

Reprint
as at 4 May 2010

Gas Regulations 1993

(SR 1993/76)

Gas Regulations 1993: revoked, on 4 May 2010, by regulation 92 of the Gas (Safety and Measurement) Regulations 2010 (SR 2010/76).

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 31st day of March 1993

Present:

The Right Hon J B Bolger presiding in Council

Pursuant to the Gas Act 1992, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered by the Ministry of Commerce.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Gas Regulations 1993.

- (2) These regulations shall come into force on the 1st day of April 1993.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Gas Act 1992

all practicable steps, in relation to achieving any result in any circumstances, means all steps to achieve the result that it is reasonably practicable to take in the circumstances, having regard to—

- (a) the nature and severity of the harm or damage to property that may be suffered if the result is not achieved; and
- (b) the current state of knowledge about the likelihood that harm or damage to property of that nature and severity will be suffered if the result is not achieved; and
- (c) the current state of knowledge about harm or damage to property of that nature; and
- (d) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each; and
- (e) the availability and cost of each of those means

calorific value means the amount of heat, expressed in megajoules, that is generated by the complete combustion in air of one cubic metre of gas free from water vapour, with the gas, air, and products of combustion all being measured at standard condition, and with all of the water formed by combustion being condensed

CNG means compressed gas consisting of more than 50% methane by volume

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

CNG station certificate of compliance means a certificate given under regulation 22 of these regulations

competent Organisation means—

- (a) a testing laboratory accredited to ISO 17025 by a third party laboratory accreditation agency; or

- (b) an organisation having relevant certification by a third party agency accredited under the treaty negotiated between the Australian and New Zealand governments entitled “Joint Accreditation System—Australia and New Zealand” (JAS-ANZ); or
- (c) any other laboratory or organisation that satisfies the Secretary that it is competent to perform the relevant functions for the purposes of regulations 10, 19, or 22 of these regulations, or GCP2, as the case may be:

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

factors means the factors applied by correctors or by calculation to convert the volume of gas measured by the meter at uncorrected conditions to a volume based upon standard conditions of temperature and pressure

flame abnormality, means a flame condition that results in appreciable yellow tipping and carbon composition (not including that which occurs in appliances designed for luminous effect), lifting, floating, lighting back, objectionable odour, or incomplete combustion

gasfitting certification certificate means any certificate given under regulation 24 of these regulations

harm means illness, injury, or both

hazard means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance that is an actual or potential cause or source of—

- (a) harm; or
- (b) damage to property

Lower flammability limit means the smallest proportion of gas which, when mixed with air, will ignite and burn without the continuous application of heat from an external source

safe,—

- (a) in relation to a person, means not exposed to any hazards; and
- (b) in every other case, means free from hazards

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

supply includes supply (or resupply) by way of gift, sale, exchange, lease, hire, or hire purchase

trickle-fill, in relation to the filling of a vehicle cylinder with gas, means that the vehicle cylinder filling is completed in a period exceeding 30 minutes

uncorrected, with reference to measured volume or to flow rate, means that the measurement is referenced to or made at operating conditions of temperature and pressure

website means the Internet website maintained by, or on behalf of, the Secretary for the purpose of publishing supplier declarations (whether or not the website is also maintained for other purposes).

Section 2 **Act**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **all practicable steps**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **CNG**: substituted, on 17 October 2002, by regulation 3(2) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **CNG station**: substituted, on 17 October 2002, by regulation 3(3) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **competent Organisation**: paragraph (a) amended, on 17 October 2002, by regulation 3(4) Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **competent Organisation**: paragraph (c) amended, on 17 October 2002, by regulation 3(5) Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **harm**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **hazards**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **ISO 17025**: replaced the definition of ISO/IEC Guide 25, on 17 October 2002, pursuant to regulation 3(6) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **ISO 17025**: revoked, on 2 September 2004, by regulation 3(1) of the Gas Amendment Regulations 2004 (SR 2004/229).

Section 2 **ISO/IEC Guide 25**: replaced by the definition of ISO 17025, on 17 October 2002, pursuant to regulation 3(6) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **NZS 5262**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **NZS 5262**: revoked, on 2 September 2004, by clause 3(1) of the Gas Amendment Regulations 2004 (SR 2004/229).

Section 2 **safe**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **supply**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Section 2 **website**: inserted, on 17 October 2002, by regulation 3(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

(2) In these regulations,—

GCP 1 means the New Zealand Gas Code of Practice for Inspection, Testing and Certification of Gasfitting Work Done Under Supervision (NZGCP1:1993), issued by the Secretary of Commerce on the 2nd day of February 1993, and approved by the Minister of Energy on the 18th day of March 1993

GCP 2 means the New Zealand Gas Code of Practice for Maintenance and Safety of CNG Refuelling Stations (NZGCP2:1993), issued by the Secretary of Commerce on the 2nd day of February 1993, and approved by the Minister of Energy on the 18th day of March 1993

GCP 3 means the New Zealand Gas Code of Practice for Odourisation of Gas (NZGCP3:1993), issued by the Secretary of Commerce on the 3rd day of February 1993, and approved by the Minister of Energy on the 18th day of March 1993.

(2A) In these regulations,—

ISO 17025 means the International Organisation for Standardisation Standard known as ISO 17025: ISO/IEC 17025:1999 (General requirements for the competence of testing and calibration laboratories)

NZS 5258 means the New Zealand Standard known as NZS 5258:2003 (Gas distribution networks)

NZS 5259 means the New Zealand Standard known as NZS 5259:1997 (Gas measurement)

NZS 5261 means the New Zealand Standard known as NZS 5261:2003 (Gas installation)

NZS 5262 means the New Zealand Standard known as NZS 5262:2003 (Gas appliance safety)

NZS 5435 means the New Zealand Standard known as NZS 5435:1996 (Specification for liquefied petroleum gas (LPG))

NZS 5442 means the New Zealand Standard known as NZS 5442:1999 (Specification for reticulated natural gas)

Part 1 of NZS 5425 means Part 1 of the New Zealand Standard known as NZS 5425:1994 (Code of practice for CNG compressor and refuelling stations)

Part 2 of NZS 5425 means Part 2 of the New Zealand Standard known as NZS 5425:1996 (Code of practice for CNG compressor and refuelling stations)

Part 3 of NZS 5425 means Part 3 of the New Zealand Standard known as NZS 5425:1984 (Code of practice for CNG compressor and refuelling stations)

Part 4 of NZS 5425 means Part 4 of the New Zealand Standard known as NZS 5425:1994 (Code of practice for CNG compressor and refuelling stations).

- (3) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

Subclause (2A): inserted, on 2 September 2004, by regulation 3(2) of the Gas Amendment Regulations 2004 (SR 2004/229).

Gas quality and pressure

3 Suitability of gas

- (1) Natural gas must comply with NZS 5442.
- (2) Liquefied petroleum gas must comply with NZS 5435.
- (3) Any gas (other than natural gas or liquefied petroleum gas) supplied for use in gas installations and gas appliances, or for use as an automotive fuel, must be of a specification that is suitable and safe for those uses.

Subclause (1): amended, on 17 October 2002, by regulation 4(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (2): amended, on 17 October 2002, by regulation 4(2) of the Gas Amendment Regulations 2002 (SR 2002/271).

Regulation 3: substituted, on 2 September 2004, by regulation 4 of the Gas Amendment Regulations 2004 (SR 2004/229).

4 Gas pressure

- (1) Gas shall be supplied to consumers at a pressure that ensures the safe use of the gas, where the gas is used for its intended purpose in a properly functioning gas installation.
- (2) Supplies of gas at pressures that, in a properly functioning gas installation, result in—

- (a) flashback or extinguishment of flame; or
- (b) the creation of hazardous levels of carbon monoxide—
shall be deemed to be unsafe.

Subclause (2)(b): substituted, on 17 October 2002, by regulation 5 of the Gas Amendment Regulations 2002 (SR 2002/271).

5 Gas odourisation

- (1) Every supplier of gas shall ensure that the gas supplied has a distinctive and unpleasant odour so that the presence of gas in the atmosphere is readily detectable at a concentration equivalent to one-fifth of the lower flammability limit of the gas.
- (2) Compliance with GCP3 shall be deemed to be compliance with this regulation.

Distribution of gas

6 Records and location of distribution systems

- (1) The operator of a distribution system or of a part of a distribution system must keep records and plans of all aspects of that system or part that are relevant to the safety of that system or part.
- (2) Every operator of a distribution system or of a part of a distribution system is deemed to have complied with subclause (1) in relation to that system or part if the operator has complied with Part 3 of NZS 5258 to the extent that the Part relates to records or plans of distribution systems.

Regulation 6: substituted, on 1 June 1998, by regulation 2 of the Gas Amendment Regulations 1998 (SR 1998/78).

Regulations 6 and 7: substituted, on 2 September 2004, by regulation 5 of the Gas Amendment Regulations 2004 (SR 2004/229).

7 Continuity of supply, safety, and satisfactory operation of distribution systems

- (1) Every owner and every operator of a distribution system or of a part of a distribution system must take all practicable steps to ensure that the system or part is designed, constructed, maintained, and operated in a manner that, as far as practicable, achieves continuity of supply, safety, and satisfactory operation.

- (2) Every owner and every operator of a distribution system or of a part of a distribution system who authorises work to be carried out on that system or part must take all practicable steps to ensure that the person or persons who carry out the work are—
- (a) competent to perform the tasks assigned to them; and
 - (b) familiar with appropriate safety procedures when working with or near gas or fittings.
- (3) Every owner and every operator of a distribution system or of a part of a distribution system is deemed to have complied with subclauses (1) and (2) in relation to that system or part if the owner or operator (as the case may be) has complied with Parts 2 and 3 of NZS 5258.
- (4) Subclause (2) does not limit subclause (1).

Regulation 7: substituted, on 1 June 1998, by regulation 3 of the Gas Amendment Regulations 1998 (SR 1998/78).

Paragraph (a): amended, on 17 October 2002, by regulation 6 of the Gas Amendment Regulations 2002 (SR 2002/271).

Regulations 6 and 7: substituted, on 2 September 2004, by regulation 5 of the Gas Amendment Regulations 2004 (SR 2004/229).

8 Work on distribution systems

[Revoked]

Regulation 8: revoked, on 2 September 2004, by regulation 5 of the Gas Amendment Regulations 2004 (SR 2004/229).

Gas measurement

9 Measurement of gas

- (1) Gas sold through a distribution or gas transmission system, and any CNG sold from any CNG station, shall meet the requirements of this regulation, unless there is agreement in writing to the contrary between the seller and the purchaser.
- (2) Gas, not being CNG sold from a CNG station, shall be sold by energy content measured by a gas measurement system, and the following margins of error shall not be exceeded:
- (a) for volume, uncorrected for pressure or temperature—
 - (i) prior to a meter being placed in service, plus or minus 2 percent; or

- (ii) at any time after a meter has been placed in service, plus or minus 3 percent:
 - (b) for corrections of the volume measured to standard conditions, whether by a device used for obtaining corrections or by the setting of factors—
 - (i) prior to a device used for obtaining corrections being placed in service, or on the setting of factors, plus or minus 1 percent; or
 - (ii) at any time after a device used for obtaining corrections has been placed in service, or on the setting of factors, plus or minus 1.5 percent:
 - (c) for calorific value measurements, plus or minus 0.5 percent.
- (3) CNG gas measurement systems of CNG stations shall—
 - (a) meter gas by mass:
 - (b) provide a clear indication of quantity in kilograms and price per kilogram, and of total price in dollars:
 - (c) prevent delivery of CNG during the operation of the reset mechanism:
 - (d) be provided with a means of sealing the calibration unit:
 - (e) for all expected variations in ambient conditions, gas supply temperatures, pressure and composition, and electrical supply, and for all expected electrical supply interference, not exceed a margin of error of—
 - (i) plus or minus 2 percent immediately after calibration, and a further plus or minus 1 percent at subsequent times while in service, for quantities over 5 kilograms; or
 - (ii) plus or minus 0.1 kilograms immediately after calibration, and a further plus or minus 0.05 kilograms at subsequent times while in service, for quantities of 5 kilograms or less.
- (4) Compliance with Division 3.3 of Part 3 of NZS 5425 shall be deemed to be compliance with subclause (3) of this regulation.
- (5) Where a calorific value other than that specified in paragraph (c) of subclause (2) of this regulation is subject to an agreement of the type referred to in subclause (1) of this regulation, the calorific value agreed upon shall be disclosed in writing to the Secretary within 2 months of the date of the agreement.

- (6) Every person who owns a gas measurement system used to measure the supply of gas to consumers shall ensure that adequate records are kept so that the accuracy requirements of subclauses (2) and (3) of this regulation are met in relation to that system.
- (7) Compliance with sections 4, 5, and 6 of NZS 5259 is deemed to be compliance with subclause (6).
- Subclause (4): amended, on 17 October 2002, by regulation 7(1) of the Gas Amendment Regulations 2002 (SR 2002/271).
- Subclause (4): amended, on 2 September 2004, by regulation 6(1) of the Gas Amendment Regulations 2004 (SR 2004/229).
- Subclause (7): amended, on 17 October 2002, by regulation 7(2) of the Gas Amendment Regulations 2002 (SR 2002/271).
- Subclause (7): substituted, on 2 September 2004, by regulation 6(2) of the Gas Amendment Regulations 2004 (SR 2004/229).

10 Testing and installation of gas measurement systems

- (1) This regulation applies to—
- (a) any gas measurement system, prior to the system being placed in service, and before being returned to service after being disconnected from service for the purpose of maintenance or recalibration of that system; and
 - (b) any CNG gas measurement system of a CNG station that has been subject to servicing on site and that may suffer alteration to calibration while subsequently in service.
- (2) Every gas measurement system to which this regulation applies shall, before being put into service, be tested by a competent organisation to determine its accuracy, and shall be sealed by the same competent organisation following confirmation that the system complies with regulation 9(2) of these regulations (in the case of a system other than for CNG supplied from a CNG station), and regulation 9(3)(e) of these regulations (in the case of CNG supplied from a CNG station).
- (3) Any gas measurement system that does not pass the test carried out in accordance with subclause (2) of this regulation shall not be sealed and any seal which may have been placed on the system shall be removed or destroyed.

- (4) Where a test has been carried out in accordance with subclause (2) of this regulation and the gas measurement system or part thereof has been transported before being put into service, the person owning the gas measurement system shall ensure that the calibration of the system is unaffected by that transportation prior to putting that system into service.
- (5) A record of the results of each test carried out in accordance with subclause (2) of this regulation shall be kept by—
 - (a) the competent organisation that carried out the test; and
 - (b) the operator of the gas measurement system tested.
- (6) The records kept by the operator of a gas measurement system pursuant to subclause (5)(b) of this regulation shall be retained by that operator for the period of that operator's ownership of that gas measurement system, and, in the case of a CNG gas measurement system of a CNG station, shall be kept at the site where the system is located.
- (7) Compliance with Section 3 of NZS 5259 shall be deemed to be compliance with subclause (2) of this regulation, in respect of gas measurement systems other than CNG gas measurement systems of CNG stations.

Subclause (7): amended, on 17 October 2002, by regulation 8 of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (7): amended, on 2 September 2004, by regulation 7 of the Gas Amendment Regulations 2004 (SR 2004/229).

11 Requests for tests to be carried out on gas measurement systems

- (1) This regulation does not apply to measurements of calorific value or to CNG gas measurement systems of CNG stations.
- (2) A consumer or a gas retailer supplying a consumer may request the Secretary to carry out a test of the accuracy of the gas measurement system measuring the gas supplied to the premises of that consumer.
- (2A) The Secretary must conduct, or arrange for, a test of the accuracy of the gas measurement system as soon as practicable after receiving the request (unless the request is withdrawn).
- (3) The prescribed fee shall be payable by any consumer who requests a test, after the test is completed.

- (4) The results of any test carried out in accordance with subclause (2) of this regulation shall be supplied to the consumer and the gas retailer supplying that consumer.

Subclause (2A): inserted, on 17 October 2002, by regulation 9 of the Gas Amendment Regulations 2002 (SR 2002/271).

Gas installations, gas appliances, and fittings

12 Safety of gas installations

- (1) Every person who installs a gas installation or a part of a gas installation must install that gas installation or part in accordance with Part 1 of NZS 5261.
- (2) Subclause (3) applies to the following types of installation:—
- (a) the installation of a gas installation that does not contain appliance with a rated input of more than 250 MJ/h:
 - (b) the installation of a part of a gas installation if the gas installation as a whole does not contain any gas appliance with a rated input of more than 250 MJ/h.
- (3) Every person is deemed to have complied with subclause (1), in relation to an installation to which this subclause applies, if the person has complied with Part 2 of NZS 5261.
- (4) Subclause (5) applies to the following types of installation:
- (a) the installation of a gas installation that contains a gas appliance with a rated input of 250 MJ/h or more:
 - (b) the installation of a part of a gas installation if the gas installation as a whole contains a gas appliance with a rated input of 250 MJ/h or more.
- (5) Every person is deemed to have complied with subclause (1), in relation to the application of a particular performance requirement of Part 1 of NZS 5261 to an installation to which this subclause applies, if—
- (a) that particular performance requirement is fully satisfied by 1 or more standards listed in Part 3 of NZS 5261; and
 - (b) the person complies with at least 1 of those standards.
- (6) This regulation does not apply to CNG stations.

Regulation 12: substituted, on 1 June 1998, by regulation 4 of the Gas Amendment Regulations 1998 (SR 1998/78).

Subclause (1): amended, on 17 October 2002, by regulation 10 of the Gas Amendment Regulations 2002 (SR 2002/271).

Regulation 12: substituted, on 2 September 2004, by regulation 8 of the Gas Amendment Regulations 2004 (SR 2004/229).

13 Safety of gas appliances and fittings

- (1) This regulation applies to every person who manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fitting.
- (2) Every person to whom this regulation applies must take all practicable steps to ensure that the gas appliance or fitting is safe in all reasonably foreseeable circumstances.
- (3) Without limiting subclause (2), a gas appliance is not safe if it does not comply with NZS 5262.
- (4) Without limiting subclause (2), a fitting is not safe if—
 - (a) it has a gas leakage; or
 - (b) it is operated in a manner that is hazardous when exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions.
- (5) Despite subclause (4)(a), minute leakages from some fittings are permissible under relevant testing procedures.

Regulation 13: substituted, on 17 October 2002, by regulation 11 of the Gas Amendment Regulations 2002 (SR 2002/271).

14 Marking of appliances

Every gas appliance sold or intended for sale must be marked in accordance with section 5 of NZS 5262.

Regulation 14: substituted, on 17 October 2002, by regulation 12 of the Gas Amendment Regulations 2002 (SR 2002/271).

Regulation 14: substituted, on 2 September 2004, by regulation 9(1) of the Gas Amendment Regulations 2004 (SR 2004/229).

15 Appliances and fittings to which regulations 15A to 15F apply

Regulations 15A to 15F apply to the following:

- (a) all gas appliances; and
- (b) any fitting that the Secretary has specified, by notice in the *Gazette*, to be of a type to which regulations 15A to 15F apply (a **specified fitting**).

Regulation 15: substituted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

15A Manufacturer or importer must make supplier declaration

- (1) This regulation applies to—
 - (a) all persons who manufacture gas appliances or specified fittings in New Zealand; and
 - (b) all importers of gas appliances or specified fittings.
- (2) Every person to whom this regulation applies must, before that person supplies a gas appliance or specified fitting in New Zealand, make a supplier declaration that relates to the appliance or fitting and either—
 - (a) publish the declaration on the website; or
 - (b) if the declaration relates to fewer than 11 appliances or fittings of the same type,—
 - (i) notify the Secretary that the person elects to comply with this paragraph instead of publishing the declaration on the website; and
 - (ii) give a copy of the declaration to the person to whom the person supplies the appliance or fitting.
- (3) The manufacturer or importer of a gas appliance or a specified fitting must, if he or she elects to comply with subclause (2)(b),—
 - (a) maintain a record of the name and address of the person to whom the manufacturer or importer supplied the appliance or fitting in New Zealand; and
 - (b) keep the record for at least 7 years after the date that the manufacturer or importer supplied the appliance or fitting in New Zealand; and
 - (c) make the supplier declaration and the record available to the Secretary within 10 working days of a request being made by the Secretary (unless the request relates to a record that is no longer required to be kept under paragraph (b)).
- (4) Notification under subclause (2)(b)(i) must be in the form prescribed by the Secretary for the purpose by notice in the *Gazette*, if the Secretary has prescribed a form.

Regulations 15A to 15F: inserted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

15B Contents of supplier declaration

- (1) Every supplier declaration must—
 - (a) be in the form prescribed for the purpose by the Secretary by notice in the *Gazette*, if the Secretary has prescribed a form; and
 - (b) specify the full name of the manufacturer or importer and the full name of the person making the declaration; and
 - (c) specify the full address of the manufacturer or importer and the full address of the person making the declaration (including an email address, if any); and
 - (d) identify the gas appliances or specified fittings covered by the declaration; and
 - (e) identify, in relation to the gas appliances or specified fittings covered by the declaration,—
 - (i) any standards that have been complied with; and
 - (ii) any testing or certification that has been undertaken; and
 - (f) include a statement that the manufacturer or importer has complied with—
 - (i) regulations 13 and 14 in relation to all gas appliances covered by the declaration; and
 - (ii) regulation 13 in relation to all specified fittings covered by the declaration.
- (2) For the purposes of subclause (1)(a), the Secretary may prescribe—
 - (a) a form that may only be used for declarations that are to be published on the website; and
 - (b) a form that may only be used for declarations made under regulation 15A(2)(b).

Regulations 15A to 15F: inserted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

15C Management of website

- (1) Every manufacturer or importer who is required to publish a supplier declaration on the website must ensure that he or she has—
 - (a) registered with the Secretary so as to enable the manufacturer or importer to publish supplier declarations on the website; and
 - (b) supplied to the Secretary any information reasonably required by the Secretary to register the manufacturer or importer.
- (2) The Secretary—
 - (a) may remove from the website any supplier declaration that appears to the Secretary to be incorrect, frivolous, non-complying, or outdated; and
 - (b) must promptly send notice of the removal to the manufacturer or importer.

Regulations 15A to 15F: inserted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

15D Supply of documents

- (1) Every manufacturer or importer of a gas appliance or a specified fitting must, within 10 working days of a request being made by the Secretary, supply to the Secretary a document or documents that demonstrate that the manufacturer or importer has,—
 - (a) in the case of a gas appliance, complied with regulations 13 and 14 in relation to the gas appliance; or
 - (b) in the case of a specified fitting, complied with regulation 13 in relation to the specified fitting.
- (2) The manufacturer or importer must supply with any document that is supplied an accurate English translation of the whole or any part of that document if the document or that part is in a language other than English.

Regulations 15A to 15F: inserted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

15E Duty to provide copy of supplier declaration

- (1) Every person who is supplied with a gas appliance or a specified fitting to which a declaration under regulation 15A(2)(b) relates must provide a copy of the declaration to—
 - (a) any other person to whom the person supplies the appliance or fitting; and
 - (b) any other person who installs the appliance or fitting.
- (2) The copy of the declaration must be provided,—
 - (a) in the case of subclause (1)(a), before or when the appliance or fitting is supplied; and
 - (b) in the case of subclause (1)(b), before or when the appliance or fitting is installed.

Regulations 15A to 15F: inserted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

15F Other suppliers and installers must check that declaration published or supplied

- (1) Every person who supplies a gas appliance or a specified fitting in relation to which a supplier declaration is required to be made under regulation 15A, other than the manufacturer or importer, must,—
 - (a) before supplying the appliance or fitting,—
 - (i) ensure that a supplier declaration relating to the appliance or fitting is published on the website; or
 - (ii) in the case of an appliance or fitting to which a declaration under regulation 15A(2)(b) relates, ensure that he or she obtains a copy of the supplier declaration relating to the appliance or fitting; and
 - (b) in the case of an appliance or fitting to which a declaration under regulation 15A(2)(b) relates,—
 - (i) maintain a record of the name and address of the person to whom the person has supplied the appliance or fitting; and
 - (ii) keep the record for at least 7 years after the date that the appliance or fitting is supplied by the person; and

- (iii) make the record available to the Secretary within 10 working days of a request being made by the Secretary (unless the request relates to a record that is no longer required to be kept under subparagraph (ii)).
- (2) Every person who installs a gas appliance or a specified fitting in relation to which a supplier declaration is required to be made under regulation 15A must, before installing the appliance or fitting,—
 - (a) ensure that a supplier declaration relating to the appliance or fitting is published on the website; or
 - (b) in the case of an appliance or fitting to which a declaration under regulation 15A(2)(b) relates, ensure that he or she obtains a copy of the supplier declaration relating to the appliance or fitting.

Regulations 15A to 15F: inserted, on 18 November 2002, by regulation 13 of the Gas Amendment Regulations 2002 (SR 2002/271).

16 Repairs, modifications, and adjustments to appliances and fittings

- (1) Every person who repairs, modifies, or makes adjustments to a gas appliance or fitting must take all practicable steps to ensure that the appliance or fitting is safe in all reasonably foreseeable circumstances before the appliance or fitting is returned to service.
- (2) Without limiting subclause (1), a gas appliance is not safe if it does not comply with NZS 5262.
- (3) Without limiting subclause (1), a fitting is not safe if—
 - (a) it has a gas leakage; or
 - (b) it is operated in a manner that is hazardous when exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions.
- (4) Despite subclause (3)(a), minute leakages from some fittings are permissible under relevant testing procedures.

Regulation 16: substituted, on 17 October 2002, by regulation 14 of the Gas Amendment Regulations 2002 (SR 2002/271).

17 Responsibility for safe operation and use of gas appliances and fittings

- (1) Every person who owns, operates, or uses any fittings, gas appliance, or gas installation must take all reasonable steps to ensure that the fittings, appliance, or installation is in a safe condition, is operated in a safe manner, and is maintained in a safe condition.
- (2) Every person who hires out or leases out any fittings, gas appliance, or gas installation shall take reasonable steps to ensure that—
 - (a) the fittings, appliance or installation is in a safe condition; and
 - (b) any instructions to ensure the safe use of the appliance are provided—prior to so hiring or leasing them out.

Subclause (1): substituted, on 17 October 2002, by regulation 15 of the Gas Amendment Regulations 2002 (SR 2002/271).

CNG station safety

18 Particular requirements for CNG stations

- (1) This regulation applies to every person who owns or installs a CNG station.
- (2) Every person to whom this regulation applies must take all practicable steps to ensure that the CNG station is designed and installed in a manner that ensures that the station is safe in all reasonably foreseeable circumstances.
- (3) Without limiting subclause (2), a CNG station is not safe if—
 - (a) the CNG compressor of the station allows the ingress of air; or
 - (b) any refuelling hose or assembly is of a kind that does not prevent electrostatic ignition; or
 - (c) any refuelling probe is of a design that does not minimise wear on seals or minimise any other effects that may result in a sudden gas release during refuelling.
- (4) If a CNG compressor complies with Part 2 of NZS 5425, it is deemed to be safe in all reasonably foreseeable circumstances.

- (5) Every person who owns or installs a fast fill CNG station is deemed to have complied with this regulation, in relation to that station, if he or she has complied with Part 1 of NZS 5425.
- (6) Every person who owns or installs a slow (trickle) fill CNG station is deemed to have complied with this regulation, in relation to that station, if he or she has complied with Part 4 of NZS 5425.
- (7) Subclauses (5) and (6) are subject to subclause (4).
Regulation 18: substituted, on 17 October 2002, by regulation 16 of the Gas Amendment Regulations 2002 (SR 2002/271).
Subclause (4): substituted, on 2 September 2004, by regulation 10(1) of the Gas Amendment Regulations 2004 (SR 2004/229).
Subclauses (5) and (6): amended, on 2 September 2004, by regulation 10(2) of the Gas Amendment Regulations 2004 (SR 2004/229).

19 Sealing of pressure limiting devices and metering units

- (1) Every person who owns or installs a CNG station must ensure that every pressure limiting device and metering unit of a CNG station is sealed.
- (2) Only competent organisations or the Secretary may make or break the seal or adjust those fittings.

Regulation 19: substituted, on 17 October 2002, by regulation 16 of the Gas Amendment Regulations 2002 (SR 2002/271).

19A Maintenance and operation of CNG stations

- (1) Every owner and every operator of a CNG station must take all practicable steps to ensure that the CNG station is—
 - (a) maintained in a safe condition; and
 - (b) operated safely.
- (2) Compliance with GCP 2 is deemed to be compliance with this regulation.

Regulation 19A: inserted, on 17 October 2002, by regulation 16 of the Gas Amendment Regulations 2002 (SR 2002/271).

20 CNG filling pressures

The maximum fill pressure of a CNG dispenser of a CNG station shall be 20 megapascals (gauge), provided that for trickle-fill CNG gas installations the maximum fill pressure shall be 16.5 megapascals (gauge).

21 CNG training

- (1) Every operator of a CNG station shall ensure that vehicles are filled at the station by or in the presence of a person who has received training in the safety requirements specified in Schedule 1 to these regulations.
- (2) The Secretary may exempt a particular CNG station from the requirements of subclause (1) of this regulation where the Secretary is satisfied that such alternative safety procedures or fittings are in place in the CNG station so as to render compliance with those requirements unnecessary in the particular case.

22 Inspection of CNG stations

- (1) Every person (being the owner or operator of a CNG station) shall ensure that the CNG station is inspected at least once every 2 years by a competent organisation to certify the safety of the fittings of the station, and the safety of the operation of the station.
- (2) Where an inspection required under subclause (1) of this regulation is carried out, the CNG station shall be used only if the competent organisation certifies the safety of the fittings of the station and issues a certificate in the form set out in Schedule 2 to these regulations.
- (3) Compliance with GCP2 shall be deemed to be compliance with subclause (1) of this regulation.

Regulation 22: amended, on 17 October 2002, by regulation 17 of the Gas Amendment Regulations 2002 (SR 2002/271).

23 Records

- (1) Every operator of a CNG station shall maintain—
 - (a) records of any adjustments or repairs to the gas measurement system of the installation, including where seals are broken or fitted, the person who so broke or fitted the seals; and
 - (b) records of the names of staff at the station and any training undertaken and completed by the staff for the purpose of regulation 21(1) of these regulations;
 - (c) logbooks in accordance with section 4 of GCP 2.

- (2) Compliance with clause 7.3.1 of GCP 2 shall be deemed to be compliance with paragraph (b) of subclause (1) of this regulation.
- (3) Competent organisations—
- (a) making or breaking seals, or adjusting fittings, of pressure limiting devices or metering units pursuant to regulation 19 of these regulations; or
 - (b) carrying out inspections or issuing certificates in accordance with regulation 22 of these regulations— shall keep records of the installation in respect of which the work was carried out and the results of the work.
- (4) The records required to be kept pursuant to this regulation shall,—
- (a) in the case of operators of CNG stations, be retained for the operational life of the installation;
 - (b) in the case of a competent organisation, be retained for a period of 7 years from the date of the last entry in the particular record, or until the organisation ceases business, whichever occurs first.

Subclause (1)(c): amended, on 17 October 2002, by regulation 18(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (2): amended, on 17 October 2002, by regulation 18(2) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (3)(a): amended, on 17 October 2002, by regulation 18(3) of the Gas Amendment Regulations 2002 (SR 2002/271).

Testing and certification

24 Certification of gasfitting

- (1) For the purposes of section 47(1) of the Act, this regulation and regulations 24A and 24B apply to the following kinds of gasfitting:
- (a) newly constructed gas installations;
 - (b) extensions, additions, and replacements to existing gas installations;
 - (c) alterations to gas installations that result in repositioning of pipework or changes to the operation of the installation:

- (d) repairs to gas installations, gas appliances, or fittings following accidents that are notifiable under section 17 of the Act.
- (2) Every person who is responsible for carrying out any gasfitting to which this regulation applies, or, if that person is acting under supervision, the person who is responsible for that supervision, must ensure that the gasfitting is certified,—
 - (a) in the case of gasfitting carried out by a gas inspector, by that inspector; or
 - (b) in the case of gasfitting carried out under section 57(1) or (3) of the Plumbers, Gasfitters, and Drainlayers Act 1976, or under an employer licence granted under section 39A of that Act, by the person carrying out the work, or, if that person is acting under supervision, by the person who is responsible for that supervision; or
 - (c) in the case of gasfitting carried out under section 57(5) of that Act, by a craftsman gasfitter, a person authorised under section 57(1)(d) of that Act, or a registered gasfitter acting under the authority of a craftsman gasfitter; or
 - (d) in any other case, by a craftsman gasfitter.

Regulation 24: substituted, on 17 October 2002, by regulation 19 of the Gas Amendment Regulations 2002 (SR 2002/271).

24A Certification requirements

- (1) Certification of gasfitting must be completed within 10 working days of the completion of the work.
- (2) The certificate must contain—
 - (a) an accurate description of the relevant gasfitting; and
 - (b) a statement that the appliances and fittings worked on are safe; and
 - (c) a statement that the gasfitting was carried out in accordance with all applicable requirements of the Act and these regulations; and
 - (d) a statement that the gasfitting that the certification applies to does not make other parts of the installation unsafe or otherwise non-compliant with the Act or these regulations; and

- (e) in the case of an appliance or fitting that has been imported or manufactured by a person for their own use, a statement that the appliance or fitting has been imported or manufactured by a person for their own use.
- (3) The certificate must be in the form approved by—
 - (a) the Secretary (by notice in the *Gazette*), in the case of gasfitting carried out under an employer licence granted under section 39A of the Plumbers, Gasfitters, and Drainlayers Act 1976, or under section 57(3) of that Act; or
 - (b) the Board under regulation 25, in any other case.
- (4) However, a person must not certify gasfitting unless he or she is satisfied, on reasonable grounds, that the statements that must be provided under subclause (2) are accurate.
- (5) If gasfitting is carried out by a person exempted under section 57(5) of the Plumbers, Gasfitters, and Drainlayers Act 1976, inspection, testing, and certification in accordance with GCP 1 is deemed to be compliance with subclause (4).

Regulation 24A: inserted, on 17 October 2002, by regulation 19 of the Gas Amendment Regulations 2002 (SR 2002/271).

24B Supply and retention of certificates

- (1) The person who is responsible for ensuring that the gasfitting is certified must ensure that—
 - (a) the original of the completed certificate is supplied to the Board within 5 working days of the certification of the gasfitting if the gasfitting is carried out by a craftsman gasfitter, by a gas inspector, or under section 57(1) of the Plumbers, Gasfitters, and Drainlayers Act 1976; and
 - (b) a copy of the completed certificate is supplied, within 5 working days of the certification of the gasfitting, to—
 - (i) the person for whom the gasfitting was carried out; and
 - (ii) the person supplying or proposing to supply gas to the installation.
- (2) The person certifying the gasfitting or the holder of the employer licence (as the case may be) must retain a copy of the

certificate for 7 years or until that person ceases (as the case may be)—

- (a) to be involved in gasfitting; or
- (b) to be in business; or
- (c) to hold an employer licence.

Regulation 24B: inserted, on 17 October 2002, by regulation 19 of the Gas Amendment Regulations 2002 (SR 2002/271).

25 Forms for gasfitting certification certificates

- (1) The Board shall provide forms of certificates for the purposes of regulation 24A(3)(b) of these regulations.
- (2) The Board may sell such forms to any person certifying work in accordance with regulation 24A(3)(b) of these regulations, or may sell them to resellers, who shall maintain a register of persons to whom such certificates are sold.
- (3) Each form sold shall have a unique identifier.
- (4) The fee for each form sold by the Board shall be the prescribed fee.

Regulation 25: amended, on 17 October 2002, by regulation 20 of the Gas Amendment Regulations 2002 (SR 2002/271).

26 Supply of gas to gas installations

- (1) For the purposes of section 47(3) of the Act, every gas wholesaler and every gas retailer shall ensure that gasfitting to which regulation 24 of these regulations applies has been certified in accordance with that regulation and regulation 24A prior to supplying gas to that installation for purposes other than those to which section 47(4) of the Act applies.
- (2) For the purpose of subclause (1) of this regulation, a gas wholesaler or gas retailer may rely on the verbal advice of the certifying person provided that gas wholesaler or gas retailer is satisfied that a copy of the certificate will be received by the gas wholesaler or gas retailer, as the case may be, within 5 working days of the completion of the gasfitting—
- (3) If a gas wholesaler or gas retailer does not receive the certificate after verbal advice in accordance with subclause (2) of this regulation, the gas wholesaler or gas retailer, as the case may be, may, where reasonably satisfied that there is a risk of hazard as a result of the continued supply of gas to that in-

stallation, cease supplying gas to the installation in respect of which the verbal advice was given.

Subclause (1): amended, on 17 October 2002, by regulation 21(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (3): amended, on 17 October 2002, by regulation 21(2) of the Gas Amendment Regulations 2002 (SR 2002/271).

27 Notification to Secretary

Any person entitled to carry out gasfitting who is carrying out any gasfitting work and who believes on reasonable grounds that a gas installation or gas appliance presents immediate danger to life or property shall, as soon as practicable, advise the owner or occupier of the property where the danger exists, and the Secretary.

Declared articles

28 Declared articles

- (1) The Secretary may from time to time give public notice that stated types or categories of gas appliances or fittings (in these regulations referred to as **declared articles**) require the Secretary's approval before being offered for sale in New Zealand, and may amend or revoke such notice.
- (2) An application for the approval of a declared article shall be made on the approved form and accompanied by the prescribed fee.
- (3) An application for the approval of a declared article may be referred by the Secretary to an experienced person in the gas industry for advice on compliance of the declared article with the gas safety requirements.
- (4) Any approval granted under this regulation may from time to time be varied or withdrawn by the Secretary, and where such a variation or withdrawal is requested by any person, the person requesting the variation or withdrawal shall make application

on the form approved by the Secretary for the purpose accompanied by the prescribed fee.

Prohibitions

29 Prohibition of fittings and appliances

- (1) The Secretary may, in the manner provided for in subclause (2) of this regulation, prohibit the manufacture, importation, sale, and use of any fittings or gas appliance that constitutes or may constitute a gas hazard.
- (2) A prohibition under this regulation shall—
 - (a) be made by notice in the *Gazette*; and
 - (b) take effect on and from the date specified for the purpose in the notice, which date shall be later than the date of publication of the notice in the *Gazette*; and
 - (c) adequately describe the fittings or gas appliance being prohibited; and
 - (d) give brief reasons for the belief the fittings or gas appliance constitutes or may constitute a hazard.
- (3) Where the Secretary knows the New Zealand address of the manufacturer, importer, seller, or user concerned, the Secretary shall cause notice of the prohibition to be given to that person before the date specified in the notice in the *Gazette* as the date on which the prohibition shall take effect.
- (4) A prohibition made under this regulation may in like manner be varied or revoked.

Miscellaneous

30 Secretary's exemptions from requirements

- (1) The Secretary may, in writing and for such period as the Secretary specifies,—
 - (a) exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by any of regulations 3 to 10, and regulations 12 to 23 of these regulations; or
 - (b) exempt any distribution system, gas installation, fittings, or gas appliances from the provisions of section 46 of the Act.

- (2) The Secretary may amend or withdraw any exemption granted pursuant to this regulation in order to prevent any gas hazard.
- (3) The Secretary may impose conditions to which the exemption shall be subject.

31 Chief executive responsible for Building Act 2004 may grant exemptions

- (1) The chief executive of the department of State responsible for the administration of the Building Act 2004 may, in writing, and for any period that the chief executive specifies, exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by regulation 12 if the exemption is required as a result of the grant of a waiver or modification of the building code, or a compliance document (within the meaning of the Building Act 2004), in relation to an application for a building consent that is referred to the chief executive under section 70 of that Act.
- (2) The chief executive may amend or withdraw an exemption granted under this regulation in order to prevent a gas hazard.
- (3) The chief executive may grant the exemption subject to any conditions that the chief executive thinks fit.

Regulation 31: substituted, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

32 Issuing of urgent instructions

- (1) In any case of urgency, the Secretary may issue instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by the presence, escape, or use of gas.
- (2) Any instruction, order, or requirement issued by the Secretary shall be,—
 - (a) where the instruction, order, or requirement is specific to a particular person or persons, by notice in writing to that person or persons; or
 - (b) where the instruction, order, or requirement is of more general application, by notice in the *Gazette*.

- (3) No instruction, order, or requirement issued under this regulation, whether or not subsequently amended, shall remain in force for a period exceeding 6 months from its issue.
- (4) The Secretary may from time to time, in like manner, amend or revoke any such instruction, order, or requirement so issued.

33 Details to be provided in reporting accidents

- (1) Persons reporting accidents in accordance with section 17 of the Act shall notify the Secretary in writing of the following particulars of the accident:
 - (a) the name of the person so notifying and the place at which that person may be contacted (including where possible a telephone number and fax number):
 - (b) the place, date, and time of the accident:
 - (c) a complete description of the accident:
 - (d) a description of any injuries, damage, or losses resulting from the accident:
 - (e) where known, the names and contact information for affected persons, witnesses, investigators at the scene, or other persons that could provide cogent information on the accident:
 - (f) possible causative factors (if any are known).
- (2) The reporting of accidents may initially be by telephone, but a written report must be sent to the Secretary within 7 days of the verbal notification.

34 Permits under Gas Industry Regulations 1984

- (1) Permits granted under regulation 18 of the Gas Industry Regulations 1984 (SR 1984/246) shall lapse at the date of the commencement of these regulations, and any gasfitting carried out after the commencement of these regulations shall comply with the requirements of these regulations.
- (2) The gasfitter holding any permit to which subclause (1) of this regulation applies shall—
 - (a) return the permit to the person for whom the gasfitting was, or was proposed to be, carried out; and
 - (b) advise the person for whom the gasfitting was carried out of any gasfitting required in order that any necessary gasfitting certification certificate may be issued in

respect of the gas installation to which the permit applies.

35 Competent organisations to supply copies of seals they use

A competent organisation intending to carry out work under regulation 10 or regulation 19 of these regulations shall, prior to carrying out any such work, supply to the Secretary a copy of the seal that competent organisation shall be using in respect of that work.

Regulation 35: amended, on 17 October 2002, by regulation 22 of the Gas Amendment Regulations 2002 (SR 2002/271).

36 Protection of fittings of a distribution system or a gas measurement system

- (1) Subject to subclause (2) of this regulation, no person shall blast, operate an excavation plant, or otherwise cut into, break up, or remove any ground, or install or construct any structure, that will, or is likely to, undermine, interfere with, damage, affect, or enclose any fittings of a distribution system or a gas measurement system without the prior written consent of the owner of the distribution or gas measurement system, which consent shall not be unreasonably withheld.
- (2) Except where blasting is undertaken, subclause (1) of this regulation shall not apply in any case of emergency involving a hazard, but the person carrying out the work shall forthwith notify the owner of the distribution system or gas measurement system of the emergency and shall give full written particulars of the work involved as soon as is reasonably practicable after commencing that work.

Subclause (2): amended, on 17 October 2002, by regulation 23 of the Gas Amendment Regulations 2002 (SR 2002/271).

37 Offences and penalties

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—

- (a) supplies gas that does not conform to the requirements of regulations 3 to 5 of these regulations; or
- (b) fails to keep records and plans in accordance with regulation 6 of these regulations; or

- (c) being the owner or operator of a distribution system or of a part of a distribution system, fails to take all practicable steps to ensure that the distribution system or part is designed, constructed, maintained, and operated in a manner that, as far as practicable, achieves continuity of supply, safety, and satisfactory operation; or
- (d) being the owner or operator of a distribution system or of a part of a distribution system who authorises a person to work on that system or part, fails to take all practicable steps to ensure that the person is competent to perform the tasks assigned to them; or
- (da) being the owner or operator of a distribution system or of a part of a distribution system who authorises a person to work on that system or part, fails to take all practicable steps to ensure that the person is familiar with appropriate safety procedures when working with or near gas or fittings; or
- (e) sells gas otherwise than in accordance with regulation 9 of these regulations; or
- (f) installs or uses a gas measurement system contrary to the requirements of regulation 10; or
- (fa) installs a gas installation or a part of a gas installation contrary to the requirements of regulation 12; or
- (g) manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fitting without complying with regulation 13; or
- (h) sells or offers for sale a gas appliance which is not marked in accordance with regulation 14 of these regulations; or
- (i) having repaired, modified, or made adjustments to a gas appliance or fitting, returns that gas appliance or fitting to service before taking all practicable steps to ensure that the gas appliance or fitting is safe in all reasonably foreseeable circumstances in accordance with regulation 16; or
- (j) being a manufacturer or importer, supplies a gas appliance or specified fitting without complying with regulation 15A; or

- (ja) being a manufacturer or importer, publishes on the website, or gives to the person to whom a gas appliance or a specified fitting is supplied, a supplier declaration that is false or misleading in a material respect; or
- (jb) being a manufacturer or importer, fails to supply a document or documents to the Secretary in accordance with regulation 15D; or
- (jc) being a person to whom regulation 15E applies, fails to provide a copy of a supplier declaration in accordance with that regulation; or
- (jd) being a person to whom regulation 15F applies, fails to comply with that regulation; or
- (k) operates or maintains any fittings, gas appliance, or gas installation in an unsafe manner; or
- (l) hires out or leases out any fittings, gas appliance, or gas installation without complying with regulation 17(2); or
- (m) owns or installs a CNG station without complying with regulation 18 or regulation 19; or
- (ma) being a person other than the Secretary or a competent organisation, fails to comply with regulation 19(2); or
- (mb) owns or operates a CNG station without complying with regulation 19A; or
- (n) owns or operates a CNG dispenser that operates at above the maximum fill pressures specified in regulation 20 of these regulations; or
- (o) being an owner or operator of a CNG station,—
 - (i) fails to ensure that personnel filling or being present for the filling of vehicles with CNG have received the training required by regulation 21 of these regulations; or
 - (ii) fails to have the installation certified in accordance with regulation 22 of these regulations; or
- (p) being an operator of a CNG station, fails to maintain the records required by regulation 23 of these regulations; or
- (q) being a person who is responsible for ensuring that gasfitting is certified under regulation 24, fails to ensure that the gasfitting is certified in accordance with that regulation and regulation 24A; or

- (qa) certifies gasfitting otherwise than in accordance with regulations 24 to 24B; or
- (r) operates or uses a gas installation that has not been certified in accordance with regulation 24 and regulation 24A of these regulations, where that installation should have been so certified; or
- (s) supplies gas otherwise than in accordance with regulation 26 of these regulations; or
- (sa) being a person who is carrying out gasfitting and who believes on reasonable grounds that a gas installation or gas appliance presents an immediate danger to life or property, fails to comply with regulation 27; or
- (t) sells or offers for sale, any declared article that has not received the Secretary's approval pursuant to regulation 28 of these regulations; or
- (u) contrary to any prohibition imposed pursuant to regulation 29 of these regulations, manufactures, imports, offers for sale or sells, or uses prohibited fittings or a prohibited gas appliance; or
- (v) fails to comply with any instruction, order, or requirement given under regulation 32 of these regulations; or
- (w) not being a competent organisation, breaks the seal of any gas measurement system, pressure limiting device, or metering unit of a CNG gas installation; or
- (x) being a competent organisation,—
 - (i) seals a gas measurement system contrary to the requirements in respect of sealing in regulation 10 of these regulations; or
 - (ii) fails to keep records required by these regulations to be kept by such organisations; or
 - (iii) provides a certificate under regulation 15 of these regulations where the appliance or fitting to which the certificate relates does not conform to regulations 13 and 14 of these regulations; or
 - (iv) provides a certificate under regulation 22 of these regulations where any fittings of the CNG station are not safe; or
 - (v) fails to provide a copy of a seal in accordance with regulation 35 of these regulations; or

(y) fails to comply with regulation 36 of these regulations.

Subclause (1)(c) and (d): substituted and subclause (1)(da): inserted, on 2 September 2004, by regulation 11(1) of the Gas Amendment Regulations 2004 (SR 2004/229).

Subclause (1)(da): inserted, on 2 September 2004, by regulation 11(1) of the Gas Amendment Regulations 2004 (SR 2004/229).

Subclause (1)(f): substituted, on 2 September 2004, by regulation 11(2) of the Gas Amendment Regulations 2004 (SR 2004/229).

Subclause (1)(fa): inserted, on 2 September 2004, by regulation 11(2) of the Gas Amendment Regulations 2004 (SR 2004/229).

Subclause (1)(g): substituted, on 17 October 2002, by regulation 24(1) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(i): substituted, on 17 October 2002, by regulation 24(2) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(j): substituted, on 18 November 2002, by regulation 24(3) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(ja) to (jd): inserted, on 18 November 2002, by regulation 24(3) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(l) and (m): substituted, on 17 October 2002, by regulation 24(4) Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(ma) and (mb): inserted, on 17 October 2002, by regulation 24(4) Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(q): substituted, on 17 October 2002, by regulation 24(5) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(qa): inserted, on 17 October 2002, by regulation 24(5) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(r): amended, on 17 October 2002, by regulation 24(6) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(sa): inserted, on 17 October 2002, by regulation 24(7) of the Gas Amendment Regulations 2002 (SR 2002/271).

Subclause (1)(x)(v): amended, on 17 October 2002, by regulation 24(8) of the Gas Amendment Regulations 2002 (SR 2002/271).

38 Fees

- (1) The fees specified in Schedule 3 to these regulations shall be payable in respect of the matters specified in that Schedule.
 - (2) The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.
-

Schedule 1

r 21

Requirements for CNG safety training

1. Equipment knowledge:
 - (a) compressors
 - (i) location and operation of CNG equipment (gas and electrical)
 - (ii) start-up and shut down procedures
 - (iii) emergency shutdown procedures
 - (b) storage
 - (i) location and operation of storage
 - (ii) location and operation of shut-off valves
 - (c) forecourt
 - (i) location and operation of shut-off valves
 - (ii) location and operation of compressor stop buttons
 - (d) dispensers-location and operation of dispensing equipment
2. Cylinder filling procedures:
 - (a) safety checks prior to commencing filling:
 - (b) filling procedures:
 - (c) safety checks following the completion of filling.

Clause 2: substituted, on 17 October 2002, by regulation 25 of the Gas Amendment Regulations 2002 (SR 2002/271).
3. Emergency procedures:
 - (a) gas leak from vehicle
 - (b) gas leak during refuelling
 - (c) other gas leaks
 - (d) fire

Schedule 2

r 22(2)

Form

CNG station certificate of compliance

This certificate is issued to [*name of CNG station*] for a period of 24 months from [*date that compliance is established*] to [*date two years from date of compliance*].

Form—*continued*

The CNG installation at [*name of CNG station*] has been inspected by me and the fittings and operation of the installation are safe.

Name of certifier (being a competent organisation)

Signature of employee

Date

Schedule 3
Prescribed fees

r 38

1. Requests for tests under regulation 11 of these regulations:

For domestic gas measurement systems	\$80 for each hour or part of an hour, up to a maximum of \$80
For non-domestic gas measurement systems	\$80 for each hour or part of an hour, up to a maximum of \$160
2. For gasfitting certification certificates provided by the Board pursuant to regulation 25 of these regulations, for each certificate, \$25.
3. For declared article approvals:

Initial application	\$640
Application for modification to approval	\$400

Item 2: amended, on 1 April 1999, by regulation 2 of the Gas Amendment Regulations 1999 (SR 1999/57).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 31 March 1993.

Gas (Safety and Measurement) Regulations 2010

(SR 2010/76)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 29th day of March 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 54 and 54A of the Gas Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Energy after consultation with the Environmental Risk Management Authority in accordance with section 54(6) of the Gas Act 1992, makes the following regulations.

Regulations

1 Title

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

2 Commencement

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

Part 8 Miscellaneous provisions

Transitional provisions

- 93 In-process distribution systems, gas installations, fittings, and gas appliances**
- (1) This regulation applies, until 4 May 2012, to distribution systems, gas installations, fittings, and gas appliances that are, on 4 May 2010,—
- (a) under construction or being installed in New Zealand; or
 - (b) in transit to New Zealand; or
 - (c) the subject of an irrevocable purchasing order by a person in New Zealand.
- (2) Notwithstanding anything in these regulations, distribution systems, gas installations, fittings, and gas appliances to which this regulation applies may continue to be constructed, installed, sold, or used, provided that they—
- (a) are not unsafe; and
 - (b) complied with the requirements of the Gas Regulations 1993 immediately before 4 May 2010; and
 - (c) continue to comply, as a minimum, with the Gas Regulations 1993.
- (3) However, any distribution systems, gas installations, fittings, and gas appliances to which this regulation applies must be tested, certified, or inspected under the Gas Regulations 1993.
Compare: SR 2010/36 r 113
- 94 Existing distribution systems, gas installations, fittings, and gas appliances.**
- Distribution systems, gas installations, fittings, and gas appliances that are in use or installed in New Zealand on 4 May 2010 may continue to be operated, maintained, sold (if used), or used provided that they—
- (a) are not unsafe; and
 - (b) complied with the requirements of the Gas Regulations 1993 immediately prior to 4 May 2010; and
 - (c) continue to comply with the Gas Regulations 1993.
- Compare: SR 2010/36 r 113

95 Transitional provisions about gas appliance safety

- (1) This regulation applies until 4 May 2012 to gas appliances that comply with NZS 5262.
- (2) Compliance with regulations 15 to 15F of the Gas Regulations 1993 is deemed to be compliance with regulations 65 to 70 (supplier declaration requirements) of these regulations.
- (3) Compliance with regulation 13 of the Gas Regulations 1993 is deemed to be compliance with regulation 53 (safety of gas appliances and fittings) of these regulations.
- (4) Compliance with regulation 14 of the Gas Regulations 1993 is deemed to be compliance with regulation 71 (marking) of these regulations.

96 Gas appliance and fittings certification requirements before 4 May 2012

- (1) This regulation applies until 4 May 2012 to gas appliances and specified fittings that would require certification under regulation 55 if they were supplied after that date.
- (2) Every supplier of the gas appliance or specified fittings before 4 May 2012 must either—
 - (a) comply with regulation 55; or
 - (b) comply with NZS 5262 and regulations 13 to 15F of the Gas Regulations 1993.
- (3) Every person commits a grade A offence who fails to comply with subclause (1).

97 Transitional provision about repair of gas appliances made and installed before 1985

A person may, without contravening these regulations, repair and use a gas appliance that was made and installed before 1 January 1985, provided that the repairs, modifications, and adjustments of the gas appliance meet the technical requirements in NZS 5262.

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- 98 Transitional provision about CNG station certificates of compliance**
The revocation of the Gas Regulations 1993 does not affect the validity of any CNG station certificate of compliance issued under regulation 22 of those regulations.
- 99 Transitional provision about safety management systems**
See regulation 35 for the time of the first audit of a safety management system under these regulations.
- 100 Secretary's exemptions**
An exemption given by the Secretary under regulation 30 of the Gas Regulations 1993, and still in force immediately before 4 May 2010, continues in force after that date as if it had been given under regulation 85 of these regulations on the date on which it was given.
- 101 Gas Regulations 1993 continue in force for purpose of transitional arrangements in these regulations**
- (1) The Gas Regulations 1993 continue in effect as if they had not been revoked by these regulations for the purpose of any transitional provision in these regulations that provides for compliance with any provision of those regulations instead of compliance with these regulations.
 - (2) Without limiting subclause (1), any prosecution or other enforcement action may be taken under the Gas Regulations 1993 in respect of a failure to comply with a provision continued under these regulations.
- 102 Certificates of compliance**
The revocation of the Gas Regulations 1993 does not affect the validity of any certificate of compliance issued under those regulations.

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprinted as at
4 May 2010

Gas Regulations 1993

Date of notification in *Gazette*: 1 April 2010.

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Notes**1 General**

This is an eprint of the Gas Regulations 1993. The eprint incorporates all the amendments to the regulations as at 4 May 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please see <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Gas (Safety and Measurement) Regulations 2010 (SR 2010/76): regulation 92
