



THE GAS INDUSTRY REGULATIONS 1978

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 2nd day of October 1978

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING IN COUNCIL

PURSUANT to the Gas Industry Act 1958, 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 Gas Industry Regulations 1978.

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

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

“Calorific value” means the amount of heat, expressed in megajoules, that is evolved by the complete combustion in air, at constant absolute pressure, of one standard cubic metre of gas measured at 15°C at a pressure of 101.325 kPa and free from water vapour; the temperature of the gas, air, and products of combustion being 15°C, and all of the water formed by combustion being condensed to a liquid state:

“Consumer” means a person to whom the owner of a gas undertaking supplies or proposes to supply gas:

“Cubic foot”, in relation to gas, means the volume of gas that occupies one cubic foot when the gas is free of water vapour and is at a temperature of 60°F and a pressure of 14.73 pounds per square inch absolute (30 inches of mercury):

“Cubic metre” or “standard cubic metre” means the volume of gas that occupies one cubic metre when the gas is free of water vapour and is at a temperature of 15°C and a pressure of 101.325 kPa:

“Craftsman gasfitter” has the same meaning as it has in section 2 of the Plumbers, Gasfitters, and Drainlayers Act 1976:

- “Gas” means any coal gas, carburetted water gas, oil gas, producer gas, water gas, liquefied petroleum gas, tempered liquefied petroleum gas, natural gas, reformed natural gas, refinery gas, or any other gas used for fuel, that is delivered to a consumer through a pipe or in a container:
- “Gas apparatus” includes any gas appliance, gas installation, or other equipment or device of any description used or intended to be used for or in connection with the supply of gas:
- “Gas appliance” means any appliance (including all of its accessories) that is or is intended to be operated or is reasonably capable of being operated from a gas installation:
- “Gas installation” means an installation that is connected or is intended to be connected with any source from which gas is supplied from a gas undertaking:
- “High pressure gas” means gas that is distributed at a pressure exceeding 200 kPa but not exceeding 1200 kPa:
- “Limited certificate holder” means a person who is the holder of a limited certificate to do gasfitting issued under section 38 of the Plumbers, Gasfitters, and Drainlayers Act 1976:
- “Liquefied petroleum gas” means propane, propylene, butane, butylene, or iso-butane, or a mixture consisting wholly or principally of any 2 or more such substances, whether or not the mixture contains any other hydrocarbon:
- “Low pressure gas” means gas that is distributed at a pressure that is less than 7 kPa:
- “Manufactured gas” includes water gas, coal gas, complete gasification of coal, reformed natural gas, reformed liquid petroleum gas, and gas produced by processing or blending liquid or gaseous petroleum products other than natural gas:
- “Medium pressure gas” means gas that is distributed at a pressure that is not less than 7kPa but not exceeding 200 kPa:
- “Natural gas” means a naturally occurring hydrocarbon in a gaseous state or any mixture of 2 or more such hydrocarbons, together with any naturally associated non-hydrocarbons; whether or not any such substance has been subjected to any treatment or process for purification, separation of the constituents, or liquefaction, or for other purposes:
- “Natural gas transmission authority” means any person or body who owns or controls or manages a natural gas transmission pipeline:
- “Prescribed standard”, in relation to a standard, means a standard that is for the time being prescribed by the Secretary under regulation 33 of these regulations:
- “Registered gasfitter” has the same meaning as it has in section 2 of the Plumbers, Gasfitters, and Drainlayers Act 1976:
- “Secretary” means the Secretary of Energy appointed in accordance with section 5 of the Ministry of Energy Act 1977:
- “Trunk pressure” means a pressure exceeding 1200 kPa.

3. Application of regulations—(1) Except where it is otherwise provided by these regulations, they shall apply—

- (a) To every gas undertaking; and
- (b) To every gas installation.

- (2) These regulations shall not apply—
- (a) To a transmission pipeline (including any city gate station) that is subject to Part II of the Petroleum Act 1937; or
- (b) To a gas installation that supplies gas to an electric power generating system that is controlled by the Ministry of Energy.
- (3) Without limiting subclause (2) of this regulation, these regulations shall not apply to a natural gas transmission authority, to the extent that the Minister, by notice published in the *Gazette*, exempts that authority from the provisions of these regulations.

PART I

GAS TESTING

4. Gas Referees—(1) For the purposes of these regulations, there shall be 3 Gas Referees of whom—

- (a) One shall be the person who is for the time being the Chief Gas Examiner; and
- (b) Two shall be suitably qualified persons, to be appointed from time to time by the Minister.

(2) Of the 2 Gas Referees specified in subclause (1) (b) of this regulation, one shall be a person who—

- (a) Is a representative of the gas industry who has practical knowledge and experience in the manufacture or supply of gas; and
- (b) Is appointed after consultation by the Minister with the Gas Association of New Zealand, Incorporated.

(3) Each Gas Referee appointed by the Minister shall be appointed for a term of 3 years to be specified by the Minister in his appointment, and may from time to time be reappointed.

(4) The Gas Referees shall from time to time elect one of their number to be their chairman.

(5) The Minister may at any time remove a Gas Referee from office for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(6) A Gas Referee may at any time resign his office by delivering a notice in writing to that effect to the Minister.

(7) If a Gas Referee dies or resigns or is removed from his office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made.

5. Meetings of Gas Referees—(1) The first meeting of the Gas Referees shall be held at a time and place to be appointed by the Minister.

(2) Subsequent meetings of the Gas Referees shall be held at such times and places as the chairman or any 2 of the Gas Referees shall from time to time determine.

(3) The person or persons by whom a meeting is called shall give reasonable notice of the time and place of the meeting to each other Gas Referee.

(4) A Gas Referee who is unable for any reason to attend a meeting may appoint a suitably qualified person to be his deputy at that meeting in his absence.

(5) While a deputy so appointed attends a meeting, he shall be deemed for the purposes of these regulations to be a Gas Referee.

(6) At every meeting, 2 Gas Referees shall be a quorum.

(7) At every meeting each Gas Referee shall have one vote on any question before the meeting.

(8) Where any meeting is held in the absence of any Gas Referee, the other Gas Referees shall notify him as soon as practicable after the meeting of all decisions made at the meeting.

(9) Subject to this regulation, the Gas Referees may regulate their own procedure in such manner as they think fit.

6. Remuneration of Gas Referees—There shall be paid to each Gas Referee, and to each deputy of a Gas Referee, out of money appropriated by Parliament for the purpose, remuneration by way of salary, fees, or otherwise, 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 each Gas Referee were a member of a statutory Board within the meaning of that Act.

7. Functions and duties of Gas Referees—The Gas Referees shall have the following principal functions:

(a) To advise the Secretary on standards for the purposes of these regulations:

(b) To prescribe in accordance with these regulations the methods of testing gas for compliance with these regulations:

(c) To supervise the metering of gas to consumers in accordance with these regulations:

(d) To direct the investigations of the Inspecting Engineers:

(e) To advise the Secretary on such other matters as are necessary or expedient for the proper administration of these regulations, and otherwise to do everything that is necessary or expedient for the proper administration of these regulations.

8. Gas Referees may modify requirements—(1) Where the Gas Referees are satisfied in any particular case that strict compliance with any provisions of these regulations by a person is not necessary, they may by notice in writing served on that person modify those provisions on such conditions (if any) as they specify and for such period, not exceeding one year at a time, as they shall specify.

(2) The Gas Referees may at any time amend or revoke any modification under this regulation by serving notice in writing to that effect on the person to whom the modification applies.

(3) Before exercising any power under subclause (2) of this regulation, the Gas Referees shall give reasonable notice to the person concerned of their intention to do so.

(4) The Gas Referees shall notify the Secretary in writing of every modification, amendment, and revocation by them under this regulation.

9. Testing apparatus—(1) Every owner of a gas undertaking shall, if reasonably required in writing by the Gas Referees to do so—

(a) Provide and maintain to the satisfaction of the Gas Referees testing places and testing apparatus for the purposes of these regulations; and

(b) Give any Gas Examiner access to any testing place, or any information relating to it that he may reasonably require for the proper execution of his duty.

(2) The testing apparatus shall include equipment that is suitable for the production of regular records of the calorific value of the gas being supplied, and such records shall be provided by the owner of the gas undertaking in a manner approved by the Gas Referees.

(3) The Gas Referees may from time to time in writing exempt wholly or partly from subclauses (1) and (2) of this regulation any gas undertaking that supplies gas derived from a natural gas transmission pipeline (without treatment by the undertaking affecting its calorific value), if suitable alternative means of recording calorific value are made available by the natural gas transmission authority to the satisfaction of the Gas Referees.

(4) The provisions of these regulations as to testing are additional to the requirements of any other enactments relating to testing for the safety and reliability of gas.

10. Appointment of officers—(1) There shall from time to time be appointed, under the State Services Act 1962, a suitably qualified person to be the Chief Gas Examiner and one or more other suitably qualified persons to be Gas Examiners for the purposes of these regulations.

(2) The office of Chief Gas Examiner or Gas Examiner may be held concurrently with any other office.

(3) There shall from time to time be appointed under the State Services Act 1962 one or more suitably qualified persons to be Inspecting Engineers for the purposes of these regulations.

(4) The Gas Referees may from time to time appoint one or more persons who are Inspectors under the Weights and Measures Act 1925 to be Meter Inspectors for the purposes of these regulations.

11. Duties of Gas Examiners, Inspecting Engineers, and Meter Inspectors—(1) Gas Examiners shall test or cause to be tested, in accordance with these regulations, gas supplied by gas undertakings and the pressure at which gas is so supplied and shall generally carry out the requirements of the Gas Referees in respect of such tests.

(2) Inspecting Engineers shall carry out such inspections as may be required by the New Zealand Gas Council or the Gas Referees.

(3) Meter Inspectors shall test or cause to be tested gas meters and other gas measuring equipment in accordance with the relevant prescribed standards.

12. Right of appeal—(1) Where the owner of a gas undertaking is dissatisfied with any report of a Gas Examiner as to the quality, purity, odour, or pressure of any gas supplied by the owner, he may within 30 days after receiving a copy of the report appeal to the Gas Referees.

(2) If the owner of a gas undertaking or of any gas installation or gas appliance is dissatisfied with any requirement made of him under these regulations by a Gas Examiner, Inspecting Engineer, or Meter Inspector, he may within 30 days after receiving the notice appeal to the Gas Referees.

(3) On hearing any appeal under this regulation, the Gas Referees may allow or disallow the appeal, either wholly or in part.

13. Right of entry to works—(1) A Gas Referee, Gas Examiner, or Inspecting Engineer may at any reasonable time, where it appears to him necessary for the proper carrying out of his functions to do so, enter on and inspect and test any of the works of a gas undertaking.

(2) The owner of the gas undertaking shall—

(a) Afford any person exercising his powers under subclause (1) of this regulation, and any assistants of that person, full facilities and assistance for that purpose; and

(b) Furnish him with such information with regard to the position of the mains and pipes of the gas undertaking, and with regard to any other matters, as the Gas Referee, Gas Examiner, or Inspecting Engineer may reasonably require.

(3) Before carrying out an inspection under this regulation, the Gas Referee, Gas Examiner, or Inspecting Engineer, or any other person or persons acting under the authority of these regulations, shall notify the owner of the gas undertaking in writing of the intention to carry out the inspection.

(4) The owner of a gas undertaking shall also be given reasonable notice in advance of any test affecting the works of the gas undertaking that is to be held elsewhere at the works.

(5) Nothing in this regulation shall require notice of a test to be given—

(a) Where the test is an emergency test arising out of an apparent irregularity in gas supply; or

(b) Where the right to notice has been waived in writing.

(6) The owner of a gas undertaking, or his representative, may be present at any inspection or test.

14. Installation of meters—No owner of a gas undertaking shall issue or deliver a gas meter measuring the supply of gas to a consumer, unless—

(a) It has been tested and stamped as accurate by a Meter Inspector; and

(b) The Gas Referees have approved of the method of testing and stamping employed.

15. Access to premises—(1) A Meter Inspector shall have access at any time during normal working hours to any premises where he has reason to believe that meters intended for use in consumers' premises are being held in stock or are repaired, tested, or assembled, and may test or cause to be tested any meters on the premises.

(2) A Meter Inspector may require an owner of a gas undertaking to bring at his own expense for testing, to the nearest available testing place to the gas undertaking, any meters used by the gas undertaking.

16. Testing consumer's meter upon application—(1) A consumer may, on payment of the sum of \$10 to the owner of the gas undertaking that supplies gas to him, have his meter tested by a Meter Inspector.

(2) If the meter is found by the Meter Inspector to be registering more than 2 percent in favour of the owner of the gas undertaking, the amount of \$10 shall be refunded to the gas consumer.

(3) If the meter is found by the Meter Inspector to be registering not more than 2 percent in favour of the owner of the gas undertaking, the amount of \$10 shall be applied by the owner of the gas undertaking towards his expenses of removing and reinstating the meter, and the surplus (if any) shall be refunded to the consumer.

(4) In the absence of an agreement to the contrary between the owner of a gas undertaking and a consumer, where a meter for the supply of gas to a consumer is tested in accordance with the provisions of this regulation and is found to be registering more than 2 percent in error—

- (a) The meter shall, unless it is proved to the contrary, be deemed to have become inaccurate immediately after the last date, prior to the test, on which the meter was read by an officer or employee of the gas undertaking for the purpose of ascertaining the quantity of gas consumed; and
- (b) Where the error is in favour of the owner of the gas undertaking, the owner shall (in addition to the refund referred to in subclause (2) of this regulation) credit or refund to the consumer the amount overpaid by the consumer in respect of that period; and
- (c) Where the error is in favour of the consumer, the consumer shall pay to the owner of the gas undertaking the amount underpaid by the consumer in respect of that period; and
- (d) Where a dispute arises between the owner of the gas undertaking and the consumer as to any matter arising under either of paragraphs (b) and (c) of this regulation, the dispute shall be referred to the Gas Referees for decision, and their decision shall be final and binding on both parties to the dispute.

PART II

SUPPLY TO CONSUMERS

17. Application for new or extended supply—An owner or occupier of premises who requests a supply of gas, or an additional supply of gas, shall furnish in writing to the owner of the gas undertaking concerned the nature of the supply required, the type of gas installation or gas appliance to be installed, and the name and address of the craftsman gasfitter who will carry out the installation.

18. Permits to do work—(1) No work shall be carried out on installing any new gas installation or gas appliance, or on any existing gas installation or gas appliance, except under the supervision of a craftsman gasfitter and in accordance with a permit in writing issued to the craftsman gasfitter in respect of that work by the owner of the gas undertaking supplying gas in respect of that gas installation or gas appliance.

(2) Every application for a permit under this regulation shall be made by a craftsman gasfitter.

(3) An owner of a gas undertaking may decline to consider an application for a permit under this regulation before the expiry of the period of 3 working days after the application is received.

(4) No work for which a permit is required under this regulation shall be carried out by any person who is not—

- (a) A craftsman gasfitter; or
- (b) A limited certificate holder; or
- (c) A registered gasfitter.

(5) This regulation shall be read subject to regulation 22 of these regulations.

19. Conditions of issue of permit—Every permit under regulation 18 of these regulations shall be issued subject to the following conditions:

- (a) The work to which it relates shall be commenced within a reasonable time after the date of issue of the permit and shall be completed within a reasonable time:
- (b) Failing compliance with the requirements of paragraph (a) of this regulation, the owner of the gas undertaking may revoke the permit by notice in writing to the person to whom the permit is issued:
- (c) The commencement date, any intermediate inspection stages, the completion date, and such conditions as the owner of the gas undertaking may reasonably require shall be noted on the permit:
- (d) During the currency of the permit, no further permit shall be issued in respect of the same work.

20. Completion of work—The craftsman gasfitter to whom a permit is issued under regulation 18 of these regulations shall, on completion of the work, notify the owner of the gas undertaking of the following matters:

- (a) That the work has been completed:
- (b) Whether the gas installation (and the gas appliances connected to it) or the gas appliance, as the case requires, are to the best of his knowledge and belief safe to connect to the gas undertaking's gas supply:
- (c) The name and registration number of the craftsman gasfitter in charge of the works and the results of such safety and functional tests (if any) as the Gas Referees may for the time being reasonably prescribe in respect of such work.

21. Revocation of permit—Where the owner of a gas undertaking has issued a permit under regulation 18 of these regulations in respect of any work, and the owner or occupier of the premises on which the work is being or is to be done requests him to do so, the owner of the gas undertaking may revoke the permit by notice in writing served on the person to whom the permit was issued.

22. Emergency work—(1) In any case of emergency due to a breakdown or other accident, any craftsman gasfitter or limited certificate holder or registered gasfitter may begin any work necessary to repair a gas installation or gas appliance without first obtaining a permit under regulation 18 of these regulations.

(2) Where any emergency work is so undertaken, a craftsman gasfitter shall within 24 hours apply for a permit under regulation 18 of these regulations in respect of the work.

23. Inspection and testing of installations—(1) Every owner of a gas undertaking shall appoint one or more persons to be Gasfitting Inspectors for the purposes of these regulations.

(2) A person shall not be appointed to be a Gasfitting Inspector unless he is—

(a) A qualified gas engineer; or

(b) A Registered Engineering Associate (Gas); or

(c) A person with overseas qualifications that are in the opinion of the Gas Referees equivalent to those of either of the persons specified in paragraphs (a) and (b) of this subclause; or

(d) A craftsman gasfitter; or

(e) A suitably qualified person who is approved by the Gas Referees.

(3) The position of Gasfitting Inspector may be held concurrently with any other position.

(4) Within 5 days after an owner of a gas undertaking receives under regulation 20 of these regulations a notice of completion of any work, a Gasfitting Inspector of the gas undertaking shall inspect the gas installation or gas appliance to which the work relates.

(5) If the Gasfitting Inspector is satisfied that the work has been carried out in a satisfactory manner, that the gasfitter has carried out all tests and checks that may for the time being be prescribed by the Gas Referees in respect of the work, and that the gas installation or gas appliance complies with every relevant prescribed standard and is safe to connect to the supply, the Gasfitting Inspector shall certify in writing to the owner of the gas undertaking that he has duly inspected the gas installation or the relevant part of the gas installation or the gas appliance, as the case requires, and that to the best of his knowledge and belief it may safely be connected to the source from which gas is available.

(6) Following the receipt of the certificate, the owner of the gas undertaking shall, unless requested to the contrary by the consumer, allow the connection to be made.

(7) Nothing in any certificate issued in accordance with this regulation shall relieve the owner or occupier of any premises from any obligation to bring any gas installation or part of a gas installation or gas appliance into conformity with every relevant prescribed standard, if subsequently any defect that constitutes a hazard is discovered in the gas installation, or in any gas appliance connected to it.

24. Owner may charge for inspections and tests—The owner of a gas undertaking may make a reasonable charge to a consumer for the inspection and any testing by a Gasfitting Inspector of any gas installation under regulation 23 of these regulations.

25. Restrictions on use of gas installations and gas appliances—No person shall connect any gas installation or part of a gas installation, or gas appliance, to the gas supply of any gas undertaking unless a Gasfitting Inspector has under regulation 23 of these regulations certified

in writing that the gas installation or that part of the gas installation, or the gas appliance, may safely be connected to the gas supply.

26. Service pipes—(1) Where an application for the supply of gas to a consumer is accepted under the Gas Supply Act 1908, the owner of the gas undertaking shall supply and install from the street main to the metering position on the consumer's property a service pipe and terminal fitting that effectively shuts off the gas until the consumer's gas installation and gas appliances have been certified under regulation 23 of these regulations.

(2) No person other than a person authorised by the owner of the gas undertaking shall open a service pipe to which this regulation refers.

(3) No person shall open a service pipe to which this regulation refers unless the gas installation and gas appliances to be supplied from the service pipe have been certified by a Gasfitting Inspector under regulation 23 of these regulations.

(4) The requirements of this regulation are additional to the requirements of regulation 25 of these regulations.

27. Responsibility for maintenance of service connections—Subject to regulation 40 of these regulations, and in the absence of any agreement to the contrary between the owner of a gas undertaking and a consumer—

- (a) The owner of a gas undertaking shall (subject to paragraph (c) of this regulation) maintain at his own expense all service piping within 15 metres from the main but not beyond the boundary of the consumer's premises; and
- (b) The cost of repairing or replacing any gas apparatus that belongs to the gas undertaking and is subject to these regulations and is wilfully removed, damaged, or allowed to be damaged by the consumer, shall be payable to the owner of the gas undertaking by the consumer; and
- (c) Notwithstanding paragraph (a) of this regulation, the owner of a gas undertaking may by notice in writing served on a consumer reserve the right to decline responsibility for maintaining any service piping within 15 metres from the main, if it is at the consumer's request concealed within walls or other inaccessible locations or within buildings or located or laid in any position nominated by the consumer which makes installation or maintenance unduly difficult or uneconomic to the gas undertaking.

28. Metering—(1) Every consumer shall provide a mounting position for a meter, as approved by the owner of the gas undertaking supplying gas to him.

(2) Where the meter is installed outside the consumer shall, if so required by the owner of the gas undertaking, provide covering or protection acceptable to the owner of the gas undertaking.

(3) If the consumer fails to comply with this regulation within a reasonable time, the owner of the gas undertaking shall be entitled to do the work himself and to recover the costs of doing so from the consumer.

29. Right to determine tariffs—Subject to the Gas Supply Act 1908, to the provisions of these regulations, and to any other enactment, the owner of a gas undertaking may determine gas tariffs to be charged to consumers.

30. Disconnection for non-payment—If any consumer fails for 14 days or more after the due date to pay any money due on account of any gas supplied, the owner of the gas undertaking may (without prejudice to any other remedy) cut off the supply of gas from the premises of that consumer, and for that purpose any person authorised in that behalf in writing by the owner of the gas undertaking may enter the premises of the consumer on any day between the hours of 8.00 a.m. and 6.00 p.m. and cut off the supply.

PART III

PURITY, SUITABILITY, AND PRESSURE

31. Purity and suitability of gas—Gas supplied by a gas undertaking—

- (a) Shall not contain a greater proportion of hydrogen sulphide or total sulphur than is for the time being prescribed by the Gas Referees; and
- (b) Shall have a distinctive and unpleasant odour so that the presence of gas is readily detectable when—
 - (i) In the case of reticulated liquefied petroleum gas and reticulated tempered liquefied petroleum gas, the concentration of gas in the atmosphere does not exceed 0.5 percent by volume; and
 - (ii) In the case of all other gases, the concentration of gas in the atmosphere does not exceed 1 percent by volume; and
- (c) Shall not contain a greater proportion of toxic gases, including carbon monoxide, than is for the time being prescribed by the Gas Referees in respect of new plants other than coal carbonisation plants; and
- (d) Shall be of a consistent calorific value and of a composition that is suitable for the appliances being supplied so as to ensure a safe and satisfactory performance.

32. Gas pressure—(1) Unless prevented by causes beyond his control, the owner of a gas undertaking shall supply gas from the meter outlet or liquefied petroleum gas cylinder regulator (as the case requires) at a pressure that is not less than .5 kPa in the case of manufactured gas, 1 kPa in the case of natural gas, and 2.25 kPa in the case of liquefied petroleum gas or tempered liquefied petroleum gas.

(2) Every owner of a gas undertaking shall advise the consumers to whom gas is supplied by the gas undertaking of the normal minimum pressure at the outlet of the meter.

(3) Supply at higher pressures may be given by agreement between the owner of a gas undertaking and a consumer.

(4) No person shall use a gas appliance that is incapable of efficient operation at the pressure at which gas is supplied to the gas appliance.

PART IV

DESIGN AND CONSTRUCTION

33. Compliance with standards—(1) The Secretary may from time to time, by notice in the *Gazette*,—

- (a) Declare that any standard (as defined in section 2 of the Standards Act 1965) shall be a prescribed standard for the purposes of these regulations; or
- (b) Prescribe any other standard for the purposes of these regulations.

(2) All gas apparatus shall comply with every relevant prescribed standard relating to design, construction, materials, workmanship, laying, efficiency, performance, and safety.

34. Reticulation—(1) Every owner of a gas undertaking proposing to lay a high pressure main in a street shall supply to the local authority for the street detailed plans showing the location and size of the proposed main and existing mains, and of all other known underground services within the street boundaries.

(2) No main shall be laid in a street without the consent of the local authority, but that authority shall not withhold its consent unreasonably.

(3) Before commencing to lay a high pressure main in a street, the owner of a gas undertaking shall give not less than 14 days notice in writing of its intention to do so to the owners of all other known underground services.

(4) No gas main shall be laid in a street at a depth of less than 600 mm, measured from the top of the main to the surface of the street, unless adequate protection from damage is provided.

(5) The location of every high pressure main in a street operating at a pressure in excess of 420 kPa, and of every trunk pressure main in a street, shall be adequately and permanently marked by suitable surface markers or signs on the pavement, ground surface, or elsewhere at frequent intervals and at every change of direction.

(6) Every owner of a gas undertaking who lays any main in a street shall make adequate provision for the protection of the main against normal stresses, atmospheric changes, and hazards, and for shutting off the main safely and promptly in the event of emergency to permit repairs or to protect the public.

PART V

CALORIFIC VALUE AND CHARGING

35. Calorific value of gas—(1) Subject to subclause (2) of this regulation, every owner of a gas undertaking shall within 28 days after the commencement of these regulations (in the case of a gas undertaking supplying gas at the commencement of these regulations) or before commencing to supply gas (in any other case) declare by notice in writing served on the Secretary the calorific value of the gas (other than liquid petroleum gas that is not reformed) supplied or intended to be supplied by the gas undertaking.

(2) The owner of a gas undertaking supplying natural gas from a natural gas transmission pipeline without treatment by the gas undertaking affecting its calorific value may, with the agreement of the Gas Referees, elect that the average calorific value of such gas as determined under subclause (3) of this regulation, shall be deemed to be the declared calorific value for the purposes of this regulation.

(3) For the purposes of subclause (2) of this regulation, the average calorific value of natural gas supplied by a natural gas transmission pipeline to a gas undertaking during any specified period shall be calculated from calorimeter records maintained by the natural gas transmission pipeline authority or by a gas undertaking acting on its behalf, to the satisfaction of the Gas Referees, as to frequency, location, and methods of measuring, and by tests made by a Gas Examiner; and the authority shall, if required to do so by the Gas Referees, supply at weekly intervals to the Gas Referees a certificate as to the calorific value of gas fed into the pipeline for transmission to gas undertakings.

(4) No owner of a gas undertaking shall supply manufactured gas to a consumer that has a calorific value that is less than 17.05 MJ/m³.

(5) No owner of a gas undertaking shall supply natural gas to a consumer that has a calorific value that is less than 35.4 MJ/m³ or more than 43 MJ/m³, or such other values as may in any particular case be approved by the Gas Referees.

36. Alteration to and records of calorific value—(1) The owner of a gas undertaking may, by giving not less than 3 months notice in writing addressed to the Secretary, of its intention to do so, alter the declared calorific value of the gas intended to be supplied by the gas undertaking to a value to be specified in the notice.

(2) Where the owner of a gas undertaking alters the declared calorific value of gas supplied by the gas undertaking, he shall at the same time take at his own expense such steps as may be necessary to alter, adjust, or replace the burners in the gas appliances of consumers in such a manner as to ensure that the gas can be burned with safety and efficiency.

(3) Where the ownership of a gas undertaking has changed, the new owner shall, before commencing the supply of gas from the gas undertaking, forward to the Secretary a notice in writing declaring the calorific value of the gas intended to be supplied by the gas undertaking.

(4) Where a gas undertaking supplies both natural gas and other forms of gas (including reformed natural gas or gas processed or blended from petroleum based feed stocks), the owner of the gas undertaking shall keep adequate records of the calorific value of gas supplied, and shall provide a statement of those values to the Secretary whenever required by him to do so.

37. Charging for natural gas and liquefied petroleum gas—(1) The owner of a gas undertaking supplying natural gas shall for each billing period charge for the gas according to the volume of gas metered at each consumer's premises, and according to the calorific value or average calorific value declared or deemed to be declared under regulation 35 of these regulations.

(2) The owner of a gas undertaking supplying liquefied petroleum gas shall for each billing period charge for the gas according to the weight of the gas delivered at each consumer's premises.

(3) The number of megajoules supplied to any consumer shall for the purpose of this regulation be ascertained—

(a) In the case of meters registering in cubic feet, by converting the cubic feet to cubic metres by multiplying by 0.02832, and by multiplying by the calorific value in megajoules; and

(b) In the case of meters registering in cubic metres, by multiplying the number of cubic metres by the calorific value in megajoules; and

(c) In the case of meters registering at above base pressure, by adjusting for variations in pressure and temperature and, where necessary, super-compressibility, in accordance with such tables as the Gas Referees shall for the time being approve.

(4) Any alternative system of charging may be adopted, with the prior approval of the Minister on the recommendation of the Gas Referees.

38. Charging for manufactured gas—(1) The owner of a gas undertaking supplying manufactured gas from its plant shall charge for such gas according to—

(a) The measurement in cubic feet or in cubic metres, by means of a meter at the consumer's premises; or

(b) The number of megajoules or therms supplied (in which event, the number of megajoules shall be determined in the same manner as that set out in regulation 37 (3) of these regulations).

(2) Any alternative system of charging may be adopted with the approval of the Minister on the recommendation of the Gas Referees.

PART VI

CONDITION OF INSTALLATIONS, PIPELINES, AND WORKS

39. Responsibility of gas undertaking for safe condition for additional supply—The owner of a gas undertaking supplying gas to a consumer shall satisfy himself, before giving any additional supply of gas, that the gas appliances used by the consumer are of such a nature that the additional gas to be supplied can be burned with safety.

40. Responsibility of consumer for safe condition—(1) Every consumer to whom gas is supplied shall maintain or cause to be maintained, free from any hazard to safety, all gas installations and gas appliances that are on the consumer's premises (not being gas apparatus belonging to the gas undertaking, or forming part of its supply system).

(2) Notwithstanding subclause (1) of this clause, the owner of the gas undertaking may, when first requested to supply gas to a consumer or at any time thereafter, assume responsibility for the inspection and maintenance of the gas installation or any gas appliance on a consumer's premises, and may make a reasonable charge to the consumer for that service.

(3) An agreement under subclause (2) of this regulation may exclude any liability of the owner of the gas undertaking in respect of damage due to misuse by the consumer, and may limit other liability of that owner.

41. Facilities for inspection and testing—Every consumer shall, at all reasonable times (including any time during the progress of any installation, alteration, or additions), provide to a Gasfitting Inspector or other authorised officer of the gas undertaking supplying the gas who produces proper identification, every reasonable facility for inspecting and testing any gas apparatus on, in, or under the consumer's premises.

42. Right of entry—(1) Any person authorised in writing in that behalf by the Secretary may, between any times set out in regulation 30 of these regulations, require admission to the premises of any consumer for the purpose of ascertaining whether the requirements of these regulations or of any other regulations relating to the safety of gas are being complied with.

(2) If the owner of a gas undertaking suspects on reasonable grounds the existence of a gas hazard on a consumer's premises that is likely to be injurious to life, health, or property, any person authorised under subclause (1) of this regulation, or authorised for the purpose by the owner of the gas undertaking, may require admission to the premises at any time for the purpose of ascertaining whether such a hazard exists.

(3) Every authorised person who obtains admission to any premises under this regulation shall forward a full written report of the circumstances and his findings to the Secretary within 5 days.

43. Refusal to admit—If any consumer without reasonable cause refuses to allow any person to enter his premises under regulation 30 or regulation 41 or regulation 42 of these regulations, the owner of the undertaking may disconnect or refuse to supply the consumer's installation from the source of supply.

44. Defects to be remedied—(1) If, as a result of any inspection or test, any defect is found in any portion of any gas installation, or any gas appliance or gas apparatus connected or intended to be connected to it, the owner of the gas undertaking supplying gas to the gas installation shall immediately notify the consumer in writing of the defect and require him to have it remedied within a reasonable time, which shall be specified in the notice.

(2) If the defect is likely to cause a hazard and the consumer fails to comply with the notice to the satisfaction of the owner of the gas undertaking, the owner shall as soon as practicable discontinue supply to the portion of the gas installation or the gas appliance concerned.

(3) If, as the result of any inspection or test, any defect that is likely to cause a hazard is found in any gas appliance connected or intended to be connected or reasonably capable of being connected to a gas installation, the owner of the gas undertaking shall cause to be affixed to the gas appliance a clearly legible notice warning against its connection and use until the defect has been remedied and if the gas appliance is connected, the owner of the gas undertaking shall cause it to be disconnected and left with the notice attached.

45. Inspection and test in case of dispute—(1) If a consumer is dissatisfied with the action of the owner of a gas undertaking in refusing to supply gas, or in discontinuing or not recommencing the supply of gas to his premises, in either case on the ground only that any gas installation or gas appliance of the consumer, or any gas apparatus, constitutes a hazard, that gas installation, gas appliance, or gas apparatus may on application to the Gas Referees by the consumer be inspected and tested by an Inspecting Engineer.

(2) If the Inspecting Engineer is satisfied that the gas installation and the gas appliances and gas apparatus connected to it are free from hazard, the owner of the gas undertaking shall not, after receipt of notice in writing to that effect from the Inspecting Engineer, be entitled to refuse to supply the consumer with gas on the ground specified in subclause (1) of this regulation.

46. Maintenance of pipelines and other works—(1) The owner of a gas undertaking shall maintain all of its pipelines, mains, and distribution pipes, and associated and other works, in satisfactory order and condition, and shall take all reasonable precautions to promote at all times continuity of service and immunity from danger.

(2) Compliance with the relevant standard shall be deemed to be compliance with this regulation.

47. Inspection—(1) An Inspecting Engineer may at any time, if he has given reasonable notice to the owner of a gas undertaking of his intention to do so, inspect the whole or any part of a gas undertaking's distribution system, and associated and other works, and the owner of the gas undertaking shall afford the Inspecting Engineer all reasonable facilities and assistance.

(2) If an Inspecting Engineer is at any time of the opinion that any part of the gas undertaking's pipelines, mains, or distribution pipes, or any associated or other works, do not comply with these regulations, and that the owner of that undertaking is not taking reasonable steps to conform with such requirements the Secretary may, by notice in writing served on the owner,—

(a) Require the owner to discontinue the use of any such pipelines, mains, distribution pipes and associated or other works; and

(b) Require the owner to carry out such work as the Secretary shall specify, within a reasonable time to be specified in the notice, to make the pipelines, mains, distribution pipes, and associated or other works comply with these regulations.

(3) Where a notice has been served on the owner of a gas undertaking under subclause (2) of this regulation, no pipeline, main, distribution pipe, or associated or other works, to which the notice relates, shall be thereafter used by the owner until the Secretary has given notice in writing to the owner that he is satisfied that the pipes or works comply with these regulations.

48. Protection of pipelines and other works—(1) Every person, before commencing to break up, cut into, or remove ground in the vicinity of an underground gas installation, shall in writing notify the

owner of the gas undertaking supplying gas to the gas installation of his intention to do so.

(2) The owner of the gas undertaking shall make available for inspection during normal business hours a plan or records showing (as far as practicable) the location of all gas installations in the area, but the plan or records shall be treated as a guide only and not as a precise representation of the location of any installation, and the owner of the gas undertaking shall not be legally liable for any inaccuracies in any such plan or records.

(3) Notwithstanding subclause (1) of this regulation, a person may undertake emergency work in the vicinity of an underground gas installation without giving notice in accordance with subclause (1) of this regulation if—

- (a) Before commencing the work he gives oral notice of his intention to do so to a responsible officer of the gas undertaking; and
- (b) Within 3 days after giving such oral notice, he gives written notice that he has or is undertaking such work, and specifying the details of the work, to the owner of the gas undertaking.

(4) Nothing in this regulation shall relieve a person carrying out any work from any responsibility to ascertain and verify the location of underground gas installations by safe and effective means of detection.

49. Underground structures adjacent to gas mains—(1) No person shall construct any underground vault or similar structure within such a distance of an underground gas installation that the gas installation may be injuriously affected, unless he has in writing notified the owner of the gas installation of his intention to do so, not less than 3 days before commencing that work.

(2) No person shall commence to install or construct any underground structure that will undermine, interfere with, or enclose any gas distribution main or equipment, unless the designer of the proposed underground structure or his agent or the person for whom the structure will be built has entered into a contract with the owner of the gas distribution main or equipment for the removal of or deviation of the gas distribution main or equipment.

(3) No person shall blast in the vicinity of a gas installation, unless he has notified the owner of the gas installation in writing of his intention to do so, not less than 3 days before commencing that work.

(4) No person shall operate an excavation plant at a depth where it is likely to cause damage to any gas main or pipe, unless the supply of gas to that main or pipe has been disconnected by prior arrangement with the owner of the gas undertaking supplying gas through that main or pipe.

PART VII

RECORDS AND PLANS

50. Register of gas manufactured or supplied—The owner of a gas undertaking shall register all gas manufactured at the gas undertaking, by means of an approved meter, before the gas is delivered into the gas holders, and shall keep some other adequate record of all natural gas supplied by the gas undertaking.

51. Quarterly return of gas statistics—(1) The owner of a gas undertaking shall furnish to the Secretary a quarterly return showing—

- (a) In cubic metres (after correction to standard temperature and pressure and megajoules) the gas registered at the undertaking during that quarter, or (in the case of natural gas) received for resale; and
- (b) The total megajoules registered by all consumers' meters; and
- (c) Such other information relating to the operation of these regulations as the Secretary may from time to time reasonably specify.

(2) Every such quarterly return shall be furnished in respect of the quarter ending respectively on the last days of March, June, September, and December in every year, or ending on any other periodic date or dates that the Secretary may in writing in any case approve, and shall be so furnished not more than 31 days after the expiry of the quarterly period to which the return relates.

(3) The owner of a gas undertaking shall keep and furnish such other statistics relating to the undertaking as may be reasonably required by the Secretary for the purposes of these regulations.

52. Records and plans of reticulation system—(1) The owner of a gas undertaking shall keep an adequate record of each gas installation to which the gas undertaking supplies gas, and for that purpose may require a consumer to provide information to the owner on any alteration to his gas installation.

(2) The owner of a gas undertaking shall maintain a current street or locality plan or records showing the location of all pipelines, mains, and distribution and service pipes, and associated or other works, owned by that undertaking.

(3) The plan or records shall be amended within 3 months of the completion of every extension or alteration to any pipeline, main, or distribution or service pipe, so as to include that extension or alteration, and shall be available at any time for examination by any Inspecting Engineer.

PART VIII

MISCELLANEOUS PROVISIONS

53. Offences—(1) Every owner of a gas undertaking who, in any period of not less than 7 days, supplies any gas the average calorific value of which throughout that period—

- (a) Is in any case below the calorific value for the time being declared or deemed to be declared by that owner in respect of that gas under subclause (1) or subclause (2) of regulation 35, or regulation 36 (1), of these regulations; or
- (b) In the case of manufactured gas, is below the value specified in regulation 35 (4) of these regulations; or
- (c) In the case of natural gas, is not within the limits specified in or determined under regulation 35 (5) of these regulations in relation to that gas—

commits an offence against these regulations.

(2) Every owner of a gas undertaking who, in any period of not less than 2 hours, supplies any gas the average calorific value of which throughout that period is—

- (a) In any case more than 5 percent below the calorific value for the time being declared or deemed to be declared by that owner in respect of that gas under subclause (1) or subclause (2) of regulation 35, or regulation 36, of these regulations; or
- (b) In the case of manufactured gas, is more than 5 percent below the value specified in regulation 35 (4) of these regulations; or
- (c) In the case of natural gas, is not within the limits specified in or determined under regulation 35 (5) of these regulations in relation to that gas—

commits an offence against these regulations.

(3) Where there is no continuous record of the calorific value of gas supplied by the owner of a gas undertaking, the average calorific value of that gas during the period referred to in subclause (2) of this regulation shall be calculated for the purposes of that subclause by conducting 2 tests not less than one hour apart and by taking the mean calorific value derived from the 2 tests.

(4) Every owner of a gas undertaking who fails to comply with—

- (a) Any requirement made of him under any of regulations 9 (1), 9 (2), 13 (2), 15 (2), 36 (4), and 51 (3) of these regulations; or
- (b) Any other provision of regulations 13 (2), 31, 32 (1), 36 (3), 50, 51, and 52 of these regulations—

commits an offence against these regulations.

(5) Every owner of a gas undertaking who commits any offence under any of subclauses (1), (2), and (4) of these regulations is liable on summary conviction to a fine not exceeding \$1,000.

(6) Where an owner of a gas undertaking is charged with having committed an offence by reason of having failed to comply with regulation 32 (1) of these regulations, it shall be a defence to the charge if he proves that the failure was caused by the insufficient size of a gas main or any other cause that required time for correction and that he took all reasonable steps to correct the matter as quickly as possible.

(7) Where an owner of a gas undertaking is charged with having committed an offence under any of subclauses (1), (2), or (4) of this regulation, it shall be a defence to the charge if he proves that the failure to which the charge relates was caused by circumstances beyond his control and that he took all reasonable steps to correct the matter as quickly as possible.

(8) Every owner of a gas undertaking who—

- (a) Fails to comply with any of regulations 14, 26 (1), 32 (2), 34, 36 (2), 39, 44 (1), 44 (2), 44 (3), 46 (1), 47 (3), and 48 (2) of these regulations; or
- (b) Fails to comply with regulation 33 in respect of any gas apparatus of the gas undertaking; or
- (c) Fails to comply with any requirement made of him under regulation 47 (2) of these regulations—

commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$200.

(9) Every person who wilfully or recklessly, and in either case without lawful authority, destroys, damages, or interferes with any gas works, or gas apparatus commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$1,000.

(10) Every consumer who—

(a) Fails to comply with regulation 40 (1) or regulation 41 of these regulations; or

(b) Fails without reasonable excuse to comply with any requirement made of him under any of regulations 42 (1), 42 (2), and 52 (1) of these regulations—

commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$100.

(11) Every craftsman gasfitter who fails to comply with regulation 20 or regulation 22 (2) of these regulations commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$100.

(12) Every natural gas transmission authority who fails to comply with any requirement made of it under regulation 35 (3) of these regulations commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$200.

(13) Every person who contravenes or fails to comply with any provision of any of regulations 18 (1), 18 (4), 25, 26 (2), 26 (3), 48 (1), and 49 of these regulations commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$100.

(14) Every person who—

(a) Removes any notice affixed to a gas appliance pursuant to regulation 44 (3) of these regulations; or

(b) Uses that gas appliance before the warning notice has been removed—

while in either case the defect to which the notice relates has not been remedied, commits an offence against these regulations, and is liable on summary conviction to a fine not exceeding \$100.

54. Revocations—The following regulations are hereby revoked:

(a) The Gas Industry Regulations 1960*:

(b) The Gas Industry Regulations 1960, Amendment No. 1†:

(c) The Gas Industry Regulations 1960, Amendment No. 2‡.

55. Transitional provisions—(1) Notwithstanding any other provision in these regulations—

(a) The persons who immediately before the commencement of these regulations held office as the Chief Gas Examiner and as Gas Examiners in accordance with regulation 8 (2) of the Gas Industry Regulations 1960* shall from the commencement of these regulations continue in office as if they had been appointed under regulation 10 (1) of these regulations:

(b) The persons (other than the Chief Gas Examiner) who immediately before the commencement of these regulations held office as Gas Referees under regulation 8 (1) of the Gas Industry

*S.R. 1960/24
†S.R. 1970/36
‡S.R. 1973/84

Regulations 1960* shall from the commencement of these regulations continue in office as if on the date of commencement of these regulations they had been appointed to be Gas Referees by the Minister under regulation 4 of these regulations:

- (c) The persons who immediately before the commencement of these regulations were Inspectors of Meters by virtue of regulation 8 (3) of the Gas Industry Regulations 1960* shall from the commencement of these regulations continue in office as if they had been appointed under regulation 10 (4) of these regulations.

(2) Regulation 52 of these regulations, and regulation 53 of these regulations (so far as it relates to a contravention of the said regulation 52) shall not apply until the expiry of the period of 2 years following the commencement of these regulations to any gas undertaking that is supplying gas at the commencement of these regulations.

(3) Regulation 48 (2) of these regulations, and regulation 53 of these regulations (so far as it relates to a contravention of the said regulation 48 (2)) shall not apply until the expiry of the period of 2 years following the commencement of these regulations to any gas undertaking that is supplying gas at the commencement of these regulations, unless at the time when any request is made under the said regulation 48 (2), the owner of the gas undertaking in fact has the plan or records to which the request relates.

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1960/24

EXPLANATORY NOTE

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

These regulations regulate the supply of gas by gas undertakings, and replace the Gas Industry Regulations 1960.

They are divided into the following parts:

- (a) Part I provides for the appointment of officers to administer the regulations and deals generally with gas testing;
- (b) Part II deals generally with the supply of gas to consumers;
- (c) Part III deals with the purity, suitability, and pressure of gas;
- (d) Part IV relates to the design and construction of gas apparatus;
- (e) Part V relates to calorific value and charging for gas;
- (f) Part VI deals with the condition of gas works;
- (g) Part VII requires the keeping of records and plans;
- (h) Part VIII contains miscellaneous provisions.

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These regulations are administered in the Ministry of Energy.