



**THE DANGEROUS GOODS (CLASS 2—GASES) REGULATIONS
1980, AMENDMENT NO. 2**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of October 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 35 of the Dangerous Goods Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Isolation distances from dangerous goods of Class 2 (b) 3. Vehicle refuelling stations 4. Restrictions in respect of sources of ignition 5. Filling stations for charging cylinders 6. Isolation distances from sources of ignition | <ol style="list-style-type: none"> 7. Restrictions on smoking and sources of ignition 8. New regulations inserted <p style="text-align: center;"><i>Restrictions on Smoking</i></p> <p>137A. Restrictions on smoking</p> <p style="text-align: center;"><i>Restrictions on Parking Motor Vehicles</i></p> <p>137B. Restrictions on parking motor vehicles</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Dangerous Goods (Class 2—Gases) Regulations 1980, Amendment No. 2, and shall be read together with and deemed part of the Dangerous Goods (Class 2—Gases) Regulations 1980* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Isolation distances from dangerous goods of Class 2 (b)—

(1) Regulation 32 (1) of the principal regulations is hereby amended by omitting from each column of the table relating to sources of ignition the expression “8”, and substituting in every case the expression “5”.

(2) Regulation 32 (4) of the principal regulations is hereby amended—

(a) By omitting from the item relating to protected works in the table the words “or sources of ignition”;

(b) By adding to the item relating to public places in the table the words “or sources of ignition”.

3. Vehicle refuelling stations—Regulation 53 (1) (h) of the principal regulations is hereby amended by omitting the expression “5m”, and substituting the expression “3m”.

4. Restrictions in respect of sources of ignition—Regulation 59 of the principal regulations is hereby amended—

(a) By omitting from subclause (1) the expression “6m”, and substituting the words “that distance expressed in regulation 56 of these regulations as being the minimum distance to be maintained from a public place”;

(b) By revoking subclause (2).

5. Filling stations for charging cylinders—Regulation 60 (2) (d) of the principal regulations is hereby revoked.

6. Isolation distances from sources of ignition—Regulation 73 of the principal regulations is hereby amended—

(a) By omitting the words “protected work”, and substituting the words “public place”;

(b) By revoking the proviso.

7. Restrictions on smoking and sources of ignition—Regulation 82 (2) of the principal regulations is hereby amended by omitting the words “smoke or”.

8. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 137, the following cross-headings and regulations:

“Restrictions on Smoking

“137A. **Restrictions on smoking—**No person shall smoke, or permit any other person to smoke, with respect to any tank used for the storage of dangerous goods of Class 2, or to any valve or filling or discharge connection used in respect of such goods, or to any cylinder containing such goods, closer than the isolation distance from a public place prescribed in respect of dangerous goods of Class 2 (b) or Class 2 (d) stored or used in any such tank, valve, filling or discharge connection, or cylinder, as the case may be, by regulation 32, 56, or 71 of these regulations or, in respect of dangerous goods of Class 2 (f), 5 m.”

“Restrictions on Parking Motor Vehicles

“137B. **Restrictions on parking motor vehicles—**(1) Except in an area approved by a licensing authority after consultation with a Fire Safety Officer appointed under the Fire Service Act 1975, no person shall

park or leave or be permitted to park or leave a motor vehicle within 5m of a tank used for the storage of dangerous goods of Class 2, or of any valve or filling or discharge connection used for such goods.

“(2) Any area surrounding a storage tank, valve, or filling or discharge connection used for dangerous goods of Class 2, being an area which has not been so approved by a licensing authority, shall be clearly marked, either by an approved sign or by means of a physical barrier, to indicate that no motor vehicle shall be left or parked in the area.”

C. J. HILL,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations amend the Dangerous Goods (Class 2—Gases) Regulations 1980, and equate the isolation distances from certain gases for smokers with those of sources of ignition. The amendments are consequential on the judgment of Chilwell J. in the High Court in the case *Mace Constructions Ltd. v Onehunga Borough Council*, given 24 June 1982.

A new regulation dealing with the parking of motor vehicles in or near dangerous goods storage tanks is also introduced.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 October 1982.

These regulations are administered in the Department of Labour.