacement, in an installation, of fittings that are instrumentation and related controls, but only if the work does not result in the repositioning or disturbance of pipework (other than instrumentation and related controls pipework):
- (d) the setting, in connection with a gas installation, of safety devices, combustion conditions, and controls that are not designed to be adjusted by a consumer or gas refueller:
- (e) gasfitting in a gas engineering workshop, manufacturing facility, gas test facility, laboratory, hospital, research project, or teaching institution, but only if—

- (i) the work is the installation of temporary pipework between fittings (or between gas appliances, or between fittings and gas appliances), or the repair of fittings and gas appliances; and
 - (ii) the fittings or appliances are used for experimental, testing, demonstration, teaching, or research purposes:
- (f) gasfitting for the purpose of testing in accordance with NZS 5255 or NZS 5256.
- (2) In these regulations, **high-risk gasfitting** means any of the following, unless it is low-risk gasfitting:
- (a) gasfitting that comprises the alteration of, or addition to, an existing installation:
 - (b) any gasfitting, other than that described in paragraph (a), that—
 - (i) is not carried out in accordance with sections 3 to 6 of AS/NZS 5601.1 or sections 3 to 9 of AS/NZS 5601.2 (as appropriate):
 - (ii) is on a gas installation that includes gas pressure-raising equipment:
 - (iii) is repair work following an accident that is notifiable under section 17 of the Act:
 - (iv) is in domestic premises and where the installation is designed for a maximum operating pressure of greater than 7 kilopascals for natural gas or greater than 14 kilopascals for LPG:
 - (v) is in a building that has more than 3 storeys and contains 3 or more separate dwellings:
 - (vi) is carried out in accordance with AS/NZS 5601.2 where the operating pressure is greater than 3 kilopascals:
 - (vii) is carried out in accordance with AS/NZS 5601.1 where the operating pressure is greater than 200 kilopascals:
 - (viii) is within 20 metres of a hazardous area (as determined in accordance with AS/NZS 60079.10.1 or AS/NZS 60079.10.2, as appropriate):
 - (ix) is in a building where the air pressure within the building is intended to be controlled by a mechanical ventilation system:
 - (x) is in a place where the air for combustion may be varied by mechanical means:
 - (xi) is in a specified caravan or boat.
- (3) In these regulations, **general gasfitting** means any gasfitting that is neither low-risk gasfitting nor high-risk gasfitting.

Regulation 5A: inserted, on 1 July 2013, by regulation 6 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 5A(1)(f): inserted, on 31 July 2014, by regulation 5(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 5A(2)(b)(ii): amended, on 31 July 2014, by regulation 5(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 5A(2)(b)(vi): amended, on 31 July 2014, by regulation 5(3) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 5A(2)(b)(vii): replaced, on 31 July 2014, by regulation 5(4) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Penalty levels

Heading: replaced, on 1 July 2013, by regulation 7 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

6 Level 1 and level 2 penalties defined

- (1) A **level 1** penalty is,—
 - (a) in the case of an individual, a fine not exceeding \$2,000; and
 - (b) in any other case, a fine not exceeding \$10,000.
- (2) A **level 2** penalty is,—
 - (a) in the case of an individual, a fine not exceeding \$10,000; and
 - (b) in any other case, a fine not exceeding \$50,000.

Regulation 6: replaced, on 1 July 2013, by regulation 7 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

7 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 regarding 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 avoiding serious harm to any person, or preventing significant 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

8 Infringement offences

- (1) Offences against the following are infringement offences:
 - (a) all offences against any regulation in Parts 3 to 7 of these regulations;
 - (b) section 21(d) of the Act;
 - (c) section 27 of the Act.
- (2) The infringement fee for an offence punishable by a level 2 penalty is,—
 - (a) for an individual, \$1,000; and
 - (b) for a body corporate, \$3,000.
- (3) The infringement fee for an offence punishable by a level 1 penalty 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 an offence punishable by a level 2 penalty.
- (5) The prescribed form for infringement notices is form 1 as set out in Schedule 2.
- (6) Reminder notices for infringement offences must be as set out in form 2 of Schedule 2.

Regulation 8(2): amended, on 1 July 2013, by regulation 9(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 8(3): amended, on 1 July 2013, by regulation 9(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 8(4): amended, on 1 July 2013, by regulation 9(3) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Part 2

General safety requirements

Requirements for gas safety

9 Requirements to be safe

- (1) A person who designs, or supervises the design of, a distribution system, gas installation or part installation, gas appliance, or fitting must ensure that, if the

finished design were installed or manufactured as designed, the resulting distribution system, gas installation or part installation, gas appliance, or fitting would be safe when used for its intended purpose and in a lawful manner.

- (2) A person who installs, manufactures, or maintains a distribution system, gas installation or part installation, gas appliance, or fitting must do so in a way that ensures that the resulting distribution system, gas installation, gas appliance, or fitting is safe when used for its intended purpose and in a lawful manner.
- (3) The requirements in subclauses (1) and (2) include a requirement that the distribution system, gas installation, fitting, and gas appliance that conveys or utilises the gas must be compatible with the characteristics of the gas, including odourisation.
- (4) A person referred to in subclause (1) or (2) must also ensure that the distribution system, gas installation, fitting, and gas appliance must remain safe when turned off or decommissioned.
- (5) A person who owns, supplies, sells, hires, or operates a distribution system, a gas installation, fitting, or a gas appliance must not use, and must not allow any other person to use, the part of the distribution system, gas installation, fitting, or gas appliance if the part of the distribution system, gas installation, fitting, or gas appliance is unsafe.
- (6) Every person commits an offence and is liable on conviction to a level 2 penalty who—
 - (a) fails to comply with subclause (1) or (2); or
 - (b) fails to comply with subclause (4) or (5) knowing that, or being reckless as to whether, the distribution system, gas installation, fitting, or gas appliance is unsafe.

Regulation 9(1): replaced, on 1 July 2013, by regulation 10(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 9(2): replaced, on 1 July 2013, by regulation 10(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 9(3): amended, on 1 July 2013, by regulation 10(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 9(4): amended, on 1 July 2013, by regulation 10(3) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 9(5): amended, on 1 July 2013, by regulation 10(4) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 9(6): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 9(6): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 9(6)(b): replaced, on 1 July 2013, by regulation 10(5) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

10 Obligation to notify WorkSafe of danger

- (1) Any person carrying out gasfitting (including a person acting under an exemption) who has reasonable grounds to believe that any gas installation or gas appliance presents immediate danger to life or property must, as soon as practicable, advise both of the following of the danger:
 - (a) the owner or occupier of the property where the danger exists; and
 - (b) WorkSafe.
- (1A) The advice in subclause (1) must include—
 - (a) details of the nature of the danger; and
 - (b) how and why the gas installation or gas appliance presents an immediate danger to life or property; and
 - (c) any steps that have been taken, or that the person believes must be taken, to minimise or eliminate the danger.
- (2) A person giving advice under subclause (1)(a) must also advise the owner or occupier to inform the gas retailer or gas wholesaler of the danger.
- (3) A person commits an offence and is liable on conviction to a level 2 penalty if the person has reasonable grounds to believe that any gas installation or gas appliance presents an immediate danger to life or property and the person fails to comply with this regulation.

Compare: SR 1997/60 r 50

Regulation 10 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 10(1)(b): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 10(1A): inserted, on 31 July 2014, by regulation 6(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 10(3): amended, on 31 July 2014, by regulation 6(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 10(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 10(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

When things deemed unsafe

11 General rules for when things deemed to be unsafe

- (1) A distribution system, a gas installation, fitting, or a gas appliance is deemed to be unsafe if measures are not in place that—
 - (a) ensure a release of gas is detectable or ignition of release is prevented unless such a release is required to establish or sustain combustion; and
 - (b) ensure gas is not released in an uncontrolled manner; and

- (c) ensure that any oxygen and gas is prevented from mixing in a pipe unless the mixture is outside the flammability limits; and
 - (d) ensure persons are not exposed to carbon monoxide and other harmful products of combustion of gas; and
 - (e) ensure persons and property are not exposed to excessive forces; and
 - (f) ensure that the failure of any control or safety device does not expose the downstream equipment to excessive pressure above the rated pressure of any distribution system and equipment downstream of that control or safety device; and
 - (g) enable the effective isolation and shut-off of the gas supply, including during an emergency.
- (2) A distribution system, a gas installation, fitting, or a gas appliance is also deemed to be unsafe if—
- (a) the safety-related characteristics of any fittings are impaired so that the safety function is not served; or
 - (b) any of the following are inadequate, incompatible, or unreliable:
 - (i) a pipe:
 - (ii) a joint between pipes:
 - (iii) a joint between pipes and fittings; or
 - (ba) the fittings in any distribution system, gas installation, or gas appliance—
 - (i) have a gas leakage (other than a minute leakage that is permissible under relevant testing procedures); or
 - (ii) are capable of being operated in a manner that is hazardous when the fittings are exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions; or
 - (c) the fittings of any gas installation, distribution system, or gas measurement system are exposed to a pressure exceeding their maximum rated pressure, including as a result of the failure of any control or safety device; or
 - (d) a pipe or a fitting (whether above or below ground) is inadequately protected against the risk of damage or corrosion; or
 - (e) a pipe or a fitting is subject to forces beyond its design criteria; or
 - (f) there is insufficient space, access, lighting, ventilation, or facilities to operate, maintain, test, and inspect any fittings required to be operated, maintained, tested, or inspected; or
 - (g) 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.

(3) Subclauses (1) and (2) do not limit the rest of these regulations.

(4) In this regulation, **pipe** includes tubes, hoses, and associated fittings.

Regulation 11(1): amended, on 1 July 2013, by regulation 11(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 11(2): amended, on 1 July 2013, by regulation 11(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 11(2)(b): replaced, on 31 July 2014, by regulation 7(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 11(2)(ba): inserted, on 10 November 2011, by regulation 5(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 11(2)(d): amended, on 31 July 2014, by regulation 7(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 11(2)(e): amended, on 31 July 2014, by regulation 7(3) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 11(4): inserted, on 31 July 2014, by regulation 7(4) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

12 Additional rules for when gas installations deemed to be unsafe

An installation is deemed to be unsafe if—

- (a) leakage of gas within the installation is outside the tolerance of a soundness test or has the potential to result in a concentration of gas in air that is in excess of one-fifth of the lower explosive limit; or
- (b) a pipe containing gas or intended to contain gas is not capped or securely closed to prevent leakage or flow of gas (except where ending in a burner or relief valve); or
- (c) the safety controls are inoperative or the safety controls fail; or
- (d) the flue associated with any gas appliance is incorrectly installed; or
- (e) installed permanent ventilation required for safe operation has been closed off or is absent.

Regulation 12(a): amended, on 10 November 2011, by regulation 6 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

13 Additional rules for when gas appliances deemed to be unsafe

(1) A gas appliance is deemed to be unsafe if—

- (a) the ignition is delayed beyond the design specification; or
- (b) the supply of gas to the appliance results in a flashback or an extinguishment of flame or some other flame abnormality; 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 supply of gas to the appliance results in 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 deposition (not including that which occurs in appliances designed for luminous effect), lifting, floating, lighting back, objectionable odour, incomplete combustion, or noise.

14 Additional rules for when gas supply deemed to be unsafe

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 gas appliance becoming unsafe within the meaning of regulation 13(1).

Regulation 14: amended, on 31 July 2014, by regulation 8 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

14A Manufacturer's instructions

- (1) This regulation applies if a manufacturer or importer supplies a gas appliance or fitting with manufacturer's instructions that—
- (a) expressly apply in New Zealand; or
 - (b) are silent as to where they apply.
- (2) The manufacturer's instructions must be such that, if the gas appliance or fitting to which they apply is installed, tested, maintained, or connected in accordance with those instructions, the resulting appliance or fitting will—
- (a) comply with these regulations; and
 - (b) be safe.
- (3) A person who does any gasfitting work involving a gas appliance or fitting to which manufacturer's instructions apply is entitled (if acting in good faith) to rely on the manufacturer's instructions as complying with subclause (2).
- (4) A manufacturer or importer who supplies a gas appliance or fitting with manufacturer's instructions to which this regulation applies commits an offence and is liable on conviction to a level 2 penalty if the manufacturer's instructions do not comply with subclause (2).

Regulation 14A: inserted, on 1 July 2013, by regulation 12 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 14A(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Protection of fittings

15 Interference with, or movement of, fittings

- (1) A person must not damage or interfere with, or move or attempt to move, any of the fittings of a distribution system 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 an offence and is liable on conviction to a level 1 penalty if the person fails to comply with subclause (1).

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

Regulation 15(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 15(2): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Part 3

Safety of gas distribution systems

Requirements for all gas distribution systems about gas odourisation

16 General requirement about what gas must be odourised and to what level

- (1) All gas supplied into a distribution system, all gas in or supplied from a distribution system, all gas supplied into an installation, and all gas supplied from a container, must, at all times,—
- (a) be odourised; and
 - (b) have a distinctive and unpleasant odour so that the presence of gas in the atmosphere is readily detectable at concentrations equivalent to and in excess of one-fifth of the lower explosive 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—
- (a) gas in a gas transmission system; or
 - (b) gas supplied directly from a gas transmission system to a gas installation that has the design capacity to consume 60 000 megajoules or more per hour if the owner or operator of the installation—
 - (i) effectively manages the associated risks for that installation; and
 - (ii) can demonstrate that there are documented procedures to ensure that either—
 - (A) the presence of gas in the atmosphere is readily detectable at concentrations equivalent to and in excess of one-fifth of the lower explosive limit of the gas; or
 - (B) ignition of any released gas is prevented; and
 - (iii) has asked the gas supplier to supply non-odorised gas in accordance with a written agreement.

- (4) Every person commits an offence and is liable on conviction to a level 2 penalty who supplies gas that does not conform to the requirements of this regulation.

Compare: SR 1993/76 r 5

Regulation 16(1): amended, on 10 November 2011, by regulation 7(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 16(1)(b): amended, on 10 November 2011, by regulation 7(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 16(3)(b)(i): substituted, on 10 November 2011, by regulation 7(3) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 16(3)(b)(ii): substituted, on 10 November 2011, by regulation 7(3) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 16(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 16(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

17 Responsibility for ensuring odorisation of gas

- (1) The following persons must ensure that gas complies with regulation 16:
- (a) for reticulated gas,—
 - (i) the owner and the operator of the gas distribution system, in respect of any gas supplied into or from any gas distribution system; and
 - (ii) the owner and the operator of the gas distribution system in respect of gas in a gas distribution system that is operated at a gauge pressure of 2 000 kilopascals or less; and
 - (iii) 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 in canisters, the person who imports the gas into New Zealand.
- (2) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with this regulation.

Regulation 17(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 17(2): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

18 Requirements for gas odourisation

- (1) Every person who odourises gas, or is responsible for the odourisation of gas, must use only odorants that do not damage the integrity of any distribution system, gas installation, fittings, or gas appliance.
- (2) Every person commits an offence and is liable on conviction to a level 1 penalty who fails to comply with this regulation.

Regulation 18(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 18(2): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

19 Persons responsible for odourisation must have relevant odourisation documentation

- (1) Every owner and every operator of a distribution system must have documentation that demonstrates that—
 - (a) the gas in the distribution system is odourised to the required level of detectability of concentration equivalent to one-fifth of the lower explosive limit; and
 - (b) a quality assurance procedure in respect of the distribution system is in place that tests and monitors whether the gas is odourised at all times to that 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 distribution system; and
 - (d) all persons carrying out the testing and monitoring of the odourisation are competent to carry out those functions.
- (2) Every other person who is responsible for odourisation of gas under regulation 17 must have documentation that demonstrates that the person has complied with regulations 16 and 18.
- (3) Every person commits an offence and is liable on conviction to a level 1 penalty who fails to comply with this regulation.

Regulation 19(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 19(3): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Requirements for all gas distribution systems about measurement of gas

20 Application of regulations about measurement of gas

Regulations 21 to 23 apply to gas other than CNG sold from a CNG station.

21 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 must be sold by energy content measured by a gas measurement system, and the following margins of error must not be exceeded:
 - (a) for volume, uncorrected for pressure or temperature,—
 - (i) prior to a meter being placed in service, plus or minus 2%; or
 - (ii) at any time after a meter has been placed in service, plus or minus 3%:
 - (b) for corrections of the volume measured to standard conditions, whether by a device used for obtaining corrections or by the setting of factors,—
 - (i) prior to a device used for obtaining corrections being placed in service, or on the setting of factors, plus or minus 1%; or
 - (ii) at any time after a device used for obtaining corrections has been placed in service, or on the setting of factors, plus or minus 1.5%:
 - (c) for calorific value measurements, plus or minus 0.5%.
- (3) Every person who owns a gas measurement system used to measure the supply of gas to consumers must manage that gas measurement system to ensure accuracy of measurement and to ensure that adequate records are kept.
- (4) Compliance with NZS 5259 is deemed to be compliance with subclauses (2) and (3).
- (5) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with this regulation.

Compare: SR 1993/76 r 9

Regulation 21(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 21(5): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

22 Testing and installation of gas measurement systems

- (1) This regulation applies to any gas measurement system to which regulation 21 applies 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.
- (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 21(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) If 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 an offence and is liable on conviction to a level 2 penalty who installs or uses a gas measurement system contrary to the requirements of this regulation.
- (7) Every competent organisation commits an offence and is liable on conviction to a level 2 penalty that seals a gas measurement system contrary to the requirements in respect of sealing in this regulation.
- (8) Every person commits an offence and is liable on conviction to a level 1 penalty 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)–(4), (7)

Regulation 22(6): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 22(6): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 22(7): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 22(7): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 22(8): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 22(8): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

23 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 22 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 operation of that gas measurement system.
- (3) Every operator of a gas measurement system commits an offence and is liable on conviction to a level 1 penalty if the operator fails to keep any of the records required by subclause (1).

Compare: SR 1993/76 r 10(5), (6)

Regulation 23(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 23(3): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Requirements for distribution systems not covered by audited safety management systems

24 Application of regulations 25 to 28

Regulations 25 to 28 apply to all distribution systems in respect of which there is no audited safety management system.

25 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 would enable the owner and operator to readily identify and locate the system or any part of the system.
- (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 an offence and is liable on conviction to a level 1 penalty who fails to keep records and plans in accordance with this regulation.

Compare: SR 1993/76 r 6

Regulation 25(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 25(3): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

26 Owners and operators of distribution systems must ensure continuity of supply and safety

- (1) Every owner and every operator of a distribution system or of a part of a distribution system must ensure, so far as is reasonably practicable, that the system or part is designed, constructed, maintained, and operated in a manner that, as far as practicable, achieves continuity of supply and safety of the distribution system.
- (2) Compliance with Part 1 (network management) of AS/NZS 4645, or compliance with Part 3 of NZS 5258, is deemed to be compliance with subclause (1).
- (3) Compliance with Part 2 (steel pipe systems) and Part 3 (plastic pipe systems) of AS/NZS 4645 is also deemed to be compliance with subclause (1).
- (4) Every person commits an offence and is liable on conviction to a level 2 penalty who, being the owner or operator of a distribution system or of a part of a distribution system, fails to ensure, so far as is reasonably practicable, that the

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

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

Regulation 26(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 26(4): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 26(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Section 26(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

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

- (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 ensure, so far as is reasonably practicable, that the person or persons who carry out the work are—
 - (a) competent to perform the tasks assigned to them; and
 - (b) competent to ensure that the work carried out will be consistent with the ongoing safe operation of the distribution system.
- (2) Compliance with NZS 5258 or AS/NZS 4645 is deemed to be compliance with this regulation.
- (3) This regulation does not limit regulation 26.
- (4) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with this regulation.

Compare: SR 1993/76 r 7(2)–(4)

Regulation 27(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 27(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 27(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

28 Safety inspections

- (1) Every owner and every operator of a distribution system that forms part of a system for conveying gas to consumers must—
 - (a) establish a system for regular inspection by a competent person of the safety of that distribution system; and
 - (b) implement and maintain the safety inspection system that is so established.
- (2) The safety inspection system must—

- (a) provide for periodic inspection at reasonable intervals of the distribution system; and
 - (b) require records to be kept of the results of every periodic inspection.
- (3) A person who owns a distribution system to which this regulation applies commits an offence and is liable on conviction to a level 2 penalty if the person—
- (a) fails to comply with this regulation; or
 - (b) fails to carry out the inspections required by a safety inspection system established, implemented, and maintained in accordance with this regulation.
- (4) A person who operates a distribution system to which this regulation applies commits an offence and is liable on conviction to a level 2 penalty if the distribution system has not been inspected as required by a safety inspection system established for the purposes of this regulation, and the person knows, or is reckless as to whether, the distribution system has not been inspected.

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

Regulation 28(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 28(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 28(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 28(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Requirements for audited safety management systems

29 Overview

Under section 46A of the Act, every person who owns or operates a gas supply system must implement and maintain safety management systems. Owners or operators of other distribution systems may choose to implement and maintain safety management systems as an alternative to complying with regulations 25 to 28. Regulations 30 to 40 set out requirements and other matters relating to safety management systems.

30 Who must have safety management system

- (1) Every owner and every operator of a gas supply system must implement and maintain an audited safety management system if the gas supply system—
- (a) is a distribution system, a gas installation, fittings, or a gas appliance that forms part of a system for conveying gas to consumers; and
 - (b) typically measures, or is intended to measure under normal operating conditions, annual consumption greater than 10 terajoules of gas per year.

- (2) Every owner and every operator of any other distribution system may opt in to comply with the requirements of regulations 31 to 40 instead of regulations 25 to 28.
- (3) 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 31 and ending on the date when the declaration is revoked.
- (4) Once an owner or operator has opted in, that owner and operator must implement and maintain an audited safety management system.
- (5) This regulation does not require a safety management system in respect of a gas measurement system on a gas transmission system.

31 How person opts in

- (1) An owner or operator of a distribution system who is not required to have an audited safety management system by regulation 30(1) may opt in to comply with the requirements of these regulations about safety management systems by making a declaration to WorkSafe.
- (2) A declaration may be revoked in the same manner as it was made.

Regulation 31(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

32 What safety management systems must do

- (1) Every safety management system must comply with either—
 - (a) NZS 7901; or
 - (b) regulations 33 and 34.
- (2) Nothing in regulations 33 and 34 applies to safety management systems that comply with NZS 7901.
- (3) Every safety management system must include an audit programme that complies with regulations 35 to 38.

33 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 supply system in which the safety management system operator is involved; and
- (f) how the safety management system operator proposes to enhance continuously the safety performance of the gas supply system, including performance measurement through key performance indicators as specified in NZS 5258, internal audits, management reviews, and incident reviews; and
- (g) an audit programme setting out the intervals at which audits must be carried out.

34 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 33.
- (2) The documentation of the safety management system must be in a format and style that enable anyone auditing it to read and understand it easily.

35 Audit of safety management systems

- (1) Every safety management system must be regularly audited to confirm whether—
 - (a) the safety management system complies with NZS 7901 or regulations 33 and 34, as appropriate; and
 - (b) the safety management system operator is implementing and maintaining the safety management system as written; and
 - (c) the effect of the safety management system is to prevent, so far as is reasonably practicable, the gas supply system from presenting a significant risk of—
 - (i) serious harm to any member of the public; or
 - (ii) significant damage to property owned by a person other than the safety management system operator.
- (2) Every audit must be conducted by an accredited auditor.
- (3) The first audit under this regulation of a safety management system must take place before 4 May 2013, and thereafter at intervals determined by the auditor but at least once every 5 years.

- (4) However, the first audit under this regulation of a safety management system for a gas supply system that does not exist on 4 May 2010 may be deferred until 1 year after the date that the gas supply system becomes operational.

Regulation 35(1)(c): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

36 Audit certificate for safety management systems

- (1) If an accredited auditor is satisfied of the matters in regulation 35(1), the auditor may issue an audit certificate for the safety management system.
- (2) The audit certificate must specify the period for which it is issued, which may be up to 5 years.
- (3) The audit certificate comes into force on and from the date it is issued and remains current for the period for which it is issued, unless earlier cancelled.

37 Statutory declaration by safety management system operator

- (1) Every safety management system operator must, at least once every 5 years, make, and send to WorkSafe, a statutory declaration that confirms that the operator's safety management system has an audit certificate that has been issued under regulation 36 and that is still in force.
- (2) However, the first statutory declaration made under this regulation must be made and sent to WorkSafe within 6 months after the first audit of the safety management system.

Regulation 37(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 37(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

38 Cancellation of audit certificate

- (1) An accredited auditor must cancel an audit certificate—
- (a) within 10 working days of completing an audit, if the accredited auditor is satisfied that the safety management system, or its implementation by the safety management system operator, does not meet the requirements referred to in regulation 35(1); or
- (b) within 10 working days of receiving a notice from WorkSafe requiring the accredited auditor to cancel the certificate on the grounds that WorkSafe is satisfied that the audited safety management system is not being implemented.
- (2) On cancelling an audit certificate, the accredited auditor must, within 10 working days of cancellation, issue a notice of cancellation to the safety management system operator and give a copy of the notice of cancellation to WorkSafe.

Regulation 38(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

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

- (1) 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) WorkSafe has received the statutory declaration required by regulation 37 within the time required by that regulation.
- (2) However, until 4 May 2013, a person is deemed to comply with section 46A of the Act if the person complies with all of regulations 16 to 28.

Regulation 39(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

40 Offences by accredited auditors

An accredited auditor commits an offence and is liable on conviction to a level 2 penalty if he or she—

- (a) issues an audit certificate under regulation 36 without being satisfied of the matters in regulation 35(1); or
- (b) fails to cancel an audit certificate in the circumstances described in regulation 38(1); or
- (c) fails to issue a notice of cancellation, or give a copy of the notice, as required by regulation 38(2).

Regulation 40: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 40: amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Part 4

Safety of gas at point of supply to consumer

41 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) Reticulated natural gas must comply with NZS 5442.
- (3) Liquefied petroleum gas must comply with NZS 5435.

- (4) Every gas retailer and every gas wholesaler must ensure that the gas that it supplies at a consumer's point of supply complies with this regulation.
- (5) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with subclause (4).

Compare: SR 1993/76 r 3

Regulation 41(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 41(5): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

42 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 gas retailer and every gas wholesaler must ensure that the gas that it supplies at a consumer's point of supply complies with this regulation.
- (3) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with subclause (2).

Compare: SR 1993/76 r 4

Regulation 42(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 42(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Part 5 Safety of installations

Part 5: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Certified designs for gas installations

Heading: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

43 Certified designs

- (1) A design for a gas installation or part installation is a **certified design** if—
 - (a) it identifies the location or proposed location of the gas installation or part installation; and
 - (b) it identifies the standards (if any) with which the gas installation or part installation, or proposed gas installation or part installation, complies or is intended to comply; and
 - (c) the person who prepared the design signs and dates it.

- (2) A certified design for a gas installation or part installation must be such that, if it is installed, tested, and connected in accordance with the design, the resulting installation or part installation will—
 - (a) comply with these regulations; and
 - (b) be safe, as required by regulation 9.
- (3) A person who installs, tests, or connects a gas installation or part installation to which a certified design relates is entitled (if acting in good faith) to rely on the design as ensuring that, if the gas installation or part installation is installed, tested, and connected in accordance with the design, the resulting gas installation or part installation will comply with subclause (2).
- (4) Every person commits an offence and is liable on conviction to a level 2 penalty if the person—
 - (a) falsely certifies a design for a gas installation or part installation; or
 - (b) certifies a design that does not comply with subclause (2).

Regulation 43: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 43(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Rules for gas installations

Heading: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

44 Safety of gas installations

- (1) Every person who designs, installs, tests, commissions, or connects a gas installation or part installation must design, install, test, commission, and connect the gas installation or part installation in accordance with any applicable certified design and whichever of the following applies:
 - (a) AS/NZS 5601.1; or
 - (b) AS/NZS 5601.2.
- (2) If a gas installation or part installation does not comply with either sections 3 to 6 of AS/NZS 5601.1 or sections 3 to 9 of AS/NZS 5601.2, any person who installs, tests, commissions, or connects the installation or part installation must do so in accordance with a certified design.
- (3) Every person who supplies or intends to supply an imported gas installation to a retailer or consumer must, before supplying the gas installation, ensure that it complies with the requirements of section 2 of whichever of the following applies:
 - (a) AS/NZS 5601.1; or
 - (b) AS/NZS 5601.2.
- (4) However, subclauses (1) and (3) do not apply in relation to CNG stations.

- (5) For the purposes of subclauses (1) to (3),—
- (a) despite anything to the contrary in AS/NZS 5601.1, a gas installation that has a design capacity to consume 60 000 megajoules or more of gas per hour need not meet the requirements of paragraph 8 of clause 2.6.2, or paragraph 7 of clause 2.6.6, of AS/NZS 5601.1; and
 - (b) despite anything to the contrary in AS/NZS 5601.2, a gas installation does not fail to be a gas installation to which AS/NZS 5601.2 applies by reason only that it receives gas at a supply pressure of more than 3 kilopascals.

- (6) Every person who breaches the requirements of subclause (1), (2), or (3) is liable on conviction to a level 2 penalty.

Regulation 44: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 44(5): replaced, on 31 July 2014, by regulation 9 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 44(6): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Testing gasfitting work

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

45 Testing gasfitting work on gas installations

- (1) All gasfitting work done on a gas installation or part installation must be tested—
- (a) for operational safety; and
 - (b) to ensure that the gas installation or part installation is not unsafe; and
 - (c) as required by regulation 44; and
 - (d) in the case of a gas installation or part installation that does not comply with sections 3 to 6 of AS/NZS 5601.1 or sections 3 to 9 of AS/NZS 5601.2 (as applicable), in accordance with the verification or testing process set out in the certified design for the gas installation or part installation.

- (2) Every person who fails to test gasfitting work as required by this regulation commits an offence and is liable on conviction to a level 2 penalty.

Regulation 45: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 45(1)(d): amended, on 31 July 2014, by regulation 10 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 45(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Certifying gasfitting work

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

46 Requirement for certificate of compliance

- (1) A certificate of compliance must be issued in accordance with these regulations for all general and high-risk gasfitting work done on a gas installation or part installation (other than gasfitting work that comprises the connection of a gas installation or part installation to a gas supply).
- (2) A person who does low-risk gasfitting work may, but is not obliged by these regulations to, issue a certificate of compliance for that work.
- (3) No general or high-risk gasfitting work may be treated as complete until a certificate of compliance is issued for it.
- (4) For the purposes of issuing a certificate of compliance for gasfitting work done on a gas installation or part installation, or for issuing a gas safety certificate for a gas installation or part installation, the person issuing the certificate is entitled (if acting in good faith) to rely on the veracity of any certificates of compliance issued in respect of gasfitting work done on the installation or any part of the gas installation, and on the veracity of any equivalent certificate issued under these regulations before 1 July 2013.
- (5) Subclauses (1) and (3) do not apply in relation to general or high-risk gasfitting done on a gas installation or part installation if—
 - (a) the owner or operator of the installation has a maintenance management system in place for the gas installation; and
 - (b) the maintenance management system ensures that information required by regulation 48 to be on a certificate of compliance for the work is recorded in relation to all general and high-risk gasfitting done on the gas installation.

Regulation 46: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

47 Content of certificate of compliance

- (1) Every certificate of compliance for gasfitting work must—
 - (a) contain a statement confirming that the person issuing the certificate is satisfied that—
 - (i) the gasfitting work has been done lawfully and safely; and
 - (ii) the information in the certificate is correct; and
 - (b) provide the information required by regulation 48(1) and (2); and
 - (c) include in or on it the authentication mark, as specified in regulation 85B; and

- (d) have attached to it a copy of any manufacturer's instructions and certified designs used in the course of the gasfitting work.
- (2) For the purposes of a certificate of compliance, gasfitting work on a gas installation or part installation has been done **lawfully and safely** if—
 - (a) the work has been done as required by these regulations; and
 - (b) the testing required by these regulations has been satisfactorily completed; and
 - (c) the gas installation or part installation on which the work was done is safe; and
 - (d) the work has not adversely affected the safety of—
 - (i) the gas installation on which the work was done, or any part of that installation; or
 - (ii) any fittings that form part of the gas installation on which the work was done.
- (3) If it is impractical to attach a copy of a particular manufacturer's instructions, or of any certified design, to a certificate of compliance, the certificate must instead contain a reference to where the documents can be found, in a readily accessible format, through electronic means.

Regulation 47: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

48 Information recorded on certificate of compliance

- (1) Every certificate of compliance must record the following:
 - (a) whether the work has been done in accordance with sections 3 to 6 of AS/NZS 5601.1 or in accordance with sections 3 to 9 of AS/NZS 5601.2:
 - (b) whether the work has been done in accordance with the certified design for the gas installation or part installation:
 - (c) if the work was required to comply with standards in addition to AS/NZS 5601.1 or AS/NZS 5601.2 (as applicable), which standards were complied with:
 - (d) whether the work done relied on any manufacturer's instructions:
 - (e) the type of gas that the gas installation or part installation is safe to connect to:
 - (f) the gas pressure that the gas installation or part installation is safe to connect to:
 - (g) which parts of the gas installation, if any, are safe to connect to a gas supply.
- (2) Every certificate of compliance must also—

- (a) identify the location of the gas installation or part installation on which gasfitting work was done; and
 - (b) describe the gasfitting work done and, if different gasfitting work was done by different people, who did what; and
 - (c) give the name of the person issuing the certificate and his or her registration number (if any); and
 - (d) give the name and registration number (if any) of any person who did any of the gasfitting under the supervision of the person issuing the certificate; and
 - (e) give the date or dates on which the work was done, or the period within which it was done; and
 - (f) be signed and dated by the person issuing the certificate.
- (3) If the person who issued the certificate is acting under an employer licence, the person must give the employer licence number instead of his or her registration number (if any).
- (4) The certificate must also give the following information in the circumstances described:
- (a) where the certificate is given for work done under the exemption in section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the name of the industrial premises concerned, and the name of the person for the time being in charge of the industrial plant on those premises:
 - (b) where the certificate is given for work done under the exemption in section 23 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the name of the gas operator supplying gas to the premises and the name of the person who, on behalf of that operator, gave the approval required by the exemption.
- (5) A person issuing a certificate of compliance may include any additional information on the certificate (such as, for example, testing results).

Regulation 48: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

49 Who may issue certificate of compliance

A person may issue a certificate of compliance for particular gasfitting work only if,—

- (a) in all cases except those described in paragraphs (b) to (d),—
 - (i) the person either did the work, or supervised the person who did the work; and
 - (ii) the person is authorised by the Board to certify gasfitting work of that kind; or

- (b) in the case of gasfitting work carried out under an employer licence, the person did or supervised the work and is authorised to certify the work under the system of operation used by the employer; or
- (c) in the case of gasfitting work described in section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006, by a person identified in the system of operation required by that section as a person authorised to certify the work; or
- (d) in the case of gasfitting work described in section 23 of the Plumbers, Gasfitters, and Drainlayers Act 2006, by the person approved by the gas operator to do the work.

Regulation 49: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

50 Offences relating to certificates of compliance

Every person commits an offence and is liable on conviction to a level 2 penalty if he or she—

- (a) falsely certifies any gasfitting work; or
- (b) purports to certify gasfitting work when the certificate of compliance does not comply with the requirements of regulation 48; or
- (c) issues a certificate of compliance that contains incorrect information; or
- (d) issues a certificate of compliance in relation to particular gasfitting work when not permitted by regulation 49 to certify that work.

Regulation 50: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 50: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Connection to gas supply after gasfitting work

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

51 Connecting gas installations to gas supply

- (1) Before a person connects a gas installation or part installation on which gasfitting work has been done to a gas supply, the person doing the connection or, if subclause (5) applies, the supervisor must—
 - (a) be satisfied that the installation or part installation is safe to connect; and
 - (b) be satisfied that the testing required by these regulations has been done; and
 - (c) if a certificate of compliance is required for the work, either issue or sight a certificate of compliance issued no earlier than 6 months before the gas installation or part installation is connected; and
 - (d) ensure that the connection is safe; and

- (e) ensure that the gas type and the gas supply pressure are compatible with the gas supply; and
 - (f) ensure that any safety devices associated with the supply are correctly rated and operational; and
 - (g) if the gas installation or part installation is an imported gas installation or part installation, ensure that it complies with the requirements of section 2 of AS/NZS 5601.1 or section 2 of AS/NZS 5601.2 (as applicable).
- (2) Immediately after a gas installation or part installation has been connected to a gas supply, the person doing the connection or, if subclause (5) applies, the supervisor must ensure that the gas installation is operating in a safe manner.
- (3) If the person who connects a gas installation or part installation or, if subclause (5) applies, the supervisor has not done the testing required by these regulations personally, that person or the supervisor must sight documentation, signed by the person who did the tests, that sets out what tests were carried out and what the results were.
- (4) A person who undertakes or, if subclause (5) applies, supervises the connection of a gas installation or part installation is entitled (if acting in good faith) to rely on the veracity of any certificates of compliance relating to gasfitting work done on the gas installation or part installation, and on the veracity of any equivalent certificate issued under these regulations before 1 July 2013.
- (5) This subclause applies if the connection is to be done on industrial premises that have a design capacity for energy consumption by gas installations of more than 60 000 megajoules per hour (*see* section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006).
- (6) In this regulation, **supervisor** means a person who is authorised to supervise work on industrial premises described in subclause (5).

Regulation 51: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 51(1): amended, on 31 July 2014, by regulation 11(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 51(2): replaced, on 31 July 2014, by regulation 11(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 51(3): amended, on 31 July 2014, by regulation 11(3) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 51(3): amended, on 31 July 2014, by regulation 11(4) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 51(4): amended, on 31 July 2014, by regulation 11(5) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 51(5): inserted, on 31 July 2014, by regulation 11(6) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 51(6): inserted, on 31 July 2014, by regulation 11(6) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

52 Offence relating to connection

Every person who connects a gas installation or part installation to a gas supply in breach of any requirement of regulation 51 commits an offence and is liable on conviction to a level 2 penalty.

Regulation 52: replaced, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Reconnection when no general or high-risk gasfitting work done

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

52A Reconnecting or restoring gas supply to certain gas installations

- (1) This regulation applies to a gas installation or part installation—
 - (a) that has been disconnected or isolated from a gas supply; and
 - (b) on which no general or high-risk gasfitting work has been done since the last disconnection or isolation; and
 - (c) that is not an imported gas installation or part installation that is being connected for the first time in New Zealand to a gas supply.
- (2) If the period since the last disconnection or isolation of the gas installation or part installation is more than 6 months, the person proposing to reconnect or restore supply must, before doing so, give or sight a certificate issued in accordance with NZS 5255 that—
 - (a) was issued no earlier than 6 months before the date of reconnection or restoration of supply; and
 - (b) certifies that the gas installation or part installation is suitable for continued use; and
 - (c) was given by a person authorised by the Board to certify gasfitting work of that kind.
- (3) A person reconnecting or restoring gas supply to a gas installation or part installation is entitled (if acting in good faith) to rely on a written confirmation by the owner of the gas installation or part installation that no general or high-risk gasfitting work has been done on it since it was last disconnected or isolated.
- (4) After reconnecting or restoring a gas supply in accordance with this regulation, the person doing the reconnection or restoring must ensure that the gas installation or part installation is operating in a safe manner.
- (5) If the person is not satisfied that the gas installation or part installation is operating in a safe manner, the person must immediately disconnect the gas installation or part installation from the gas supply.

- (6) Every person commits an offence and is liable on conviction to a level 2 penalty who—
- (a) connects or restores gas supply to an installation or part installation without first complying with subclause (2); or
 - (b) fails to comply with subclause (4) or (5).

Regulation 52A: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52A(6): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Certifying gas installations

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

52B Gas safety certification

- (1) After gasfitting work on a gas installation or part installation has been completed, the person doing the connection or, if that person is acting under supervision, the supervisor, must issue a gas safety certificate for the gas installation or part installation if the person issuing the certificate is satisfied that—
 - (a) the gas installation or part installation is safe to use, on the grounds that it is safe and complies with these regulations; and
 - (b) where the gasfitting work comprised the maintenance or alteration of, or addition to, the gas installation or part installation, the work has not adversely affected any other part of the gas installation.
- (2) For the purpose of subclause (1), if a gas installation or part installation was disconnected from a gas supply while the gasfitting work was done, the work is complete only once the installation or part installation is connected or reconnected to a gas supply.
- (3) A gas safety certificate must—
 - (a) include a statement that the person issuing it is satisfied that the gas installation is connected to a gas supply and is safe to use; and
 - (b) clearly state whether the gas safety certificate relates to the whole of the gas installation or just to specified parts of it; and
 - (c) identify the location of the installation or part installation to which it relates; and
 - (d) include or have on it the authentication mark, as specified in regulation 85B; and
 - (e) give the date on which the connection was done; and
 - (f) be signed and dated by the person who did the connection; and

- (g) give the name and registration number of the person who did the connection or, if that person was acting under an employer licence, the employer's licence number; and
 - (h) in the circumstances described in regulation 48(4), give the information required by paragraphs (a) and (b) of that provision, as applicable.
- (4) If gasfitting work is done without disconnecting the gas supply, the references in subclause (3)(e) to (g) to connection must be taken to be references to the completion of the work.
- (5) A gas safety certificate issued for a gas installation or part installation is, for the purposes of section 19(1)(e) of the Building Act 2004, a certificate that confirms that any gasfitting work done on the gas installation or part installation complies with the building code.

Regulation 52B: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

52C Obligation to disconnect if requirements for certification not met

- (1) If a person who proposes to issue a gas safety certificate in respect of the installation or part installation cannot do so because he or she is not satisfied of either or both the matters set out in regulation 52B(1), the person must immediately disconnect the installation or part installation from the gas supply.
- (2) Every person who fails to comply with subclause (1) commits an offence and is liable on conviction to a level 2 penalty.

Regulation 52C: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52C(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

52D Exception for operators with maintenance management systems

If low-risk, high-risk, or general gasfitting work is done on a gas installation, then despite clause 52B, a gas safety certificate does not need to be issued for the installation if—

- (a) the owner or operator of the installation has a maintenance management system in place for the installation; and
- (b) the maintenance management system ensures that information equivalent to the information required by clause 52B(3) is recorded and kept.

Regulation 52D: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52D: amended, on 31 July 2014, by regulation 12 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

52E Time when gas safety certificate to be issued

A person who issues a gas safety certificate for a gas installation or part installation on which gasfitting work has been done must do so as soon as practicable.

able after the gas installation or part installation is connected to a gas supply, but in any case no later than 20 working days after connection.

Regulation 52E: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

52F Offences relating to gas safety certificates

Every person commits an offence and is liable on conviction to a level 2 penalty if he or she—

- (a) issues a gas safety certificate when not satisfied as required by regulation 52B(1); or
- (b) issues a gas safety certificate when the certificate does not comply with regulation 52B(3); or
- (c) fails to issue a gas safety certificate within the time required by regulation 52E.

Regulation 52F: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52F: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Record-keeping

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

52G What happens to certificates of compliance

- (1) In this regulation, **responsible person**, in relation to a certificate of compliance, means—
 - (a) the person who issued it; or
 - (b) if the person who issued the certificate of compliance was acting under an employer licence, the holder of the employer licence; or
 - (c) if the certificate was for work done under the exemption in section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the person for the time being in charge of the industrial premises; or
 - (d) if the certificate was for work done under the exemption in section 23 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the gas operator.
- (2) The responsible person must provide a copy of the certificate of compliance for gasfitting work to the person who contracted for the work to be done or, if that person is not readily available, to the occupier or owner of the place or thing in which the gas installation or part installation is located.
- (3) The responsible person must retain a copy, whether in hard copy or electronically, of every certificate of compliance for at least 7 years.
- (4) A responsible person must, on request by any of the following, provide a copy of the certificate to the requester within 10 working days after the request:

- (a) WorkSafe:
 - (b) the Board:
 - (c) the Registrar:
 - (d) the territorial authority of the place where the gasfitting work was done:
 - (e) the person who contracted for the work to be done:
 - (f) the owner or occupier of the place or thing in which the gas installation or part installation is located.
- (5) The owner or operator of a gas installation to which regulation 46(5) applies must, on request by any of the following, provide a copy of the information required under regulation 48, or specified parts of that information, to the requester within 10 working days after the request:
- (a) WorkSafe:
 - (b) the Board:
 - (c) the Registrar:
 - (d) the territorial authority of the place where the installation is located.
- (6) Nothing in this regulation prevents a person who issues a certificate of compliance from retaining a copy of the certificate, even if he or she is not the responsible person.

Regulation 52G: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52G(4)(a): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 52G(5): amended, on 31 July 2014, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 52G(5)(a): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

52H Details of certificates of compliance for high-risk work to be lodged on database

- (1) The details of a certificate of compliance provided in respect of high-risk gasfitting work must be lodged on the database referred to in regulation 85D—
- (a) by the person who issued the certificate; and
 - (b) within 20 working days after the date of issue.
- (2) The particular details to be lodged, and the manner in which they must be lodged, are as determined by WorkSafe.

Regulation 52H: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52H(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

52I What happens to gas safety certificates

- (1) A person who issues a gas safety certificate must—
 - (a) provide a copy of it, within 20 working days after it is issued, to the person who contracted for the gasfitting work or, if that person is not readily available, to the owner or occupier of the place or thing in which the gas installation or part installation is located; and
 - (b) retain a copy, whether in hard copy or electronically, for at least 7 years.
- (2) A person who issues a gas safety certificate must, on request by any of the following, provide a copy of the certificate to the requester within 7 working days after the request:
 - (a) WorkSafe:
 - (b) the Board:
 - (c) the Registrar:
 - (d) the territorial authority of the place where the gas installation is located:
 - (e) the person who contracted for the work to be done:
 - (f) the owner or occupier of the place or thing in which the gas installation or part installation is located.
- (3) The owner or operator of a gas installation to which regulation 52D applies must, on request by any of the following, provide a copy of the information required under regulation 52B(3), or specified parts of that information, to the requester within 7 working days after the request:
 - (a) WorkSafe:
 - (b) the Board:
 - (c) the Registrar:
 - (d) the territorial authority of the place in which the installation is located.

Regulation 52I: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52I(2)(a): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 52I(3): amended, on 31 July 2014, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 52I(3)(a): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

52J Offences relating to record-keeping

Every person commits an offence and is liable on conviction to a level 2 penalty if he or she fails to comply with any of the requirements of regulations 52G to 52I.

Regulation 52J: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52J: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Miscellaneous

Heading: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

52K Location of installations

For the purpose of identifying on a certified design, certificate of compliance, gas safety certificate, or an endorsement under regulation 57(4) the location of a gas installation or part installation, **location** means,—

- (a) for a gas installation or part installation in a permanent location,—
 - (i) if the location has a street address, the street address and, if applicable, the place at that street address where the gas installation or part installation is located; and
 - (ii) if the location does not have a street address, a description of the place along with some form of specific identification of the location (such as its GPS co-ordinates); or
- (b) for a specified caravan or boat, a unique identifier (such as a chassis number); or
- (c) for a gas installation or part installation in a thing that will be, but is not yet, in a permanent location, a unique identifier fixed to the thing for the purpose of identifying the location of the gas installation or part installation.

Regulation 52K: inserted, on 1 July 2013, by regulation 13 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 52K: amended, on 31 July 2014, by regulation 15 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Part 6

Safety of gas appliances and fittings

Safety of gas appliances and fittings

53 Gas appliances and fittings to be safe

- (1) Every gas appliance and all fittings, whether new or used, that are sold or offered for sale must be safe.
- (2) Every person who manufactures, imports, sells or offers to sell, hires or leases out, or installs a gas appliance or fittings must ensure, so far as is reasonably practicable, that the gas appliance or fittings are safe.

- (3) In subclause (2), a **gas appliance or fittings** includes a gas appliance and fittings that are imported as part of an installation (for example, as part of an imported caravan).
- (4) A person who fails to comply with subclause (2) commits an offence and is liable on conviction to a level 2 penalty.

Regulation 53: substituted, on 10 November 2011, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 53(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 53(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 53(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

53A Certain electric blankets deemed to be safe

A fitting that is an electric blanket that is designed to heat LPG cylinders is deemed to be safe if it complies with UL 499, UL 130, or CSA 22.2.46:2013.

Regulation 53A: inserted, on 31 July 2014, by regulation 16 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

54 Gas appliances and specified fittings to be certified

- (1) This regulation applies to—
 - (a) every gas appliance that is manufactured in, or imported into, New Zealand on or after 1 July 2013; and
 - (b) fittings that WorkSafe, under regulation 64, has specified must be certified under this regulation (**specified fittings**).
- (2) Despite subclause (1), this regulation does not apply to—
 - (a) a gas appliance that has the design capacity to consume 60 000 megajoules or more of gas energy per hour; or
 - (b) any gas appliance or specified fittings endorsed under regulation 57.
- (3) The importer or manufacturer of the gas appliance or specified fittings must ensure that, before the appliance or fittings are sold or offered for sale in New Zealand, the appliance or fittings are certified in accordance with regulation 55.
- (4) An importer or manufacturer that fails to comply with subclause (3) commits an offence and is liable on conviction to a level 2 penalty.
- (5) A person who sells or offers to sell a gas appliance or specified fittings to which this regulation applies commits an offence and is liable on conviction to a level 2 penalty if the person—
 - (a) knows that the appliance or fittings are not certified as required by subclause (3), or is reckless as to that matter; or
 - (b) knows that any purported certification of the appliance or fittings is false, or is reckless as to that matter.

Regulation 54: substituted, on 10 November 2011, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 54(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 54(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 54(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 54(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 54(5): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

55 Certification requirements for gas appliances and specified fittings

- (1) A gas appliance and specified fittings are certified for the purposes of regulation 54(3) if—
 - (a) the appliance or fittings are certified by a body specified in clause 1 of Schedule 2A; and
 - (b) the body certifies the appliance or fittings to the standard, and complying with any conditions, specified in Schedule 2A for that body and that type of appliance or fittings; and
 - (c) the certification was valid at the time the appliance or fittings were manufactured in, or imported into, New Zealand.
- (2) However, in the case of specified fittings for which WorkSafe, under regulation 64, has specified an alternative time at which the certification must be valid, the certification must be valid at that time and subclause (1)(c) does not apply.

Regulation 55: substituted, on 10 November 2011, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 55(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

56 Offence by certification body

A body specified in clause 1 of Schedule 2A commits an offence and is liable on conviction to a level 2 penalty if the body certifies a gas appliance or specified fittings, knowing that the appliance or fittings do not meet the certification requirements set out in Schedule 2A, or being reckless as to that matter.

Regulation 56: substituted, on 10 November 2011, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 56: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 56: amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

57 Endorsement may replace certification for certain appliances and fittings

- (1) This regulation applies to—

- (a) a small production appliance; and
 - (b) specified fittings that WorkSafe, under regulation 64, has specified may be endorsed under this regulation.
- (2) In this regulation,—
- approved practitioner** means a person approved by WorkSafe under regulation 59
- small production appliance** means a gas appliance—
- (a) of which there are 21 or fewer supplied in New Zealand per year; or
 - (b) that is a new or used gas appliance that forms part of an imported new or used gas installation.
- (3) The importer or manufacturer of the small production appliance or specified fittings may, instead of complying with regulation 54(3), ensure that, before the appliance or fittings are sold or offered for sale in New Zealand, the appliance or fittings are endorsed by an approved practitioner.
- (4) An endorsement must include the following:
- (a) the full name and New Zealand address of the manufacturer or importer of the appliance or fittings; and
 - (b) the full name of the approved practitioner giving the endorsement; and
 - (c) a statement identifying the appliance or fittings covered by the endorsement; and
 - (d) a statement that, in the opinion of the approved practitioner, the appliance or fittings comply with these regulations and NZS 5266; and
 - (e) if the appliance or fittings are endorsed as part of a gas installation,—
 - (i) the street address of the installation; or
 - (ii) if the location of the installation does not have a street address, a description of the place along with some form of specific identification of the location (such as its GPS co-ordinates); or
 - (iii) if the installation is on a vehicle (including a boat or caravan), a unique identifier for that vehicle; and
 - (f) the type of gas that the appliance or fittings can safely use.
- (5) A copy of every endorsement—
- (a) must be sent to WorkSafe within 10 working days of a request being made by WorkSafe; and
 - (b) must be given to the owner or purchaser of the appliance or fittings covered by the endorsement.
- (6) Regulations 54 and 72 do not apply to an appliance or fittings endorsed in accordance with this regulation.

Regulation 57: substituted, on 10 November 2011, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 57(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 57(2) **approved practitioner**: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 57(2) **small production appliance** paragraph (a): replaced, on 31 July 2014, by regulation 17(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 57(4)(e): replaced, on 31 July 2014, by regulation 17(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 57(5)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

58 Offences in relation to endorsement regime

- (1) Every person commits an offence and is liable on conviction to a level 2 penalty who issues an endorsement under regulation 57 when that person is not an approved practitioner.
- (2) Every person commits an offence and is liable on conviction to a level 1 penalty who issues an endorsement under regulation 57 knowing that the gas appliance or specified fittings endorsed do not meet the requirements of that regulation, or being reckless as to that matter.
- (3) Every person commits an offence and is liable on conviction to a level 1 penalty who installs or connects a gas appliance or fittings that have an endorsement under regulation 57 while knowing that the gas appliance or fittings do not meet the requirements for endorsement under regulation 57, or being reckless as to that matter.

Regulation 58 heading: amended, on 10 November 2011, by regulation 15(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 58(1): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 58(1): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 58(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 58(2): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 58(2): amended, on 10 November 2011, by regulation 15(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 58(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 58(3): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 58(3): amended, on 10 November 2011, by regulation 15(3)(a) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 58(3): amended, on 10 November 2011, by regulation 15(3)(b) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

59 Approved practitioner regime

- (1) WorkSafe, on application made on the form approved by WorkSafe for the purpose, may grant to the applicant an approval authorising the applicant to issue endorsements for the purposes of regulation 57.
- (2) WorkSafe may not approve an application unless the applicant has qualifications and experience in assessing the safety and suitability of gas appliances and fittings as follows:
 - (a) every applicant must have demonstrated competence, technical knowledge, and relevant experience to assess the suitability of appliances in 1 or more of the cases referred to in regulation 57; and
 - (b) every applicant must have relevant business structures and arrangements including liability insurance; and
 - (c) every applicant for approval to issue endorsements—
 - (i) must demonstrate sound understanding and knowledge of the relevant means of compliance with standards; and
 - (ii) must be able to undertake or assess testing and commissioning of the appliance or fitting.
 - (d) *[Revoked]*
- (3) WorkSafe may grant an approval subject to any terms and conditions that WorkSafe thinks fit, and may revoke an approval at any time.
- (4) WorkSafe must publish and maintain a list of approved practitioners on the Internet site at all reasonable times.
- (5) Every person commits an offence and is liable on conviction to a level 2 penalty if that person issues an endorsement other than in accordance with the terms and conditions of the grant of approval by WorkSafe under this regulation.

Regulation 59(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 59(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 59(2)(c): amended, on 10 November 2011, by regulation 16(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 59(2)(c)(ii): substituted, on 10 November 2011, by regulation 16(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 59(2)(d): revoked, on 10 November 2011, by regulation 16(3) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 59(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 59(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 59(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 59(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 59(5): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Declared and prohibited articles

60 Declared articles not to be offered for sale unless approved

- (1) WorkSafe may declare that particular types or categories of gas appliances or fittings are declared fittings or appliances (in this regulation and regulations 61 and 62, **declared articles**).
- (2) A declared article may not be offered for sale in New Zealand unless—
 - (a) it is approved for sale by WorkSafe under regulation 61 and all conditions of the approval are complied with; or
 - (b) it is deemed, under regulation 62, to be approved by WorkSafe, and all conditions of the approval are complied with.
- (3) A person who offers a declared article for sale in New Zealand commits an offence and is liable on conviction to a level 2 penalty if—
 - (a) the article is not approved under regulation 61 or deemed to be approved under regulation 62; or
 - (b) the article is approved under regulation 61, or deemed to be approved under regulation 62, but all conditions of the approval or deemed approval are not complied with.
- (4) A declaration made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: SR 1993/76 r 28

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must: <ul style="list-style-type: none">• publish it in the <i>Gazette</i> with the address of the website where it is published• publish it on a website maintained by, or on behalf of, WorkSafe	LA19 ss 73, 74(1)(a), Sch 1 cl 14
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Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
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Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116
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This note is not part of the secondary legislation.

Regulation 60(1): amended, on 28 October 2021, by regulation 93(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 60(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 60(2)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 60(2)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 60(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 60(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 60(4): inserted, on 28 October 2021, by regulation 93(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

61 Approval by WorkSafe of declared articles

- (1) Any person may apply to WorkSafe for approval to offer a declared article for sale in New Zealand by applying in a form prescribed by WorkSafe and paying the prescribed fee set out in Schedule 5.
- (2) WorkSafe may refer the application to an experienced person for advice on compliance by the declared article with safety requirements.
- (3) WorkSafe must notify the applicant in writing of his or her decision, and must notify the applicant of any conditions of the approval imposed by WorkSafe.
- (4) WorkSafe 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.

Regulation 61 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 61(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 61(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 61(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 61(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

62 Deemed approval by WorkSafe of declared articles

- (1) A declared article is deemed to have the Secretary's approval to be offered for sale in New Zealand if the article—
 - (a) is approved or certified by an organisation or agency, or under a programme or regime, recognised by WorkSafe under subclause (3); and
 - (b) complies, as required, with any conditions of the approval or certification.
- (2) The conditions of approval must include a requirement for a supplier declaration to be made and must set out the information that must be included in that declaration.
- (3) WorkSafe may, by notice in the *Gazette*, recognise an organisation or agency, or a programme or regime of compliance, for the purposes of subclause (1).

- (4) WorkSafe may, by notice in the *Gazette*, specify conditions to which a deemed approval is subject.
- (5) WorkSafe 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.
- (6) A notice given under subclause (4) takes effect on the seventh day after the date of notification in the *Gazette*.

Regulation 62 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 62(1)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 62(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 62(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 62(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

63 Prohibition and control of unsafe gas appliances and fittings

- (1) The manufacture, importation, sale (including an offer to sell), or use (including installation) of any gas appliance or fittings is prohibited if—
 - (a) WorkSafe believes on reasonable grounds that the appliance or fittings are or may be unsafe (having regard to the tests, standards, and safety criteria prescribed by these regulations); and
 - (b) a prohibition notice in respect of that appliance or fittings has effect under subclause (3).
- (2) The installation of a gas appliance or any fittings used or intended to be used in the application of gas is controlled if—
 - (a) WorkSafe believes on reasonable grounds that the appliance or fittings are or may be unsafe; and
 - (b) a control notice in respect of the appliance or fittings has effect under subclause (3).
- (3) A prohibition or control under this regulation—
 - (a) *[Revoked]*
 - (b) takes effect on and from the date specified in it, which must be later than the date on which it is published under the Legislation Act 2019; and
 - (c) must adequately describe the gas appliance or fittings being prohibited or controlled; and

- (d) may, in the case of a control, be subject to any conditions in respect of the installation of the gas appliance or fittings that are specified in the control notice; and
- (e) must give brief reasons for the belief that the gas appliance or fittings are or may be unsafe.
- (4) Where WorkSafe knows the New Zealand address of the manufacturer, importer, seller, or user concerned, WorkSafe must give notice of the prohibition or control to that person before 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 an offence and is liable on conviction to a level 2 penalty if the person manufactures, imports, sells, installs, or uses any gas appliance or fittings contrary to a prohibition or control under this regulation.
- (7) A prohibition or control made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: SR 1993/76 r 29

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must: • publish it in the <i>Gazette</i> with the address of the website where it is published • publish it on a website maintained by, or on behalf of, WorkSafe	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 63(1)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 63(2)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 63(3)(a): revoked, on 28 October 2021, by regulation 94(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 63(3)(b): amended, on 28 October 2021, by regulation 94(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 63(4): amended, on 28 October 2021, by regulation 94(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 63(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 63(6): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 63(6): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 63(7): inserted, on 28 October 2021, by regulation 94(4) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Specified fittings

64 Specified fittings

- (1) WorkSafe may, by notice, specify fittings that must not be offered for sale, or that must not be installed as part of a gas installation, before those specified fittings have been certified under regulation 54 or endorsed by an approved practitioner under regulation 57.
- (2) The notice—
 - (a) must specify whether the specified fittings may be endorsed under regulation 57 instead of certified under regulation 54; and
 - (b) may specify a time, as an alternative to the time referred to in regulation 55(1)(c), at which a certification must be valid.
- (3) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must: <ul style="list-style-type: none">• publish it in the <i>Gazette</i> with the address of the website where it is published• publish it on a website maintained by, or on behalf of, WorkSafe	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 64(1): amended, on 28 October 2021, by regulation 95(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 64(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 64(1): amended, on 10 November 2011, by regulation 17(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 64(2): substituted, on 10 November 2011, by regulation 17(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 64(3): replaced, on 28 October 2021, by regulation 95(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Supplier declarations

65 Gas appliances and fittings to which supplier declaration requirements apply

- (1) Regulations 66 to 70 apply to the following:
 - (a) gas appliances; and

- (b) specified fittings (*see* regulation 64); and
 - (c) any declared articles that WorkSafe has specified under regulation 60 to be gas appliances or fittings that require a supplier declaration.
- (2) However, regulations 66 to 70 do not apply to—
- (i) a gas appliance that has the design capacity to consume 60 000 mega-joules or more of gas energy per hour; or
 - (ii) a gas appliance or specified fittings endorsed under regulation 57.

Compare: SR 1993/76 r 15

Regulation 65: substituted, on 10 November 2011, by regulation 18 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 65(1)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 65(2): replaced, on 31 July 2014, by regulation 18 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

66 Manufacturer or importer must make supplier declaration

- (1) This regulation applies to—
- (a) all persons who manufacture in New Zealand gas appliances or fittings referred to in regulation 65; and
 - (b) all importers of gas appliances or 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, or offers for sale, in New Zealand a gas appliance or fittings referred to in regulation 65,—
- (a) make a supplier declaration that relates to the appliance or fittings; and
 - (b) publish the declaration on the Internet site.
- (3) Every person commits an offence and is liable on conviction to a level 2 penalty who, being a manufacturer or importer, supplies or offers for sale a gas appliance or fittings referred to in regulation 65 without complying with this regulation.

Compare: SR 1993/76 r 15A

Regulation 66(3): amended, on 31 July 2014, by regulation 19 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 66(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 66(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

67 Contents of supplier declaration

Every supplier declaration must—

- (a) be in a form prescribed for the purpose by WorkSafe (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 53 and 71 in relation to all gas appliances covered by the declaration; and
 - (ii) regulation 53 in relation to all fittings covered by the declaration; and
- (f) include the details specified by the certification body, including the certificate number, the name of the body, the date of issue, the fuel types that the gas appliance or fittings may safely use, and the date of expiry of the certification; and
- (g) include a copy of the certificate issued by the certification body.

Compare: SR 1993/76 r 15B

Regulation 67(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 67(f): amended, on 10 November 2011, by regulation 19(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 67(g): amended, on 10 November 2011, by regulation 19(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

67A Validity of supplier declaration

A supplier declaration made and published under regulation 66 continues to be valid for the gas appliance or fittings to which it relates unless—

- (a) there has been a material change to the gas appliance or fittings; or
- (b) there has been a material modification in the product specification for the gas appliance or fittings; or
- (c) the certification for the gas appliance or fittings has been withdrawn.

Regulation 67A: inserted, on 31 July 2014, by regulation 20 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

68 Offence committed by manufacturers and importers relating to supplier declarations

Every person commits an offence and is liable on conviction to a level 1 penalty who, being a manufacturer or importer, publishes on the Internet site, or

gives to the person to whom a gas appliance or fittings are supplied, a supplier declaration that is false or misleading in a material respect.

Regulation 68: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 68: amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

69 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 WorkSafe so as to enable the manufacturer or importer to publish supplier declarations on the Internet site; and
 - (b) supplied to WorkSafe any information reasonably required by WorkSafe to register the manufacturer or importer.
- (2) WorkSafe—
 - (a) may remove from the Internet site any supplier declaration that appears to WorkSafe 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

Regulation 69(1)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 69(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 69(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 69(2)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

70 Installers must check that declaration published or supplied

- (1) *[Revoked]*
- (2) Every person who installs a gas appliance or fittings in relation to which a supplier declaration is required to be published on the Internet site must, before installing the appliance or fittings, verify that—
 - (a) the appliance or fittings are labelled in accordance with regulation 72; or
 - (b) a supplier declaration relating to the appliance or fittings has been published on the Internet site.
- (3) Subclause (2) applies to any gas appliance or fittings to which regulation 54 applies.
- (4) Every person who installs a declared article in relation to which a supplier declaration is required to be published on the Internet site must, before installing

the declared article, ensure that a supplier declaration relating to the declared article is published.

- (5) Every person commits an offence and is liable on conviction to a level 1 penalty who, being a person to whom this regulation applies, fails to comply with this regulation.

Compare: SR 1993/76 r 15F

Regulation 70 heading: amended, on 10 November 2011, by regulation 20(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 70(1): revoked, on 10 November 2011, by regulation 20(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 70(2): replaced, on 31 July 2014, by regulation 21(1) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 70(3): replaced, on 31 July 2014, by regulation 21(2) of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 70(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 70(5): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Marking and labelling of gas appliances and fittings

71 Marking of gas appliances

- (1) Every manufacturer or importer of a gas appliance sold or intended for sale must, as a minimum, ensure that the appliance is legibly and clearly marked in the English language in a permanent manner with all of the following:
- (a) the name or registered trade mark or other means of identifying the person responsible, under regulation 66, for making the supplier declaration relating to the appliance; and
 - (b) the type or types of gas that the appliance is certified or endorsed to safely use; and
 - (c) the gas supply pressure range within which the gas appliance will operate safely; and
 - (d) the nominal heat input rating of the gas appliance; and
 - (e) a gas safety compliance label (if the gas appliance is required by regulation 72 to have one); and
 - (f) the make and either the model or the model number of the gas appliance.
- (1A) However, used appliances other than imported used appliances do not have to be marked with the information required by subclause (1)(a), (e), and (f).
- (2) However, liquified petroleum gas appliances connected to disposable canisters and simple burners of less than 1 kilowatt rating (for example, Bunsen burners and ring burners) do not have to be marked with the information specified in subclause (1)(c) and (d).

- (3) Every person commits an offence and is liable on conviction to a level 2 penalty who sells or offers for sale a gas appliance that is not marked in accordance with this regulation.
- (4) This regulation does not apply to a gas appliance that has the design capacity to consume 60 000 megajoules or more of gas energy per hour.

Compare: SR 1993/76 r 14

Regulation 71(1): amended, on 10 November 2011, by regulation 21(1)(a) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 71(1): amended, on 10 November 2011, by regulation 21(1)(b) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 71(1)(a): substituted, on 10 November 2011, by regulation 21(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 71(1)(b): amended, on 10 November 2011, by regulation 21(3) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 71(1)(c): substituted, on 10 November 2011, by regulation 21(4) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 71(1)(f): substituted, on 10 November 2011, by regulation 21(4) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 71(1A): inserted, on 31 July 2014, by regulation 22 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 71(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 71(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

72 Gas safety compliance labels for gas appliances and specified fittings

- (1) Every person who manufactures or imports new gas appliances or new specified fittings to which regulation 54 applies must ensure that they are each labelled with a gas safety compliance label before they are available for supply in New Zealand.
- (1A) Every person who supplies or installs a new gas appliance or new specified fittings to which regulation 54 applies must, before supplying or installing the appliance or fittings, check that—
- (a) it is labelled with a gas safety compliance label; or
 - (b) a supplier declaration relating to the appliance or fittings has been published on the Internet site.
- (2) A gas safety compliance label—
- (a) must be in the form shown in Schedule 6, with the label no smaller than 15 mm in height; and
 - (b) *[Revoked]*
 - (c) must be permanently affixed to the gas 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 must 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 (except that variations that replace the grey tone with white outlined with black are acceptable where grey is not practicable); and
 - (f) may also be placed on promotional material associated with the product.
- (3) Every person commits an offence and is liable on conviction to a level 1 penalty who—
- (a) affixes a label to a gas appliance or fittings that do not meet the requirements of regulations 53 to 70; or
 - (b) installs or supplies a gas appliance or fittings that do not, if required by this regulation to have a label, have a label that complies with this regulation.
- (4) Every person commits an offence and is liable on conviction to a level 2 penalty who—
- (a) marks or labels a gas appliance or fitting with a false or incorrect marking or label relating to the safety of the appliance or fitting; or
 - (b) sells or offers to sell a fitting or appliance with a false or incorrect marking or label relating to the safety of that appliance or fitting, knowing, or being reckless as to whether, the marking or label is false or incorrect.
- (5) This regulation does not apply to a gas appliance that has the design capacity to consume 60 000 megajoules or more of gas energy per hour.

Regulation 72(1): replaced, on 31 July 2014, by regulation 23 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 72(1A): inserted, on 31 July 2014, by regulation 23 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 72(2)(a): substituted, on 10 November 2011, by regulation 22(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 72(2)(b): revoked, on 10 November 2011, by regulation 22(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 72(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 72(3): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 72(3)(b): amended, on 10 November 2011, by regulation 22(3) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 72(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 72(4): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 72(4)(b): amended, on 10 November 2011, by regulation 22(4) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Miscellaneous

73 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 WorkSafe, supply to WorkSafe a document or documents that demonstrate whether the manufacturer or importer has,—
 - (a) in the case of a gas appliance, complied with regulations 53, 71, and 72 in relation to the gas appliance; or
 - (b) in the case of fittings, complied with regulations 53 and 72 in relation to the 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 an offence and is liable on conviction to a level 2 penalty who, being a manufacturer or importer, fails to supply a document or documents to WorkSafe in accordance with this regulation.

Compare: SR 1993/76 r 15D

Regulation 73(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 73(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 73(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 73(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

74 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 ensure, so far as is reasonably practicable, that—
 - (a) the appliance or fittings are safe in all reasonably foreseeable circumstances before the appliance or fittings are returned to service; and
 - (b) the appliance complies with the technical requirements of NZS 5266.
- (1A) For the purpose of subclause (1)(b), the technical requirements of section 4 of NZS 5266 apply to all appliances, despite anything to the contrary in NZS 5266.
- (2) Without limiting subclause (1), a gas appliance or fittings are unsafe 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 an offence and is liable on conviction to a level 1 penalty who, having repaired, modified, or made adjustments to a gas appliance or fittings, returns that gas appliance or fittings to service before ensuring, so far as is reasonably practicable, that the gas appliance or fittings are safe (including complying with subclause (1)(b)) in all reasonably foreseeable circumstances in accordance with this regulation.

Compare: SR 1993/76 r 16

Regulation 74(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 74(1)(b): amended, on 10 November 2011, by regulation 23(1) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 74(1A): inserted, on 31 July 2014, by regulation 24 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 74(4): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 74(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 74(4): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 74(4): amended, on 10 November 2011, by regulation 23(2) of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

75 Responsibilities of persons hiring or leasing out gas appliances, fittings, or gas installations or property or premises containing them

- (1) Every person who hires or leases out, or who offers to hire or lease out, any gas appliance, fittings, or gas installation or any property or premises containing a gas appliance, fittings, or gas installation must ensure, so far as is reasonably practicable,—
 - (a) that before hiring, leasing, or offering to hire or lease, the gas appliance, fittings, or gas installation is safe; and
 - (b) that the gas appliance, fittings, or gas installation is accompanied by instructions for its safe use, including information on any maintenance or ongoing safety inspections that are required.
- (2) For the purpose of subclause (1)(a),—
 - (a) a gas appliance, fittings, or gas installation is deemed safe for the purposes of hire or lease at the commencement of its hire or lease if it is assessed as not unsafe under NZS 5256:

- (b) a gas appliance, fittings, or gas installation contained in property or premises for hire or lease is deemed safe for the purposes of hire or lease at the commencement of the hire or lease if it is assessed as not unsafe under NZS 5255.
- (3) Every person commits an offence and is liable on conviction to a level 2 penalty who hires or leases out, or offers to hire or lease out, any gas appliance, fittings, or gas installation or premises or property containing a gas appliance, fittings, or gas installation knowing that this regulation has not been complied with, or being reckless as to that matter.
- (4) This regulation does not apply to the hiring or leasing out by a landlord of residential premises containing a gas appliance, fittings, or gas installation.

Regulation 75: replaced, on 31 July 2014, by regulation 25 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Regulation 75(1): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

75A Responsibilities of landlords for gas appliances, fittings, and gas installations at rented residential premises

- (1) A landlord of residential premises must not provide any gas appliance, fittings, or gas installation under or in connection with a residential tenancy if the gas appliance, fittings, or gas installation is unsafe.
- (2) A landlord of residential premises must not allow any person to use a gas appliance, fittings, or gas installation provided by the landlord under or in connection with a residential tenancy if the gas appliance, fittings, or gas installation is unsafe.
- (3) For the purposes of subclauses (1) and (2), a gas appliance, fittings, or gas installation is deemed safe for the purposes of the residential tenancy at the commencement of the tenancy if it is assessed as not unsafe under NZS 5255.
- (4) A landlord of residential premises must provide the occupier with adequate instructions for the safe use of any gas appliance, fittings, or gas installation provided under or in connection with a residential tenancy.
- (5) A landlord commits an offence and is liable on conviction to a level 2 penalty who provides a gas appliance, fittings, or gas installation under or in connection with a residential tenancy, or allows another person to use a gas appliance, fittings, or gas installation that is provided under or in connection with a residential tenancy, knowing that, or being reckless as to whether, the gas appliance, fittings, or gas installation is unsafe.
- (6) In this regulation and regulation 75, **landlord** has the meaning given to it in section 2(1) of the Residential Tenancies Act 1986.

Regulation 75A: inserted, on 31 July 2014, by regulation 25 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Part 7 CNG

Measurement

76 Measurement of CNG

- (1) CNG sold from any CNG station must meet the requirements of this regulation, unless there is an 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 reasonably expected variations in ambient conditions, gas supply temperatures, pressure and composition, and electrical supply, and for all reasonably 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 NZS 5259 is deemed to be compliance with subclause (4).
- (6) Every person commits an offence and is liable on conviction to a level 2 penalty who sells gas otherwise than in accordance with this regulation.

Compare: SR 1993/76 r 9

Regulation 76(6): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 76(6): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

77 Testing and installation of CNG gas 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) The operator of a gas measurement system to which this regulation applies must ensure, before putting the system into service, that the system has been tested by a competent organisation to determine the system's accuracy, and has been sealed by the same competent organisation following confirmation that the system complies with regulation 76(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) If 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 owner of 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 right to operate that gas measurement system, and must be kept at the site where the system is located.
- (7) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with this regulation.

Compare: SR 1993/76 r 10

Regulation 77(7): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 77(7): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

*Requirements for CNG station safety***78 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 ensure, so far as is reasonably practicable, 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 an offence and is liable on conviction to a level 1 penalty who owns or installs a CNG station without complying with this regulation.

Compare: SR 1993/76 r 18

Regulation 78(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 78(8): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 78(8): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

79 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 WorkSafe may make or break the seal or adjust those fittings.
- (3) Every person commits an offence and is liable on conviction to a level 2 penalty who owns or installs a CNG station without complying with subclause (1).
- (4) Every person, being a person other than WorkSafe or a competent organisation, commits an offence and is liable on conviction to a level 1 penalty who fails to comply with subclause (2).

Compare: SR 1993/76 r 19

Regulation 79(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 79(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 79(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 79(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 79(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 79(4): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

80 Maintenance and operation of CNG stations

- (1) Every owner and every operator of a CNG station must ensure, so far as is reasonably practicable, 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 an offence and is liable on conviction to a level 2 penalty who owns or operates a CNG station without complying with this regulation.

Compare: SR 1993/76 r 19A

Regulation 80(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 80(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 80(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

81 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 an offence and is liable on conviction to a level 2 penalty who owns or operates a CNG dispenser that operates at above a maximum fill pressure specified in this regulation.

Compare: SR 1993/76 r 20

Regulation 81(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 81(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

82 CNG safety requirements 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) WorkSafe may exempt a particular CNG station from the requirements of this regulation if WorkSafe 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 an offence and is liable on conviction to a level 1 penalty 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

Regulation 82(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 82(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 82(3): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

83 Inspection of CNG stations

- (1) Every owner and every 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) If 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 an offence and is liable on conviction to a level 1 penalty 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 an offence and is liable on conviction to a level 2 penalty that provides a certificate under this regulation if any fittings of the CNG station are not safe.

Compare: SR 1993/76 r 22

Regulation 83(4): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 83(4): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 83(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 83(5): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

84 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, if 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 82(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 sub-clause (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 79; or
 - (b) carrying out inspections or issuing certificates in accordance with regulation 83.
- (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 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 an offence and is liable on conviction to a level 1 penalty who, being an operator of a CNG station, fails to maintain the records required by this regulation.

Compare: SR 1993/76 r 23

Regulation 84(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 84(5): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Part 8

Miscellaneous provisions

Exemptions

85 WorkSafe's power to exempt from requirements

- (1) WorkSafe may exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by or under all or any of regulations 16 to 28 and Parts 4, 6, or 7 if WorkSafe is satisfied that safety will be ensured despite the exemption and that the extent of the exemption is not broader than what is reasonably necessary to address the matters that gave rise to the exemption.
- (2) WorkSafe may exempt any distribution system, gas installation, fittings, or gas appliances from the provisions of section 46 of the Act if WorkSafe is satisfied that safety will be ensured despite the exemption and that the extent of the

exemption is not broader than what is reasonably necessary to address the matters that gave rise to the exemption.

- (3) An application for an exemption must—
 - (a) specify the precise exemption sought and the reason; and
 - (b) demonstrate how safety will be ensured if the exemption is granted; and
 - (c) be made on a form prescribed by WorkSafe; and
 - (d) be accompanied by the fee prescribed in Schedule 5.
- (4) WorkSafe may refer an application for an exemption to an experienced person in the gas industry for advice.
- (5) Every exemption—
 - (a) must be in writing; and
 - (b) must specify the period for which it applies; and
 - (c) may impose conditions on the exemption.
- (6) WorkSafe may amend or revoke an exemption—
 - (a) if the holder of the exemption asks; 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; or
 - (c) if WorkSafe is satisfied that the holder is not complying, or has not complied, with any conditions of the exemption, in which case the amendment or revocation has effect on the date of, or any later date specified in, the Secretary's notice.
- (7) WorkSafe must give notice of an exemption, and any amendment or revocation of it, to the applicant.
- (8) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (8) *[Revoked]*

Compare: SR 1993/76 r 30

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must: <ul style="list-style-type: none">• publish it in the <i>Gazette</i> with the address of the website where it is published• publish it on a website maintained by, or on behalf of, WorkSafe	LA19 ss 73, 74(1)(a), Sch 1 cl 14
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Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
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Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116
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This note is not part of the secondary legislation.

Regulation 85 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(3)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(6): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(6)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85(7): replaced, on 28 October 2021, by regulation 96 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 85(8): inserted, on 28 October 2021, by regulation 96 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 85(8): revoked, on 10 November 2011, by regulation 25 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Consolidation of certificates

Heading: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

85A Consolidation of certificates

- (1) The following certificates relating to a gas installation may be consolidated in a single document:
 - (a) any certificates of compliance for gasfitting work done on all or any part of the gas installation:
 - (b) any gas safety certificates for the whole or any part of the gas installation.
- (2) Where certificates are consolidated,—
 - (a) if any of the information required by these regulations for each certificate is the same, that information need not be repeated in the consolidated document; and
 - (b) the authentication mark need be included in or on the document only once.

Regulation 85A: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Authentication mark

Heading: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

85B Authentication mark

The authentication mark required by regulations 47 and 52B to be included in or on a certificate of compliance and a gas safety certificate must—

- (a) be in the form illustrated in Schedule 6; and
- (b) be of a size, and be placed, so that it is easily visible on the front, or near the top, of the certificate.

Regulation 85B: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

85C Offences relating to application of authentication mark

A person commits an offence and is liable on conviction to a level 2 penalty if he or she includes in or on a document a mark in the form illustrated in Schedule 6 and the document—

- (a) is not, but could reasonably be mistaken for being, a certificate of compliance or a gas safety certificate; or
- (b) is, or could reasonably be mistaken for being, advertising material.

Regulation 85C: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 85C: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Recording certificate details

Heading: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

85D Database for recording certificate details on Internet site

WorkSafe must ensure that there is included on an Internet site, maintained by or on behalf of WorkSafe, a database that records details of the following, in a manner that enables the information to be accessible in accordance with regulation 85E:

- (a) all certificates of compliance given for high-risk gasfitting work;
- (b) any other certificates as determined by the Secretary.

Regulation 85D: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85D: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

85E Access to database

- (1) WorkSafe must ensure that the database referred to in regulation 85D is accessible to members of the public at all reasonable times.

- (2) The database must be able to be searched by members of the public only by reference to the location (as defined in regulation 52K) of the relevant gas installation.
- (3) However, WorkSafe must ensure that the Secretary and the Board are able to search the database by reference to whatever search criteria the Secretary determines will best enable the Secretary and the Board to fulfil their functions under the Act and these regulations.

Regulation 85E: inserted, on 1 July 2013, by regulation 14 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 85E(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 85E(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

General provisions

86 Issuing of urgent instructions

- (1) In any case of urgency, WorkSafe 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) *[Revoked]*
- (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) WorkSafe may amend or revoke an instruction, order, or requirement in the same manner as it was made.
- (5) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with any instruction, order, or requirement issued under this regulation.
- (6) An instrument issuing instructions, orders, or requirements is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (7) An instrument that is not secondary legislation must be given in writing to each person to whom it applies.

Compare: SR 1993/76 r 32

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must: <ul style="list-style-type: none"> • publish it in the <i>Gazette</i> with the address of the website where it is published • publish it on a website maintained by, or on behalf of, WorkSafe 	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the secondary legislation.

Regulation 86(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 86(2): revoked, on 28 October 2021, by regulation 97(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 86(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 86(5): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 86(5): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Regulation 86(6): inserted, on 28 October 2021, by regulation 97(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 86(7): inserted, on 28 October 2021, by regulation 97(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

87 Details to be provided in reporting accidents

- (1) Any person who notifies WorkSafe of an accident, in accordance with section 17 of the Act, must give a full report to WorkSafe 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) if 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) if known, the name, age, sex, occupation, and residential address of the victim.
- (2) An accident may initially be notified to WorkSafe by telephone, fax, email, or any other electronic means, as long as the full written report is sent to WorkSafe within 2 weeks after that initial notification.
- (3) The full written report may be sent to WorkSafe by post, fax, email, or any other electronic means.

Compare: SR 1993/76 r 33

Regulation 87(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 87(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 87(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

88 Competent organisations to supply copies of seals they use

- (1) A competent organisation intending to carry out work under regulation 22 or 79 must, before carrying out the work, supply to WorkSafe a copy of the seal that the competent organisation will use in respect of that work.
- (2) Every competent organisation commits an offence and is liable on conviction to a level 1 penalty that fails to provide a copy of a seal in accordance with this regulation.

Compare: SR 1993/76 r 35

Regulation 88(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 88(2): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 88(2): amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

89 Offence for competent organisations to fail to keep records

Every competent organisation commits an offence and is liable on conviction to a level 1 penalty that fails to keep any of the records required by these regulations to be kept by competent organisations.

Compare: SR 1993/76 r 37

Regulation 89: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 89: amended, on 1 July 2013, by regulation 8(2) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

90 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

91 *Gazette* notices to be published on Internet site

WorkSafe must ensure that a copy of every notice that is published in the *Gazette* under these regulations and that is not secondary legislation—

- (a) is published at the same time as, or as soon as practicable after, it is published in the *Gazette* on the Internet site; and
- (b) contains a statement that identifies the Internet site on which a copy of the notice may be found.

Regulation 91: amended, on 28 October 2021, by regulation 98 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 91: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

92 Revocation

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

Transitional provisions

93 Existing and in-process distribution systems, gas installations, fittings, and gas appliances

- (1) This regulation applies to distribution systems, gas installations, fittings, and gas appliances that, on 4 May 2010, were—
 - (a) installed, for sale, or in use in New Zealand; or
 - (b) under construction or being installed in New Zealand; or
 - (c) in transit to New Zealand; or
 - (d) the subject of an irrevocable purchasing order by a person in New Zealand.
- (2) Despite anything to the contrary in these regulations, the distribution systems, gas installations, fittings, and gas appliances—
 - (a) may continue to be constructed, installed, sold, used, maintained, or operated, provided that—
 - (i) they are not unsafe; and
 - (ii) they complied immediately before 4 May 2010 with the requirements of the Gas Regulations 1993; and
 - (iii) they continue to comply, as a minimum, with the requirements of the Gas Regulations 1993 as in force immediately before their revocation by these regulations; and
 - (b) may, until 31 December 2012, be tested, certified, or inspected in accordance with—
 - (i) the Gas Regulations 1993 as in force immediately before 1 April 2010; or
 - (ii) these regulations.

Regulation 93: substituted, on 10 November 2011, by regulation 26 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

94 Existing distribution systems, gas installations, fittings, and gas appliances.

[Revoked]

Regulation 94: revoked, on 10 November 2011, by regulation 27 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

95 Transitional provisions about gas appliance safety

- (1) This regulation applies until 1 July 2013 to gas appliances that comply with NZS 5262.
- (2) Compliance with regulations 15 to 15F of the Gas Regulations 1993 is deemed to be compliance with regulations 65 to 70 (supplier declaration requirements) of these regulations.
- (3) Compliance with regulation 13 of the Gas Regulations 1993 is deemed to be compliance with regulation 53 (safety of gas appliances and fittings) of these regulations.
- (4) Compliance with regulation 14 of the Gas Regulations 1993 is deemed to be compliance with regulation 71 (marking) of these regulations.

Regulation 95(1): amended, on 10 November 2011, by regulation 28 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

96 Gas appliance and fittings certification requirements before 1 July 2013

- (1) This regulation applies to gas appliances and specified fittings that—
 - (a) are manufactured in or imported into New Zealand before 1 July 2013; and
 - (b) would, if they were manufactured in or imported into New Zealand on or after 1 July 2013, be required to be certified under regulation 54.
- (2) Every manufacturer and every importer of the appliances or fittings must comply with—
 - (a) regulation 54; or
 - (b) NZS 5262 and regulations 13 to 15F of the Gas Regulations 1993 as in force immediately before their revocation by these regulations.
- (3) Every person commits an offence and is liable on conviction to a level 2 penalty who fails to comply with subclause (2).

Regulation 96: substituted, on 10 November 2011, by regulation 29 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

Regulation 96(3): amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Regulation 96(3): amended, on 1 July 2013, by regulation 8(1) of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

96A Transitional provision relating to gas installation standard AS/NZS 5601.2010

- (1) The New Zealand Standard known as AS/NZS 5601:2010 continues in force and has effect until 31 December 2015 despite the repeal of that standard by the Gas (Safety and Measurement) Amendment Regulations 2014.
- (2) Until 31 December 2015, a gas installation does not fail to be a gas installation by reason only that it does not meet the requirement for double pole switching in clause 6.2.8(c) of AS/NZS 5261.1 2010 or clause 2.14(c) of AS/NZS 5601.2.

Regulation 96A: inserted, on 31 July 2014, by regulation 26 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

97 Transitional provision about repair of gas 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 1 January 1985, provided that the repairs, modifications, and adjustments of the gas appliance meet the technical requirements in NZS 5266.

Regulation 97: amended, on 10 November 2011, by regulation 30 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

98 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.

99 Transitional provision about safety management systems

See regulation 35 for the time of the first audit of a safety management system under these regulations.

99A Meaning of amendment date in regulations 99B and 99C

In regulations 99B and 99C, **amendment date** means 10 November 2011 (which is the date on which the Gas (Safety and Measurement) Amendment Regulations 2011 come into force).

Regulation 99A: inserted, on 10 November 2011, by regulation 31 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

99B Transitional provision relating to matters immediately before amendment date

- (1) This regulation applies to distribution systems, gas installations, fittings, and gas appliances that, immediately before the amendment date, are—
 - (a) installed, for sale, or in use in New Zealand; or
 - (b) under construction or being installed in New Zealand; or
 - (c) in transit to New Zealand; or
 - (d) the subject of an irrevocable purchasing order by a person in New Zealand.
- (2) Despite anything to the contrary in these regulations, the distribution systems, gas installations, fittings, and gas appliances may continue to be constructed, installed, sold, or used, provided that they—
 - (a) are not unsafe; and

- (b) complied immediately before the amendment date, and continue to comply, with the requirements of these regulations as in force immediately before the amendment date.

Regulation 99B: inserted, on 10 November 2011, by regulation 31 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

99C Transitional provision relating to matters on and after amendment date

- (1) Until 31 December 2012, a specified installation may, instead of complying with regulation 43 as amended by the Gas (Safety and Measurement) Amendment Regulations 2011, continue to comply with regulation 43 as in force immediately before the amendment date.
- (2) In subclause (1), **specified installation** means a gas installation, a part of a gas installation, or an extension or addition to, or replacement of, a gas installation or part of a gas installation that—
 - (a) is designed, installed, commissioned, or tested on or after the amendment date; and
 - (b) would, but for subclause (1), be required to comply with regulation 43 as in force on and after the amendment date.

Regulation 99C: inserted, on 10 November 2011, by regulation 31 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).

100 Secretary's exemptions

An exemption given by the Secretary under regulation 30 of the Gas Regulations 1993, and still in force immediately before 4 May 2010, continues in force after that date as if it had been given under regulation 85 of these regulations on the date on which it was given.

101 Gas Regulations 1993 continue in force for purpose of transitional arrangements in these regulations

- (1) The Gas Regulations 1993 continue in effect as if they had not been revoked by these regulations for the purpose of any transitional provision in these regulations that provides for compliance with any provision of those regulations instead of compliance with these regulations.
- (2) Without limiting subclause (1), any prosecution or other enforcement action may be taken under the Gas Regulations 1993 in respect of a failure to comply with a provision continued under these regulations.

102 Certificates of compliance

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

Schedule 1

List of gas codes of practice and official standards

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Schedule 1: replaced, on 31 July 2014, by regulation 27 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

Gas codes of practice

Abbreviations used in regulations

Full title

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
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Official standards

Abbreviations used in regulations

Full title

AS/NZS 4645	New Zealand Standard known as AS/NZS 4645:2008 (Gas distribution networks Parts 1, 2, and 3) including Amendments 1, 2, and A
AS/NZS 5601.1–2013	New Zealand Standard known as AS/NZS 5601.1:2013 (Gas installations—Part 1: General installations)
AS/NZS 5601.2–2013	New Zealand Standard known as AS/NZS 5601.2:2013 (Gas installations—Part 2: LP Gas installations in caravans and boats for non-propulsive purposes)
AS/NZS 60079.10.1:2009	New Zealand Standard known as AS/NZS 60079.10.1:2009 (Explosive atmospheres—Classification of areas—Explosive gas atmospheres) including amendment 1
AS/NZS 60079.10.2:2011	New Zealand Standard known as AS/NZS 60079.10.2:2011 (Explosive atmospheres—Classification of areas—Combustible dust atmospheres)
ISO/IEC Guide 67:2004	International Organization for Standardization Standard known as ISO/IEC Guide 67:2004 (Conformity assessment—Fundamentals of product certification)
AS/NZS ISO/IEC 17020	International Organization for Standardization Standard known as ISO/IEC 17020:2013 (Conformity assessment—Requirements for the operation of various types of bodies performing inspection)
AS/NZS ISO/IEC 17025	International Organization for Standardization Standard known as ISO/IEC 17025:2005 (General requirements for the competence of testing and calibration laboratories)
NZS 5255	New Zealand Standard known as NZS 5255:2014 (Safety verification of existing gas installations)
NZS 5256	New Zealand Standard known as NZS 5256:2014 (Verification of safety of gas appliances)
NZS 5258	New Zealand Standard known as NZS 5258:2003 (Gas distribution networks) subject to the variation that references in this standard to AS/NZS 1596:2002 (Storage and handling of LP gas) must be read as references to AS/NZS 1596:2008 (Storage and handling of LP gas)
NZS 5259	New Zealand Standard known as NZS 5259:2004 (Gas measurement)
NZS 5263	New Zealand Standard known as NZS 5263:2003 (Gas detection and odourisation)

Abbreviations used in regulations	Full title
NZS 5266	New Zealand Standard known as NZS 5266 (Int):2012 (Safety of gas appliances)
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 5435	New Zealand Standard known as NZS 5435:1996 (Specification for liquefied petroleum gas (LPG))
NZS 5442	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)
NZS/AS 3645	New Zealand Standard known as NZS/AS 3645:2012 (Essential requirements for gas equipment Part 1 and Part 2)
CSA 22.2.46:2013	Canadian Standards Association standard known as CSA 22.2.46:2013 (Electric air heaters)
UL 499 Ed.13 (2005)	UL Standard known as UL 499 Ed.13(2005)—Safety Electric Heating Appliances
UL 130 Ed.13 (2011)	UL Standard known as UL 130 Ed.13 (2011)—Standard for Electric Heating Pads

Schedule 2

Infringement notice and reminder notice

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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*].

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.

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 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 section 21 of the Summary Proceedings Act 1957 and section 375 of the Criminal Procedure Act 2011. If there is anything in this notice that you do not understand, contact a lawyer.

Schedule 2 form 1: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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].

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).

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.

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 section 21 of the Summary Proceedings Act 1957 and section 375 of the Criminal Procedure Act 2011. If there is anything in this notice that you do not understand, contact a lawyer.

Schedule 2 form 2: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 2A

Certification requirements

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Schedule 2A: replaced, on 31 July 2014, by regulation 28 of the Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205).

1 Bodies that may certify gas appliances and specified fittings

The following bodies may certify gas appliances and specified fittings for the purposes of regulation 54(3):

- (a) a body that is working within either of the following certification regimes:
 - (i) EU Directive 2009/142/EC;
 - (ii) for appliances that are not covered by EU Directive 2009/142/EC, EU Directive 90/396/ECC;
- (b) Canadian Standards Association;
- (c) Underwriters Laboratories;
- (d) SAI Global Certification Services Pty Ltd (trading as SAI Global);
- (e) IAPMO R & T Oceana Pty Ltd;
- (f) Australian Gas Association;
- (g) Global-Mark Pty Ltd;
- (h) a body accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) and with a scope that includes NZS/AS 3645:2010 Part 2.

2 Standards and conditions applying to certification by bodies working within EU Directive 2009/142/EC or EU Directive 90/396/ECC

- (1) This clause applies to a gas appliance or specified fittings certified by a body that is working within the certification regime of—
 - (a) EU Directive 2009/142/EC; or
 - (b) EU Directive 90/396/ECC, in the case of appliances not covered by EU Directive 2009/142/EC.
- (2) The appliance or fittings must be certified to the standard specified in sub-clause (7), subject to the following conditions:
 - (a) an appliance incorporating electrical equipment with a low voltage external supply must be tested for gas safety compliance using a supply of 230 volts, 50 Hz (nominal);
 - (b) an LPG appliance, other than an appliance for use with non-refillable cartridges, must be certified to Category I_{3B/P} 30 or I_{3B/P} 28-30;
 - (c) a natural gas appliance must be certified to Category I_{2H}:

- (d) a cabinet heater must be fitted with a label and notice that complies with Appendices 1 and 2 of NZS/AS 3645.
- (3) An appliance is deemed to have been certified to an EN standard specified in subclause (7) if the appliance has been certified to a published national standard.
- (4) In subclause (3), **published national standard** means a standard published by a national standardisation body that is a member of the Committee of European Standards (CEN) as being the national implementation of the relevant EN standard.
- (5) An appliance that is deemed to be certified to an EN standard specified in subclause (7) is subject to—
- (a) the conditions set out in subclause (2); and
- (b) the condition that the appliance include instructions in English for its installation and use.

- (6) In subclause (7),—

standard A means EN 30-1-1:2008 + A3:2013 Domestic cooking appliances burning gas. Safety. General

standard B means EN 203-1:2005 + A1:2008 Gas heated catering equipment. General safety rules.

- (7) The applicable standards are as follows:

Appliance and/or fittings type	Applicable standard
Absorption refrigerators	EN 732:1998 Specifications for dedicated liquefied petroleum gas appliances— Absorption refrigerators
Appliances having a glass ceramic hotplate	Standard A in conjunction with EN 30-1-3:2003 Domestic cooking appliances burning gas. Safety. Appliances having a glass ceramic hotplate EN 30-1-3:2003 + A1:2006 Domestic cooking appliances burning gas—Part 1-3: Safety— Appliances having a glass ceramic hotplate
Appliances having forced-convection ovens and/or grills	Standard A in conjunction with EN 30-1-2:2012 Domestic cooking appliances burning gas. Safety. Appliances having forced-convection ovens and/or grills
Appliances having 1 or more burners with an automatic burner control system	Standard A in conjunction with EN 30-1-4:2012 Domestic cooking appliances burning gas. Safety. Appliances having one or more burners with an automatic burner control system
Gas-fired instantaneous water heaters	EN 26:1997 Gas-fired instantaneous water heaters for the production of domestic hot water, fitted with atmospheric burners
Gas-fired storage water heaters	EN 89:1999 Gas-fired storage water heaters for the production of domestic hot water

Appliance and/or fittings type	Applicable standard
Boiling pans	Standard B in conjunction with EN 203-2-3:2005 Gas heated catering equipment Part 2.3. Specific requirements—Boiling pans
Brat pans and paella cookers	Standard B in conjunction with EN 203-2-8:2005 Gas heated catering equipment Part 2.8. Specific requirements—Brat pans and paella cookers
Chargrills	Standard B in conjunction with EN 203-2-10:2007 Gas heated catering equipment Part 2.10. Specific requirements—Chargrills
Decorative fuel-effect gas appliances	EN 509:1999 Decorative fuel-effect gas appliances
Dedicated liquefied petroleum gas appliances	EN 497:1997 Specification for dedicated liquefied petroleum gas appliances. Multi-purpose boiling burners for outdoor use
Domestic combination hot water and central heating boilers	EN 625:1995 Gas-fired central heating boilers. Specific requirements for the domestic hot water operation of combination boilers of nominal heat input not exceeding 70 kW
Dedicated liquefied petroleum gas appliances	EN 498:2012 or, until 30 June 2016, the 1997 standard. Specification for dedicated liquefied petroleum gas appliances
Domestic flueless space heaters, including cabinet heaters	EN 449:2002 + A1:2007 Specification for dedicated liquefied petroleum gas appliances. Domestic flueless space heaters (including diffusive catalytic combustion heaters)
Fryers	Standard B in conjunction with EN 203-2-4:2005 Gas heated catering equipment. Specific requirements. Fryers
Fuel cell gas heating appliances	EN 50465:2008 Gas appliances. Fuel cell gas heating appliance. Fuel cell gas heating appliance of nominal heat input inferior or equal to 70 kW
Gas-fired absorption and adsorption air-conditioning and/or heat pump appliances	EN 12309-1:1999 Gas-fired absorption and adsorption air-conditioning and/or heat pump appliances with a net heat input not exceeding 70 kW. Safety
Gas-fired central heating boilers of nominal heat input exceeding 70 kW, but not exceeding 300 kW	EN 656:1999 A1:2006 Gas-fired central heating boilers. Type B boilers of nominal heat input exceeding 70 kW, but not exceeding 300 kW EN 15502-2-1:2012
Gas-fired central heating boilers of nominal heat input not exceeding 70 kW	EN 483:1999 + A4:2007 Gas-fired central heating boilers. Type C boilers of nominal heat input not exceeding 70 kW
Gas-fired central heating boilers with a nominal heat input not exceeding 70 kW	EN 677:1998 Gas-fired central heating boilers. Specific requirements for condensing boilers with a nominal heat input not exceeding 70 kW
Gas-fired overhead luminous radiant heaters	EN 419-1:2009 Non-domestic gas-fired overhead luminous radiant heaters. Safety

Appliance and/or fittings type	Applicable standard
Gas-fired type B tumble dryers	EN 12752-1:1999 Gas-fired type B tumble dryers of nominal heat input not exceeding 20 kW. Safety
General domestic cooking appliances	EN 30-1-1:2008 + A3:2013 Domestic cooking appliances burning gas—Part 1-1: Safety—General
General gas heated catering equipment	EN 203-1:2005 + A1:2008 Gas heated catering equipment—Part 1: General safety rules
Hot water heaters for beverage	Standard B in conjunction with EN 203-2-6:2005 Gas heated catering equipment. Specific requirements
Independent gas-fired convection heaters	EN 1266:2002 Independent gas-fired convection heaters incorporating a fan to assist transportation of combustion air and/or flue gases
Independent gas-fired flueless space heaters	EN 14829:2007 Independent gas-fired flueless space heaters for nominal heat input not exceeding 6 kW
Independent gas-fired convection heaters	EN 613:2000 Independent gas-fired convection heaters
Independent hotplates, including those incorporating a grill for outdoor use	EN 484:1997 Specification for dedicated liquefied petroleum gas appliances. Independent hotplates, including those incorporating a grill for outdoor use
Mobile and portable non-domestic forced convection direct fired air heaters	EN 1596:1998 Specification for dedicated liquefied petroleum gas appliances. Mobile and portable non-domestic forced convection direct fired air heaters
Non-domestic direct gas-fired forced convection air heaters for space heating	EN 525:2009 Non-domestic direct gas-fired forced convection air heaters for space heating not exceeding a net heat input of 300 kW
Open burners and wok burners	Standard B in conjunction with EN 203-2-1:2005 Gas heated catering equipment. Specific requirements. Open burners and wok burners
Ovens	Standard B in conjunction with EN 203-2-2:2006 Gas heated catering equipment. Specific requirements. Ovens
Parasol patio heaters. Flueless radiant heaters for outdoor or amply ventilated area use	EN 14543:2005 + A1:2007 Specification for dedicated liquefied petroleum gas appliances. Parasol patio heaters. Flueless radiant heaters for outdoor or amply ventilated area use
Pasta cookers	Standard B in conjunction with EN 203-2-11:2006 Gas heated catering equipment. Specific requirements. Pasta cookers
Portable vapour pressure liquefied petroleum gas appliances	EN 521:2006 Specifications for dedicated liquefied petroleum gas appliances. Portable vapour pressure liquefied petroleum gas appliances
Room sealed LPG space heating equipment for installation in vehicles and boats	EN 624:2011 Specification for dedicated LPG appliances—Room sealed LPG space heating

Appliance and/or fittings type	Applicable standard
	equipment for installation in vehicles and boats
Room sealed storage water heaters for the production of sanitary hot water using LPG for vehicles and boats	EN 15033:2006 Room sealed storage water heaters for the production of sanitary hot water using LPG for vehicles and boats
Salamanders and rotisseries	Standard B in conjunction with EN 203-2-7:2007 Gas heated catering equipment. Specific requirements. Salamanders and rotisseries
Single burner gas-fired overhead radiant tube heaters	EN 416-1:2009 Single burner gas-fired overhead radiant tube heaters for non-domestic use. Safety
Solid tops, warming plates, and griddles	Standard B in conjunction with EN 203-2-9:2005 Gas heated catering equipment. Specific requirements. Solid tops, warming plates and griddles

3 Standards and conditions applying to certification by Canadian Standards Association or Underwriters Laboratories

- (1) This clause applies to a gas appliance or specified fittings certified by—
 - (a) Canadian Standards Association; or
 - (b) Underwriters Laboratories.
- (2) The appliance or fittings must be certified to the standard specified in sub-clause (3), subject to the following conditions:
 - (a) a gas appliance incorporating electrical equipment with a low voltage external supply must be tested for gas safety compliance using a supply of 230 volts, 50 Hz (nominal):
 - (b) an LPG appliance, other than an appliance for use with non-refillable cartridges, must be tested as follows:
 - (i) either—
 - (A) the tests specified in the compliance standard must be conducted with Test Gas D (butane); and
 - (B) combustion tests, and tests of burner operating characteristics, pilot operating characteristics, and ignition, must also be conducted with Test Gas E (propane) with no change whatever in burner equipment; or
 - (ii) in the case of an outdoor cooking gas appliance or an outdoor cooking speciality gas appliance, tests for temperature hazards, heat resistance, flame abnormalities, including sooting, and tests in which CO ratios or concentrations are measured must be conducted with Test Gas D (butane) with no change whatever in burner equipment.
- (3) The applicable standards are as follows:

Appliance and/or fittings type	Applicable standard
Gas clothes dryers	ANSI Z21.5.1-2006/CSA 7.1-2006 American National Standard/CSA Standard For Gas Clothes Dryers, Volume I Type 1 Clothes Dryers, including ANSI Z21.5.1a-2007/CSA 7.1a-2007
Gas-fired low-intensity infrared heaters	ANSI Z83.20-2008/CSA 2.34-2008 American National Standard/CSA Standard For Gas-Fired Low-Intensity Infrared Heaters, including ANSI Z83.20a-2010/CSA 2.34a-2010 and ANSI Z83.20b-2011/CSA 2.34b-2011 Gas-fired low intensity infrared heaters
Gas-fired low pressure steam and hot water boilers	ANSI Z21.13-2010/CSA 4.9-2010 American National Standard/CSA Standard For Gas-Fired Low Pressure Steam And Hot Water Boilers, including ANSI Z21.13a-2010/CSA 4.9a-2010, and ANSI Z83.20b-2011/CSA 2.34b-2011
Gas-fired outdoor infrared patio heaters	ANSI Z83.26-2007/CSA 2.37-2007 American National Standard/CSA Standard For Gas-Fired Outdoor Infrared Patio Heaters, including ANSI Z83.26a-2008/CSA 2.37a-2008
Gas storage water heaters with input ratings above 75,000 BTU per hour	ANSI Z21.10.3-2013/ CSA 4.3-2013 Gas Water Heaters—Volume III, Storage Water Heaters With Input Ratings Above 75,000 Btu Per Hour, Circulating and Instantaneous
Gas storage water heaters with input ratings of 75,000 BTU per hour or less	ANSI Z21.10.1-2013/CSA 4.1-2013 American National Standard/CSA Standard for Gas Water Heaters With Input Ratings of 75,000 BTU Per Hour or Less Or, until 30 June 2016: ANSI Z21.10.1-2009/CSA 4.1-2009 American National Standard/CSA Standard for Gas Water Heaters, Volume I, Storage Water Heaters With Input Ratings Of 75,000 BTU Per Hour Or Less, including ANSI Z21.10.1a-2009/CSA 4.1a-2009
Gas-fired unvented room heaters	ANSI Z21.11.2-2011 American National Standard for Gas-Fired Room Heaters, Volume II, Unvented Room Heaters Or, until 30 June 2016: ANSI Z21.11.2-2007 American National Standard for Gas-fired Room Heaters, Volume II, Unvented Room Heaters, including ANSI Z21.11.2a-2008 and ANSI Z21.11.2b-2010
Gas-fired waterless toilets	CGA 5.2-1971 Gas-fired waterless toilets
Gas food service equipment	ANSI Z83.11-2006/CSA 1.8-2006 American National Standard/CSA Standard For Gas Food Service Equipment, including ANSI Z83.11a-2007/CSA 1.8a-2007 and ANSI Z83.11b-2009/CSA 1.8b-2009

Appliance and/or fittings type	Applicable standard
Household cooking gas appliances	ANSI Z21.1-2010 American National Standard For Household Cooking Gas Appliances, including ANSI Z21.1a-2011, and ANSI Z21.1b-2012 Household cooking gas appliances
Outdoor cooking gas appliances	ANSI Z21.58-2007/CSA 1.6-2007 American National Standard/CSA Standard For Outdoor Cooking Gas Appliances, including ANSI Z21.58a-2008/CSA 1.6a-2008, and ANSI Z21.58b-2012/CSA 1.6b-2012 Outdoor cooking gas appliances
Outdoor cooking specialty gas appliances	ANSI Z21.89-2007/CSA 1.18-2007 American National Standard/CSA Standard For Outdoor Cooking Specialty Gas Appliances, including ANSI Z21.89a-2008/CSA 1.18a-2008, and ANSI Z21.89b-2012/CSA 1.18b-2012 Outdoor cooking specialty gas appliances
Outdoor decorative gas appliances	ANSI Z21.97-2010 Outdoor Decorative Gas Appliances
Portable type gas camp stoves	ANSI Z21.72-2011/CSA 11.2-2011 American National Standard/CSA Standard For Portable Type Gas Camp Stoves
Portable type gas camp heaters	ANSI Z21.63/CSA 11.3 2011 Portable Type Gas Camp Heaters
Portable type gas camp lights	ANSI Z21.73-2011/CSA 11.1-2011 American National Standard/CSA Standard For Portable Type Gas Camp Lights ANSI Z21.73-2000/CSA 11.1-2000 Or, until 30 June 2016: American National Standard/CSA Standard For Portable Type Gas Camp Lights, including ANSI Z21.73a-2001/CSA 11.1a-2001 and ANSI Z21.73b-2002/CSA 11.1b-2002
Vented gas fireplace heaters	ANSI Z21.88-2009/CSA 2.33-2009 Vented gas fireplace heaters
Vented gas fireplaces	ANSI Z21.50-2012/CSA 2.22-2012 American National Standard/CSA Standard For Vented Gas Fireplaces Or, until 30 June 2016: American National Standard/CSA Standard For Vented Gas Fireplaces, including ANSI Z21.50a-2008/CSA 2.22a-2008 and ANSI Z21.50b-2009/CSA 2.22b-2009 ANSI Z21.50-2007/CSA 2.22-2007
Vented gas-fired space heating appliances	ANSI Z21.86-2008/CSA 2.32-2008 American National Standard/CSA Standard For Vented Gas-Fired Space Heating Appliances

4 Standards and conditions applying to certification by SAI Global, IAPMO R & T Oceana, or Australian Gas Association, or Global-Mark Pty Ltd

(1) This clause applies to a gas appliance or specified fittings certified by any one of the following bodies:

- (a) SAI Global Certification Services Pty Ltd (trading as SAI Global):
- (b) IAPMO R & T Oceana Pty Ltd:
- (c) Australian Gas Association:
- (d) Global-Mark Pty Ltd.

(2) The appliance or fittings must be certified to the standard specified in sub-clause (3), subject to the condition that an LPG appliance, other than an appliance for use with a non-refillable cartridge, must be certified as a universal LPG appliance or a New Zealand LPG appliance.

(3) The applicable standards are as follows:

Appliance and/or fittings type	Applicable standard
Atmospheric steamers	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Balanced flue convection heaters	AS 4553-2008 Gas space heating appliances, including AS 4553-2008/Amdt 1-2011 Gas space heating appliances Or NZS/AS 4553(Int).1:2013 Gas space heating appliances—Part 1: Essential safety Or, until 30 June 2016: AS 4553-2000 Gas space heating appliances
Barbecues, charbroilers and rotisseries	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Boilers (central heating and/or water heating)	AS 4552-2005 Gas-fired water heaters for hot water supply and/or central heating Or, until 30 June 2016: AS 4552-2000 Gas-fired water heaters for hot water supply and/or central heating
Boiling tables (open and closed top)	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Boiling water units	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Built-in cookers and ovens	AS 4551-2008 Domestic gas cooking appliances, including AS 4551-2008/Amdt 1-2009 and AS 4551-2008/Amdt 2-2012 Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances

Appliance and/or fittings type	Applicable standard
Camping lanterns	AS 2658-2008 LP Gas—portable and mobile appliances, including AS 2658-2008/Amdt 1-2009, AS 2658-2008/Amdt 2-2011, and AS 2658-2008/Amdt 3 Or, until 30 June 2016: AS 2658-2003 LP Gas—portable and mobile appliances
Caravan and marine cookers	AS 4551-2008 Domestic gas cooking appliances Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances
Chinese cooking tables	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Cookers and barbecues	AS 2658-2008 LP Gas—portable and mobile appliances, including AS 2658-2008/Amdt 1-2009, AS 2658-2008/Amdt 2-2011, and AS 2658-2008/Amdt 3 Or, until 30 June 2016: AS 2658-2003 LP Gas—portable and mobile appliances
Counter top cookers	AS 4551-2008 Domestic gas cooking appliances Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances
Domestic gas refrigerators	AS 4555-2002 (AG-105-2002) Domestic gas refrigerators, including AS 4555-2002 (AG 105-2002)/Amdt 1-2011
Domestic outdoor gas barbecues	AS 4557-2004 Domestic outdoor gas barbecues, including AS 4557-2004/Amdt 1-2009 and AS 4557-2004/Amdt 2-2012 Or NZS/AS 4557(Int): 2013 Domestic outdoor gas barbecues Or, until 30 June 2016: AS 4557-2001 Domestic outdoor gas barbecues
Ducted heaters	AS 4556-2011 Indirect gas-fired ducted air-heaters Or, until 30 June 2016: AS 4556-2000/AG 106-2000 Indirect gas-fired ducted air-heaters
Duct and unit heaters	AS 4556-2011 Indirect gas-fired ducted air-heaters Or, until 30 June 2016: AS 4556-2000/ AG 106-2000 Indirect gas-fired ducted air-heaters
Elevated cookers	AS 4551-2008 Domestic gas cooking appliances Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances
Equipment for use with refillable cylinders	AS 2658-2008 LP Gas—portable and mobile appliances, including AS 2658-2008/Amdt 1-2009, AS 2658-2008/Amdt 2-2011, and AS 2658-2008/Amdt 3

Appliance and/or fittings type	Applicable standard
Exterior gas lights	Or, until 30 June 2016: AS 2658-2003 LP Gas—portable and mobile appliances AS 4558-2011 Decorative gas log and other fuel effect fires Or NZS/AS 4558(Int):2013 Decorative gas log and other fuel effect fires
Flueless convection heaters	Or, until 30 June 2016: AS 4558-2000/AG108-2000 Decorative gas log and other fuel effect fires AS 4553-2008 Gas space heating appliances Or NZS/AS 4553(Int).1:2013 Gas space heating appliances—Part 1: Essential safety
Flued radiant/convection heaters	Or, until 30 June 2016: AS 4553-2000 Gas space heating appliances AS 4553-2008 Gas space heating appliances Or NZS/AS 4553(Int).1:2013 Gas space heating appliances—Part 1: Essential safety
Flueless radiant/convection heaters	Or, until 30 June 2016: AS 4553-2000 Gas space heating appliances AS 4553-2008 Gas space heating appliances Or NZS/AS 4553(Int).1:2013 Gas space heating appliances—Part 1: Essential safety
Food warmers including bains marie	Or, until 30 June 2016: AS 4553-2000 Gas space heating appliances AS 4563-2004 Commercial catering gas equipment
Freestanding cookers	Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment AS 4551-2008 Domestic gas cooking appliances
Fryers	Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances AS 4563-2004 Commercial catering gas equipment
Gas boosted solar water heaters	Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment AS 4552-2005 Gas-fired water heaters for hot water supply and/or central heating
Gas laundry dryers	Or, until 30 June 2016: AS 4552-2000 Gas-fired water heaters for hot water supply and/or central heating AS 4554-2005 Gas laundry dryers
Gas log fires	Or, until 30 June 2016: AS 4554-2002 Gas laundry dryers AS 4558-2011 Decorative gas log and other fuel effect fires NZS/AS 4558(Int):2013 Decorative gas log and other fuel effect fires

Appliance and/or fittings type	Applicable standard
Gas pool heaters	Or, until 30 June 2016: AS 4558-2000/ AG108-2000 Decorative gas log and other fuel effect fires AS 4560-2004 Gas pool heaters, including AS 4560-2004/Amdt 1-2009 Gas pool heaters
Hotplates	AS 4551-2008 Domestic gas cooking appliances Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances
Indoor gas lights	AS 4558-2011 Decorative gas log and other fuel effect fires Or NZS/AS 4558(Int):2013 Decorative gas log and other fuel effect fires Or, until 30 June 2016: AS 4558-2000/ AG108-2000 Decorative gas log and other fuel effect fires
Industrial and commercial gas-fired appliances	AS 3814-2009 Industrial and commercial gas- fired appliances Or, until 30 June 2016: AS 3814-2002/ AG 108-2000 Industrial and commercial gas- fired appliances
Instantaneous water heaters	AS 4552-2005 Gas-fired water heaters for hot water supply and/or central heating Or, until 30 June 2016: AS 4552-2000 Gas- fired water heaters for hot water supply and/or central heating
LPG mobile industrial direct-fired air heaters	AS 5262-2011 LP Gas mobile industrial direct-fired air heaters Or, until 30 June 2016: AG 404-1998 Approval requirements for LPG mobile industrial direct-fired air heaters
Miscellaneous heaters	AS 4553-2008 Gas space heating appliances Or NZS/AS 4553(Int).1:2013 Gas space heating appliances—Part 1: Essential safety Or, until 30 June 2016: AS 4553-2000 Gas space heating appliances
Ovens	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Overhead radiant tube gas heaters	AS 4643-2007 Overhead radiant tube gas heaters
Pasta cookers and rethermalisers	AS 4563-2004 Commercial catering gas equipment Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment
Radiant gas heaters for outdoor and non- residential indoor use	AS 4565-2004 Radiant gas heaters for outdoor and non-residential indoor use, including AS 4565-2004/Amdt 1-2011 Radiant gas heaters for outdoor and non-residential indoor use

Appliance and/or fittings type	Applicable standard
Ranges	Or, until 30 June 2016: AS 4565-2001 Outdoor radiant gas heaters AS 4563-2004 Commercial catering gas equipment
Salamanders, grillers and griddles	Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment AS 4563-2004 Commercial catering gas equipment
Space heaters	Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment AS 2658-2008 LP Gas—portable and mobile appliances, including AS 2658-2008/Amdt 1-2009, AS 2658-2008/Amdt 2-2011, and AS 2658-2008/Amdt 3
Stockpots and brat pans	Or, until 30 June 2016: AS 2658-2003 LP Gas—portable and mobile appliances AS 4563-2004 Commercial catering gas equipment
Storage water heaters	Or, until 30 June 2016: AS 4563-2003 Commercial catering gas equipment AS 4552-2005 Gas-fired water heaters for hot water supply and/or central heating Or, until 30 June 2016: AS 4552-2000 Gas-fired water heaters for hot water supply and/or central heating
Wall furnaces	AS 4553-2008 Gas space heating appliances Or NZS/AS 4553(Int).1:2013 Gas space heating appliances—Part 1: Essential safety Or, until 30 June 2016: AS 4553-2000 Gas space heating appliances
Wall ovens	AS 4551-2008 Domestic gas cooking appliances Or, until 30 June 2016: AS 4551-2000 Domestic gas cooking appliances

Schedule 3

Requirements for CNG safety training

r 82

- 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 Form

r 83(2)

CNG station certificate of compliance

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 Prescribed fees

rr 61(1), 85(3), 90(1)

For an application for an exemption:	\$400
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For declared article approvals—

- | | |
|---|-------|
| (a) initial application: | \$640 |
| (b) application for modification to approval: | \$400 |

Schedule 5: amended, on 1 July 2013, by regulation 18 of the Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280).

Schedule 6 Gas safety compliance labels

r 72(2)(a), (e)

Schedule 6: substituted, on 10 November 2011, by regulation 34 of the Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371).



Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 1 April 2010.

Gas (Safety and Measurement) Amendment Regulations 2012

(SR 2012/280)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of September 2012

Present:

The Right Hon John Key presiding 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 and Resources after consultation with the Environmental Protection Authority in accordance with section 54(6) of the Gas Act 1992, makes the following regulations.

Regulations

1 Title

These regulations are the Gas (Safety and Measurement) Amendment Regulations 2012.

2 Commencement

These regulations come into force on 1 July 2013.

3 Principal regulations

These regulations amend the Gas (Safety and Measurement) Regulations 2010 (the **principal regulations**).

Transitional provisions

15 Application of amendments made by these regulations

(1) In this regulation,—

new regulations means the principal regulations as amended by these regulations

old regulations means the principal regulations as they were immediately before these regulations came into force.

- (2) The new regulations apply to all gasfitting work that is started on or after these regulations come into force.
- (3) Gasfitting work on a gas installation or part installation that is in progress when these regulations come into force may, after these regulations come into force, be continued and completed under either the old regulations or the new regulations, but—
 - (a) if the new regulations are applied, they must continue to be applied to all stages of the work (such as testing, connection, and certification) until the work is finished, and a gas safety certificate must be issued for the gas installation or part installation after it is connected to a gas supply; and
 - (b) if the old regulations continue to be applied,—
 - (i) a certificate of compliance of the sort provided for in the old regulations may be issued, but only until 30 September 2013, in which case any fee associated with that certificate of compliance continues to be payable by the person issuing it; after that date, every certificate of compliance must be in the form provided for in the new regulations; and
 - (ii) a gas safety certificate may, but need not be, issued; and
 - (iii) if the work is high-risk gasfitting work, details of the work may, but need not, be recorded in the certification database.

Rebecca Kitteridge,
Clerk of the Executive Council.

Date of notification in *Gazette*: 27 September 2012.

Notes

1 *General*

This is a consolidation of the Gas (Safety and Measurement) Regulations 2010 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): sections 93–98

Standards and Accreditation Act 2015 (2015 No 91): section 45(2)

Health and Safety at Work Act 2015 (2015 No 70): section 232

Gas (Safety and Measurement) Amendment Regulations 2014 (LI 2014/205)

WorkSafe New Zealand Act 2013 (2013 No 94): section 22

Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409): regulation 3(2)

Gas (Safety and Measurement) Amendment Regulations 2012 (SR 2012/280)

Criminal Procedure Act 2011 (2011 No 81): section 413

Gas (Safety and Measurement) Amendment Regulations 2011 (SR 2011/371)