

**1960/24**

## THE GAS INDUSTRY REGULATIONS 1960

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COBHAM, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 14th day of March 1960

Present:

THE RIGHT HON. W. NASH, C.H., PRESIDING IN COUNCIL

PURSUANT to the Gas Industry Act 1958, and, in respect of regulation 24 hereof, pursuant to the Industries and Commerce Act 1956, 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. (1) These regulations may be cited as the Gas Industry Regulations 1960.

(2) These regulations shall come into force on the 1st day of April 1960.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Gas Industry Act 1958:

“Calorific value” means the number of British thermal units (gross) produced by the combustion of 1 cubic foot of gas, measured at 60° Fahrenheit under a pressure of 30 in. of mercury and saturated with water vapour:

“Department” means the New Zealand Electricity Department: Terms and expressions defined in the Act shall, when used in these regulations, have the meanings so defined.

3. These regulations apply to all gas undertakings from which gas is supplied to the public.

4. (1) Each owner of a gas undertaking shall, within 28 days after the date of the commencement of these regulations, forward to the Department a notice in writing declaring the calorific value of the gas intended to be supplied by him from the 1st day of April 1960 until an alteration is made in accordance with subclause (3) of this regulation.

(2) Where the ownership of a gas undertaking is changed or where a new gas undertaking is established, the owner thereof shall, before commencing the supply of gas from any such undertaking, forward to the Department a notice in writing declaring the calorific value of the gas intended to be supplied by him.

(3) The owner of any gas undertaking may, by giving not less than three months notice in writing addressed to the Department of his intention to do so, alter the declared calorific value of the gas intended to be supplied by him.

(4) The Minister may, by notice under his hand, require the owner of any gas undertaking to declare the calorific value of gas supplied by him.

(5) The calorific value declared under this regulation in respect of any gas shall not be less than 450 British thermal units.

5. Each owner of a gas undertaking shall supply gas—

- (a) Having a calorific value not less than the value declared under regulation 4 of these regulations having regard to the method of testing referred to in paragraph (c) of subclause (1) of regulation 16 hereof; and
- (b) At such a pressure in any main, or in any pipe having an internal diameter of 2 in. or more and laid between the main and the meter, as will balance a column of water not less than 2 in. in height; and
- (c) Free from sulphuretted hydrogen; and
- (d) Having a distinctive odour so that the presence of gas in the atmosphere is readily detectable.

6. Where the owner of any gas undertaking alters the declared calorific value of gas supplied by him, he shall, as soon as practicable after the alteration, take at his own expense such steps as may be necessary to alter, adjust, or replace the burners in the appliances of consumers in such a manner as to ensure that the gas can be burned with safety and efficiency:

Provided that where any consumer objects to any such alteration, adjustment, or replacement, the owner shall not be bound by this regulation.

7. It shall not be lawful for the owner of any gas undertaking to charge for gas supplied by him according to the number of British thermal units which the gas is capable of producing.

8. (1) The Minister shall appoint three persons to act as Gas Referees, one of whom shall be a person having practical knowledge and experience in the manufacture and supply of gas and who shall be appointed after consultation with representatives of the gas industry.

(2) There may be appointed under the Public Service Act 1912 such properly qualified Gas Examiners as may from time to time be found necessary for the purposes of these regulations. One of the persons so appointed shall be appointed as Chief Gas Examiner. The office of Gas Examiner may be held concurrently with any other office.

(3) Every Inspector appointed under the Weights and Measures Act 1925 shall, if approved by the Gas Referees in that behalf, be deemed to be an Inspector of Meters under these regulations.

(4) Gas Examiners and Inspectors of Meters shall have such functions and powers as are prescribed by these regulations.

(5) Gas Referees shall hold office during the pleasure of the Minister.

9. Two of the Gas Referees shall be a quorum and at least two of the Gas Referees shall concur in every act or determination of the Gas Referees.

10. The Gas Referees shall from time to time prescribe in respect of gas undertakings generally, or of any gas undertaking—

- (a) The places and times at which and the apparatus and methods by which tests, whether continuous or intermittent, shall be made to ascertain whether the owner of any gas undertaking is supplying gas in accordance with his obligations; and
- (b) The method by which any such apparatus shall be verified; and
- (c) The time and form of the reports to be made by a Gas Examiner to the Gas Referees and to the owners of gas undertakings, and the means by which the results of the tests shall be made available to the public.

11. If the owner of a gas undertaking is dissatisfied with any report of a Gas Examiner, he may within 30 days appeal to the Gas Referees, who may confirm, with or without amendment, or annul the report; and the decision of the Gas Referees, after hearing the parties, shall be final and conclusive.

12. (1) Each owner of a gas undertaking shall provide and maintain, to the satisfaction of the Gas Referees, the prescribed testing places and apparatus, and shall give any Gas Examiner access to any testing place for the proper execution of his duty.

(2) The prescribed apparatus shall, in the case of any gas undertaking from which has been sold in the last preceding year more than 50,000,000 cubic feet of gas, and in any other case in which it appears necessary to the Gas Referees, include a calorimeter of a design approved by the Gas Referees for the production of a continuous record of the calorific value of the gas which is being supplied.

13. A representative of the owner of the gas undertaking may be present on any occasion on which a Gas Examiner inspects, or alters, adjusts, or replaces the testing apparatus, or tests the gas, but shall not interfere with the inspection, alteration, adjustment, replacement, or test, unless requested to do so by the Gas Examiner. For the purposes of this regulation, the Gas Examiner shall, in cases where the testing place is situated elsewhere than on the works of the gas undertaking, give to the owner of the gas undertaking or a responsible official of the undertaking reasonable notice of the time at which he will attend at the testing place.

14. A Gas Referee or a Gas Examiner may at any reasonable time where it appears to him necessary for the proper execution of his duties, enter upon and inspect any of the works of a gas undertaking, and the owner of the gas undertaking shall afford him and his assistants full facilities for this purpose, and shall furnish the Gas Referee or the Gas Examiner with such information with regard to the position of the mains and pipes of the gas undertaking, and with regard to any other matter, as the Gas Referee or the Gas Examiner may reasonably require:

Provided that the Gas Referee, Gas Examiner, or any other person or persons acting under the authority of these regulations, shall immediately before any inspection of any works of a gas undertaking notify any responsible official of the gas undertaking of his or their intention to carry out any such inspection.

15. There shall be paid to each Gas Referee remuneration by way of fees and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Gas Referees were members of a statutory Board within the meaning of that Act.

16. (1) It shall be an offence by the owner of a gas undertaking against these regulations—

- (a) If that owner fails to comply with any lawful requirement of the Gas Referees to provide or maintain any testing place, apparatus, or materials, or any other matter or thing prescribed in the requirement, or to afford to a Gas Examiner or a Gas Referee access to any testing place or works in accordance with the requirements of these regulations, or to afford or furnish any facilities or information in accordance with the requirements of these regulations:
- (b) If in any year the average calorific value of the gas supplied from that undertaking, ascertained in the manner prescribed by the Gas Referees, is less than the declared value:
- (c) If on any occasion of testing by a Gas Examiner the average calorific value of the gas supplied from the gas undertaking for a period of two hours or upwards ascertained in accordance with the provisions of these regulations (by intermittent tests or by a continuous test with a recording calorimeter after verification and, if necessary, adjustment by the Gas Examiner) is more than 5 per cent below the declared calorific value:

Provided that where there is no continuous record of the calorific value of the gas supplied from the gas undertaking, if on any occasion of testing the calorific value at any testing place is found to be more than 5 per cent below the declared calorific value, a second testing shall be made on the same day after an interval of not less than one hour, and the mean of the two testings shall be deemed, for the purposes of this paragraph, to be the calorific value of the gas supplied from the gas undertaking at that testing place for a period of two hours:

- (d) If on any occasion the gas supplied by that gas undertaking does not conform to the provisions of these regulations in regard to purity:
- (e) If on any occasion the gas supplied from that gas undertaking does not conform to the provisions of these regulations in regard to pressure:

Provided that if the Gas Referees are satisfied that the deficiency is due to the insufficient size of the gas mains, or to such other cause as may require time for its correction, the owner of the gas undertaking shall not be liable hereunder if he lays the additional or larger mains or takes such steps to correct the deficiency as may be necessary within such time as shall be allowed by the Gas Referees.

(2) The owner of a gas undertaking shall not be held to have committed an offence under this regulation in any case where he shows that the deficiency or failure was due to circumstances not within his

control, nor shall he be held to have committed more than one offence on any one day in respect of a deficiency in either calorific value, purity, or pressure of gas supplied from any one works.

(3) The foregoing provisions of this regulation are without prejudice to the liability of any person in respect of any offence committed by that person and arising out of the other provisions contained in these regulations, save that if the same act or omission constitutes an offence under this regulation and also an offence under any of the other provisions of these regulations, proceedings in respect thereof shall be instituted under this regulation.

(4) Every owner who commits an offence under this regulation shall be liable to a fine not exceeding £500.

17. The owner of each gas undertaking shall register all gas manufactured at the works of the undertaking by means of an approved station meter or meters before the gas is delivered into the gas holders, and no gas of the undertaking manufactured as aforesaid shall be delivered into a gas holder unless the gas has been so registered.

18. (1) The owner of each gas undertaking shall furnish to the Department an annual return showing in cubic feet the volume of gas registered at the works during the year, and also the total volume registered by all consumers' meters, and such other information relating to the operation of these regulations as the Minister may specify from time to time.

(2) Every such annual return shall be furnished in respect of the year ending on the 31st day of March in every calendar year or ending on any other date which may, by permission in writing of the Department, be substituted for that date, and shall be so furnished not more than 31 days after the expiry of the annual period to which the return relates.

19. No owner of a gas undertaking shall issue or deliver any gas meter for the use of any consumer unless it has been tested and stamped as accurate by an Inspector of Meters, and the Gas Referees have approved of the method of testing and stamping employed.

20. An Inspector of Meters shall have access at any time during working hours to any premises where he has reason to believe consumers' type meters are held in stock or repaired, tested, or assembled and he may test or cause to be tested any meters on the premises. He may also require the owner of any gas undertaking to bring in for testing any meters in use, but shall allow reasonable time to bring in the meters. In cases where there are no approved meter-testing facilities on the premises the Inspector of Meters may require the person concerned to arrange at his own expense to submit meters for testing at the nearest meter-testing place available.

21. Any gas consumer may, on application and upon payment to an Inspector of Meters of the sum of one pound, have his gas meter tested. If the meter is found by the Inspector of Meters to be registering more than 2 per cent in favour of the owner of the gas undertaking, the said amount of one pound shall be refunded to the gas consumer. If the meter is found by the Inspector of Meters to be registering not

more than 2 per cent in favour of the owner of the gas undertaking, the amount of one pound shall be paid by the Inspector of Meters to the owner as payment of expenses of removal and reinstatement.

22. (1) The Gas Referees, after consultation and by agreement with the Chief Inspector of Weights and Measures, shall have power to make rules regarding the testing of meters, and may determine from time to time the fee or fees which shall be payable by the owners of gas undertakings in respect of the examination and testing of meters.

(2) Any such fees shall be approved in that behalf by the Minister and notified in the *Gazette*.

23. Except where otherwise expressly provided in these regulations, every owner of a gas undertaking who fails to comply with any requirement under these regulations commits an offence and shall be liable to a fine not exceeding £100.

24. (1) The regulations specified in the Schedule to these regulations are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

### SCHEDULE

#### Reg. 24 (1) REGULATIONS REVOKED

Title or Subject-matter	Published in <i>Gazette</i>	
	Year	Page
The Board of Trade (Gas) Regulations 1924	1924	2203
The Board of Trade (Gas) Amending Regulations 1926	1926	712
	Published in Statutory Regulations	
The Board of Trade (Gas) Regulations 1924, Amendment No. 2	Serial No. 1953/36	
The Board of Trade (Gas) Regulations 1924, Amendment No. 3	1957/175	
The Board of Trade (Gas) Regulations Extension Notice 1959	1959/67	

T. J. SHERRARD,  
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 are a consolidation of the Board of Trade (Gas) Regulations 1924 and amendments. Those regulations were made under the Board of Trade Act 1919 and administered by the Department of Industries and Commerce. The present regulations are made under the Gas Industry Act 1958 and will be administered by the Electricity Department.

No substantial change is made in the effect of the replaced regulations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 March 1960.

These regulations are administered in the New Zealand Electricity Department.