

1974/215



**THE CONSTRUCTION REGULATIONS 1961,
AMENDMENT NO. 7**

—
DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 19th day of August
1974

Present:

THE HON. H. WATT PRESIDING IN COUNCIL

PURSUANT to the Construction Act 1959, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Construction Regulations 1961, Amendment No. 7, and shall be read together with and deemed part of the Construction Regulations 1961* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Notifiable work—(1) Regulation 5 (a) (ii) of the principal regulations is hereby amended by omitting the words “or radio aerials”.

(2) The said regulation 5 is hereby further amended by adding the following paragraph:

“(h) Any work which involves the application of asbestos-based materials by spraying.”

3. Grant of certificate—Regulation 11 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclauses:

“(3) Every certificate of competency and every renewal thereof shall remain in force until it is revoked or until the date from time to time fixed by the Chief Safety Engineer for the expiry of certificates. The Chief Safety Engineer may fix different dates of expiry for different classes of certificate.

*Reprinted with Amendments Nos. 1 to 3: S.R. 1968/67
Amendment No. 4: S.R. 1969/45
Amendment No. 5: S.R. 1970/31
Amendment No. 6: S.R. 1971/187

“(4) Notwithstanding anything to the contrary in these regulations, every certificate of competency or renewal thereof which has specified on it a date of expiry shall remain in force until it is revoked or until—

“(a) The date first fixed by the Chief Safety Engineer under subclause (3) of this regulation, if the specified date is on or before the date so fixed:

“(b) The specified date, if the specified date is after the date so fixed, and shall thereafter, if renewed, remain in force until the expiry date from time to time fixed by the Chief Safety Engineer.”

4. Renewal—(1) Regulation 13 of the principal regulations is hereby amended by revoking subclause (4), and substituting the following subclause:

“(4) Every renewal of a certificate of competency may be granted in advance or retrospectively to take effect from the date of expiry of the certificate.”

(2) Regulation 3 of the Construction Regulations 1961, Amendment No. 6, is hereby consequentially revoked.

5. Revocation—Regulation 14 (1) (a) of the principal regulations is hereby amended by adding the words “or has become unable to efficiently carry out or supervise, as the case may be, the work to which the certificate relates owing to physical or mental infirmity”.

6. Riding suspended load or crane hook restricted—The principal regulations are hereby further amended by inserting, after regulation 30, the following regulation:

“30A. No workman shall ride on a suspended load or on a crane hook unless he is permitted to do so in writing by an Inspector and unless he complies with such conditions as the Inspector may specify in the written permission.”

7. Maintenance and protection of working places—Regulation 31 of the principal regulations is hereby amended by adding the following subclause:

“(4) Every temporary cover for an opening shall be so designed and constructed as to withstand any load placed on it, and shall bear in easily legible lettering the words ‘Danger—Hole Below’.”

8. Working places on roofs—Regulation 34A (1) of the principal regulations (as inserted by regulation 6 of the Construction Regulations 1961, Amendment No. 5) is hereby amended by adding the following proviso:

“Provided that, if the Inspector is of the opinion that in any particular case or class of case compliance with this subclause is impracticable, he may authorise the use of any alternative safe method of working.”

9. Code of practice—The principal regulations are hereby further amended by inserting, after regulation 36, the following regulation:

“36A. Every person who uses, or causes to be used, scaffolding in or in connection with construction work shall comply with the code of practice issued on the 1st day of July 1971 by the Chief Safety Engineer and called ‘Code of Practice for Scaffolding in Building and Engineering Work’.”

10. Certificate of competency as a scaffolder—Regulation 37 of the principal regulations is hereby amended by revoking subclauses (6) and (7).

11. Scaffolding more than 25 ft high—(1) Regulation 47 (1) of the principal regulations is hereby amended by inserting, after the words “25 ft high”, the words “or which will, when completed, be more than 25 ft high”.

(2) The said regulation 47 (1) is hereby further amended by omitting from paragraph (a) the word “substantially”.

12. Code of practice—The principal regulations are hereby further amended by inserting, after regulation 70, the following regulation:

“70A. Every person who makes, or causes to be made, an excavation shall comply with the code of practice issued on the 1st day of July 1971 by the Chief Safety Engineer and called ‘Code of Practice for Excavation in Building and Engineering Work’.”

13. Use of defective powder-powered tools prohibited—The principal regulations are hereby further amended by revoking regulation 96 (as added by regulation 4 of the Construction Regulations 1961, Amendment No. 1), and substituting the following regulation:

“96. (1) No employer shall knowingly cause or allow to be used on construction work, and no workman shall knowingly use on construction work, any powder-powered tool which is defective to such an extent as to be a likely source of danger to any person.

“(2) No employer shall knowingly allow to be used on construction work, and no workman shall knowingly use on construction work, any powder-powered tool in an unsafe manner.”

14. Safety Supervisors’ certificates—Regulation 97 of the principal regulations (as added by regulation 6 of the Construction Regulations 1961, Amendment No. 1) is hereby amended by revoking subclause (6).

15. Limitation on blasting operations—Regulation 100 of the principal regulations (as substituted by regulation 2 of the Construction Regulations 1961, Amendment No. 4) is hereby amended by revoking subclause (2).

16. Certificate of competency as a blaster—Regulation 101 of the principal regulations (as added by regulation 3 of the Construction Regulations 1961, Amendment No. 2) is hereby amended by revoking subclause (4).

17. Endorsement of certificate—Regulation 102 of the principal regulations (as so added) is hereby revoked.

18. Blasts to be fired electrically—The principal regulations are hereby further amended by inserting, after regulation 103 (as so added), the following regulation:

“103A. (1) Only approved electrical firing methods and instruments shall be used to initiate a blast:

“Provided that if extraneous electricity makes such methods dangerous, then safety fuse and plain detonator initiation with or without detonating fuse shall be used:

“Provided also that if in the opinion of an Inspector the use of electrical methods is impracticable he may authorise in writing a different approved method.

“(2) The employer shall provide the necessary exploder, firing cable, and circuit tester. No person shall use wet or dry cell batteries instead of an exploder.

“(3) The employer shall maintain the exploder in an operating condition to its rated capacity.

“(4) The employer shall have the exploder tested and serviced at intervals not exceeding 1 year. If the test shows it is operating below its rated capacity it shall not be used until it is in full working order. A log book shall be maintained for each exploder showing the result of tests and date of servicing and shall be available for inspection by an Inspector.”

19. Safety requirements—The principal regulations are hereby further amended by revoking regulation 104 (as so added), and substituting the following regulation:

“104. No person shall, on construction work,—

“(a) Knowingly cause or allow to be used or use in blasting operations any explosive or accessory which is defective or deteriorated to such an extent as to create a danger; or

“(b) Omit to check that any explosive or accessory used in blasting operations is fit for use before using it; or

“(c) Cause or allow to be prepared or prepare a blasting charge in such a manner as to create a danger; or

“(d) After firing a charge fail to take proper steps to check that all explosives contained in the charge have exploded, or leave unexploded explosives in such a position or condition as to create a danger; or

“(e) Leave or cause to be left any explosive or detonator in an insecure place or abandon or cause to be abandoned any explosive or detonator.”

20. Reference corrected—Regulation 117 (2) of the principal regulations (as added by regulation 8 of the Construction Regulations 1961, Amendment No. 6) is hereby amended by omitting the figure “6”, and substituting the figure “115”.

21. New Part XVI added—The principal regulations are hereby further amended by adding, after Part XV (as added by regulation 9 of the Construction Regulations 1961, Amendment No. 6), the following Part:

“PART XVI

“*Fire Protection*

“120. **Interpretation**—In this Part of these regulations, unless the context otherwise requires,—

'Chief Fire Officer' means the Chief Fire Officer for the district, within the meaning of the Fire Services Act 1972, in which a fire protection area or construction work site, as the case may be, is situated, or, if such area or site is not situated within such a district, means the Chief Fire Service Officer within the meaning of that Act:

'Combustible material' includes flammable liquids and gases; and also includes expanded polystyrene and polyurethane foam:

'Fire protection area' means—

(a) The site of any work (other than work which is not notifiable) being carried out in connection with the construction, erection, installation, repair, maintenance, cleaning, painting, renewal, removal, alteration, dismantling, or demolition of any building, erection, edifice, or structure; and

(b) The site of any other construction work which has been declared to be a fire protection area by a written notice to that effect given by an Inspector to the employer.

"121. **General safety measures**—(1) The employer shall not permit the accumulation of combustible material likely to constitute a fire hazard in any fire protection area.

"(2) No source of ignition shall be introduced, and no person shall smoke in or take matches or any other flame or spark making appliance, into any place where combustible materials are used, stored, or handled.

"(3) The employer shall erect at every place where combustible materials are used, stored, or handled a sign board bearing in easily legible lettering the words 'Danger—No Smoking or Naked Lights'.

"122. **Water supply**—If construction work in a fire protection area includes the installation of a permanent rising water main—

"(a) The main shall be installed progressively as work proceeds as far as is practicable so as to be available and ready for use not more than 9 metres below the uppermost working floor:

"(b) A water supply shall be provided in the main:

"(c) A booster pump connection shall be included in the main in a suitable position approved by the Chief Fire Officer, and such connection shall be available for immediate use:

"(d) Suitable hose connections shall be provided to the main so that a hose of 30 metres in length or less shall be sufficient to fight a fire on any floor:

"(e) Suitable hoses not less than 20 mm in internal diameter shall be provided for use in conjunction with such hose connections.

"123. **Fire extinguishers**—The employer shall provide on construction work sites such number and types of fire extinguisher as may be specified by the Chief Fire Officer—

"(a) In every workshop, site office, main switchboard room, and in all workmen's accommodation:

"(b) In every place where combustible material is stored:

“(c) In every place where a welding or flame cutting process is being carried out:

“(d) On every floor of a building or structure.

“124. **Emergency precautions**—The employer shall, in respect of every fire protection area,—

“(a) Establish an effective warning system to facilitate immediate evacuation and the summoning of emergency services:

“(b) Clearly define a place clear of any combustible materials where workmen are to assemble on an outbreak of fire:

“(c) Carry out trial evacuations at intervals of not more than 3 months.”

22. New Part XVII added—The principal regulations are hereby further amended by adding, after Part XVI (as added by regulation 20 of these regulations), the following Part:

“PART XVII

“*Demolition*

“125. **Interpretation**—In this Part of these regulations, unless the context otherwise requires, ‘demolition’ means the dismantling, wrecking, pulling down, or knocking down of any building or structure or part thereof; but does not include such work of a minor nature which does not involve structural alterations.

“126. **Precautions against collapse**—(1) Before demolition is commenced, and also during the progress of the work, reasonable precautions shall be taken to prevent the accidental collapse of any part of the building or structure or retaining wall, or of any adjoining building or structure or retaining wall the collapse of which may endanger any property.

“(2) Building materials shall not be cut or released if there is a likelihood of injury to persons or damage to property arising from any twisting, springing, or collapse thereof.

“127. **Overloading**—While demolition is being carried out no part of the building or structure shall be so loaded with debris, materials, or objects as to render it unsafe to persons or property.”

23. Amending First Schedule—Part I of the First Schedule to the principal regulations (as substituted by regulation 4 of the Construction Regulations 1961, Amendment No. 3) is hereby amended by omitting from clause 2 the expression “N.Z.S.S. 169: 1962”, and substituting the expression “N.Z.S. 3631: 1971”.

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulation 2, subclause (1) provides for work on radio aerials involving risk of a fall of more than 15 ft to be notifiable work.

Subclause (2) provides for work which involves the application of asbestos-based materials by spraying to be notifiable work.

Regulation 3: At present certificates of competency expire at various dates depending on the date of grant.

This regulation empowers the Chief Safety Engineer to fix a common date for the expiry of all certificates or all certificates of a particular class.

Regulation 4 provides that renewals of certificates of competency may be granted in advance or retrospectively to take effect from the date of expiry of the certificate.

Regulation 5 adds a new ground for the revocation of a certificate of competency, namely that it is proved to the satisfaction of the Chief Safety Engineer that the holder has become unable to efficiently carry out or supervise the work to which the certificate relates owing to physical or mental infirmity.

Regulation 6 prohibits a workman from riding on a suspended load or a crane hook unless permitted to do so by an Inspector and unless he complies with any conditions specified by the Inspector.

Regulation 7 provides that every temporary cover for an opening shall be so designed and constructed as to withstand any load placed on it, and shall bear the words "danger—hole below".

Regulation 8 amends a provision relating to safety precautions to be taken when working on brittle roofing material.

The amendment provides that, if an Inspector is of the opinion that compliance with the specified precautions is impracticable, he may authorise the use of any alternative safe method of working.

Regulation 9 requires persons who use scaffolding in construction work to comply with the code of practice for scaffolding issued by the Chief Safety Engineer.

Regulation 10 revokes provisions relating to the expiry date of scaffolders' certificates as the provisions are made redundant by *regulation 3*.

Regulation 11 makes it clear that safety precautions relating to scaffolding more than 25 ft high apply to scaffolding which will, when completed, be more than 25 ft high.

In addition the regulation provides for all alterations to such scaffolding to be under the charge of a certificated scaffolder. At present this provision applies only to substantial alterations.

Regulation 12 requires persons making excavations to comply with the code of practice for excavations issued by the Chief Safety Engineer.

Regulation 13 rewrites regulation 96 of the principal regulations which prohibits the use of defective powder-powered tools. There is no change in substance.

The new regulation imposes certain duties instead of declaring certain actions and omissions to be offences. This will bring regulation 96 into line with other provisions of the regulations. Sections 22 and 23 of the Construction Act 1959 make it an offence to fail to comply with duties under the regulations.

Regulation 14 revokes a provision relating to the expiry date of safety supervisors' certificates as the provision is made redundant by *regulation 3*.

Regulation 15 revokes a redundant provision.

Regulation 16 revokes a provision relating to the expiry date of blasters' certificates as the provision is made redundant by *regulation 3*.

Regulation 17 revokes a provision relating to safety supervisors' certificates made redundant by *regulation 15*.

Regulation 18 inserts a new regulation 103A which requires, with certain exceptions, blasts to be fired electrically.

Regulation 19 rewrites regulation 104 of the principal regulations which prohibits the use of unsafe methods of blasting. There is no change in substance. The reason for rewriting the regulation is the same as that stated for *regulation 13*.

Regulation 20 corrects an incorrect reference.

Regulation 21 adds a new Part XVI to the principal regulations containing provisions relating to fire protection on construction sites.

Regulation 22 adds a new Part XVII to the principal regulations containing provisions relating to safety precautions for demolition work.

Regulation 23 brings a reference to a standard specification up to date.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 August 1974.

These regulations are administered in the Department of Labour.