

**Reprint
as at 1 December 2017**

Hazardous Substances (Compressed Gases) Amendment Regulations 2004

(SR 2004/255)

Hazardous Substances (Compressed Gases) Amendment Regulations 2004: revoked, on 1 December 2017, pursuant to regulation 4(1) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Pursuant to section 140(1)(c) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

These regulations are administered by the Ministry for the Environment.

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1 Title

- (1) These regulations are the Hazardous Substances (Compressed Gases) Amendment Regulations 2004.
- (2) In these regulations, the Hazardous Substances (Compressed Gases) Regulations 2004¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Interpretation

- (1) Regulation 3 of the principal regulations is amended by repealing the definition of **AS 2337.1**, and substituting the following definition:
AS 2337.1 means the Australian standard on Gas cylinder test stations. Part 1: General requirements, inspections and tests—Gas cylinders
- (2) Regulation 3 of the principal regulations is amended by inserting in paragraph (b) of the definition of **compressed gas**, after the word “solvent”, the words “at a”.
- (3) Regulation 3 of the principal regulations is amended by omitting from paragraph (c)(vii) of the definition of **compressed gas container** the expression “170 kPa”, and substituting the expression “170 millilitres”.
- (4) Regulation 3 of the principal regulations is amended by repealing the definition of **LPGITA**, and substituting the following definition:
LPGITA means the UK LP Gas Association.

¹ SR 2004/43

4 New regulation 4 substituted

The principal regulations are amended by revoking regulation 4, and substituting the following regulation:

4 Application of regulations to certain pressure equipment

- (1) The provisions of these regulations, other than the provisions applied by subclause (2), do not apply to pressure equipment to which the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 apply.
- (2) Parts 1, 8, and 9 apply, with the necessary modifications, to that pressure equipment.

5 Reference temperatures

Regulation 7 of the principal regulations is amended by omitting so much of the table as relates to low pressure liquefiable gas, and substituting, in the appropriate columns, the following items:

Low pressure liquefiable gas Not exceeding 250	57.5
Exceeding 250 but not exceeding 500	52.5
Exceeding 500 but not exceeding 1 000	52.5
Exceeding 1 000 but not exceeding 5 000	50
Exceeding 5 000 but not exceeding 26 000	45
Exceeding 26 000	40

6 Design verification of cylinders

Regulation 15 of the principal regulations is amended by revoking subclauses (1) and (2), and substituting the following subclauses:

- (1) A person may apply to a design verifier for a design verification certificate for a cylinder.
- (2) The application must—
 - (a) include all relevant specifications, including technical drawings and calculations; and
 - (b) refer to a design standard referred to in regulation 10 or regulation 11 relating to the design of a cylinder.

7 Manufacture of cylinders

- (1) Regulation 16 of the principal regulations is amended by revoking paragraph (a), and substituting the following paragraph:
 - (a) manufacture the cylinder to a design—

- (i) for which a design verification certificate has been obtained under regulation 15; and
 - (ii) that complies with a design standard referred to in regulation 10 or regulation 11 relating to the design of a cylinder; and
- (2) Regulation 16 of the principal regulations is amended by adding the word “; and” and also by adding the following paragraph:
 - (e) not supply cylinders to a retailer unless the manufacturer has provided to the retailer, under paragraph (c), copies of the relevant manufacturing certificate for those cylinders.

8 New regulation 18 substituted

The principal regulations are amended by revoking regulation 18, and substituting the following regulation:

18 Restrictions on imported cylinders

- (1) A person who imports a cylinder or a batch of cylinders into New Zealand must obtain a test certificate under regulation 19 for each cylinder.
- (2) An importer to whom subclause (1) applies must not supply cylinders to a retailer unless the importer has first obtained the appropriate test certificate.

9 Clearance of imported cylinders

- (1) The heading to regulation 19 of the principal regulations is amended by omitting the words “Clearance of”, and substituting the words “Test certificate for”.
- (2) Regulation 19 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:
 - (1) A person who imports a cylinder or a batch of cylinders into New Zealand must apply for and obtain a test certificate from a test certifier.
- (3) Regulation 19 of the principal regulations is amended by revoking subclauses (3) and (4), and substituting the following subclause:
 - (3) A test certifier may issue a test certificate for the cylinders to which the application relates only if satisfied that—
 - (a) the markings on the cylinders comply with Part 6; and
 - (b) any conditions on the cylinder design verification certificate relating to the cylinders have been satisfied; and
 - (c) the cylinders would pass the tests in regulation 22(2)(b).

10 New regulation 20 substituted

The principal regulations are amended by revoking regulation 20, and substituting the following regulation:

20 Requirement for pre-commissioning certificate

A person must not use or supply an imported or manufactured cylinder of a design that has not been previously imported into, or manufactured in, New Zealand unless the person has first obtained a pre-commissioning certificate under regulation 22.

11 Cylinder valves

- (1) Regulation 27(1) of the principal regulations is amended by inserting, after paragraph (d), the following paragraph:

(da) UL 2061; or

- (2) Regulation 27(2) of the principal regulations is amended by inserting, after paragraph (b), the following paragraph:

(ba) UL 2061; or

12 Outlet connection for cylinder valves

Regulation 28(2)(a) of the principal regulations is amended by revoking subparagraph (v), and substituting the following subparagraph:

(v) 20 mm clip-on connector; or

13 Clearance of imported fittings

- (1) The heading to regulation 36 of the principal regulations is amended by omitting the words “Clearance of”, and substituting the words “Test certificate for”.

- (2) Regulation 36 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- (1) A person who wishes to import or manufacture fittings for LPG cylinders must apply to a test certifier for a test certificate for the fittings.

- (3) Regulation 36 of the principal regulations is amended—

(a) by omitting from subclauses (3) and (4) the words “enforcement officer”, and substituting in each case the words “test certifier”;

(b) by omitting from subclause (3) the word “clearance”, and substituting the words “a test certificate”;

(c) by omitting from subclause (4) the words “clearance to”, and substituting the words “test certificate for”;

(d) by omitting from subclause (4)(a) the word “clearance”, and substituting the words “test certificate”.

14 Failure to give clearance to imported fitting

Regulation 37 of the principal regulations is amended—

- (a) by omitting the words “an enforcement officer”, and substituting the words “a test certifier”;

- (b) by omitting the word “clearance”, and substituting the words “test certificate”;
- (c) by omitting the words “the enforcement officer” in both places where they appear, and substituting in each case the words “the test certifier”.

15 Markings for cylinders and fire extinguishers

Regulation 39(2)(f) of the principal regulations is amended by inserting, before the words “the weight”, the words “if the gas is liquefiable,”.

16 Cylinder regulator markings

Regulation 45(e) of the principal regulations is amended by omitting the word “regulation”, and substituting the word “regulator”.

17 Markings for automatic changeover devices for LPG

Regulation 47 of the principal regulations is amended by revoking paragraphs (c) and (d), and substituting the following paragraph:

- (c) either—
 - (i) the manufacturer’s batch number; or
 - (ii) the date of manufacture of the device, or a code in the batch number that links to the date of manufacture.

18 New regulation 51 substituted

The principal regulations are amended by revoking regulation 51, and substituting the following regulation:

51 Cylinder not to be used beyond specified cylinder life

A person must not use a cylinder beyond the maximum life of the cylinder specified in the standard to which the cylinder was designed.

19 Periodic certificate

- (1) Regulation 52(1) of the principal regulations is amended by omitting from the table the items relating to Cylinder for acetylene, Monolithic mass (visual inspection), and Other porous mass (visual inspection), and substituting the following item:

Cylinder for acetylene:

monolithic mass (visual inspection)	At 1 year after entering service, then 10-year intervals
other porous mass (visual inspection)	1

- (2) Regulation 52(2) of the principal regulations is amended by omitting the word “other” in the second place where it appears.

20 Periodic testing of LPG valve and pressure relief device

Regulation 55(1) of the principal regulations is amended by omitting the words “before the first filling after 10 years after manufacture”.

21 Restrictions on charging cylinders

Regulation 56 of the principal regulations is amended—

- (a) by omitting from subclause (1)(b) the words “size and”:
- (b) by revoking subclause (1)(d) :
- (c) by omitting from subclause (2) the words “Subclause (1)(a) to (d) and (f)”, and substituting the expression “Subclause (1)(a)”:
- (d) by inserting in subclause (2)(a), after the words “New Zealand”, the words “and is on a foreign ship (as defined in section 2(1) of the Maritime Transport Act 1994) or on an aircraft that is registered in a country other than New Zealand”.

22 Restrictions on persons able to charge compressed gas containers

Regulation 59 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- (1) A person must not charge a compressed gas container with compressed gas unless the person is an approved filler.

23 Maximum filling ratio for cylinders and compressed gas stationary tanks

- (1) Regulation 61(1) of the principal regulations is amended by revoking the table, and substituting the following table:

Water capacity of cylinder or compressed gas stationary tank (litres)	Temperature of liquid contents (°C)
Not exceeding 250	50
Exceeding 250 but not exceeding 5 000	47.5
Exceeding 5 000	45

- (2) Regulation 61(2) of the principal regulations is amended—

- (a) by inserting in paragraph (b), after the words “the pressure”, the word “at”:
- (b) by omitting from paragraph (b) the word “in” in the second place where it appears:
- (c) by omitting from the second column of the table the expression “57.5”, and substituting the expression “47.5”.

24 Charging cryogenic containers

Regulation 63(1) of the principal regulations is revoked.

25 Developed pressure for permanent gases

Regulation 64 of the principal regulations is amended by omitting the expression “65C”, and substituting the expression “65°C”.

26 Application of this Part

Regulation 68 of the principal regulations is amended—

- (a) by omitting from paragraph (a) the expression “900 m”, and substituting the words “900 m, determined at a pressure of 101.3 kPa absolute and a temperature of 15°C”;
- (b) by omitting from paragraph (b) the words “, determined at a pressure of 101.3 kPa absolute and a temperature of 15°C”.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Hazardous Substances (Compressed Gases) Regulations 2004.

The amendments, which aim to make the regulations operate more effectively,—

- clarify that the regulations cover fittings associated with LPG cylinders:
- apply Parts 1, 8, and 9 to pressure equipment to which the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 apply:
- enable any person to apply under regulation 15 to a design verifier for a design verification certificate for a cylinder:
- enable clearances for imported cylinders to be given by test certifiers rather than enforcement officers:
- require persons who use or supply a cylinder of a design that has not previously been imported into, or manufactured in, New Zealand to obtain a pre-commissioning certificate under regulation 22. The requirement is shifted from the importer to the user or supplier:
- provide that only approved fillers may charge compressed gas containers:
- make technical corrections about reference temperatures, standards, and other matters.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 August 2004.

Eprint notes

1 *General*

This is an eprint of the Hazardous Substances (Compressed Gases) Amendment Regulations 2004 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233): regulation 4(1)