



Gas (Safety and Measurement) Regulations 2010

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.

Contents

		Page
1	Title	6
2	Commencement	6

Part 1

Preliminary provisions

Interpretation

3	Interpretation	7
4	Meanings of safe and unsafe	10

5	Definition of point of supply	11
	<i>Offences</i>	
6	Grade A and grade B offences	12
7	Strict liability offences	13
8	Infringement offences	13
	Part 2	
	General safety requirements	
	<i>Requirements for gas safety</i>	
9	Requirements to be safe	14
10	Obligation to notify Secretary of danger	15
	<i>When things deemed unsafe</i>	
11	General rules for when things deemed to be unsafe	15
12	Additional rules for when gas installations deemed to be unsafe	17
13	Additional rules for when gas appliances deemed to be unsafe	17
14	Additional rules for when gas supply deemed to be unsafe	17
	<i>Protection of fittings</i>	
15	Interference with, or movement of, fittings	18
	Part 3	
	Safety of gas distribution systems	
	<i>Requirements for all gas distribution systems about gas odourisation</i>	
16	General requirement about what gas must be odourised and to what level	18
17	Responsibility for ensuring odourisation of gas	19
18	Requirements for gas odourisation	19
19	Persons responsible for odourisation must have relevant odourisation documentation	20
	<i>Requirements for all gas distribution systems about measurement of gas</i>	
20	Application of regulations about measurement of gas	20
21	Gas measurement	20
22	Testing and installation of gas measurement systems	21
23	Records of tests of gas measurement systems must be kept	22

<i>Requirements for distribution systems not covered by audited safety management systems</i>		
24	Application of regulations 25 to 28	23
25	Operators of distribution systems must keep records and plans	23
26	Owners and operators of distribution systems must ensure continuity of supply and safety	23
27	Duties of owners and operators of distribution systems in relation to work carried out on systems	24
28	Safety inspections	24
<i>Requirements for audited safety management systems</i>		
29	Overview	25
30	Who must have safety management system	25
31	How person opts in	26
32	What safety management systems must do	26
33	Substantive requirements of safety management systems	26
34	Documentation of safety management systems	27
35	Audit of safety management systems	27
36	Audit certificate for safety management systems	28
37	Statutory declaration by safety management system operator	28
38	Cancellation of audit certificate	29
39	Certification and declaration deemed to be compliance with section 46A of Act	29
40	Offences by accredited auditors	29
Part 4		
Safety of gas at point of supply to consumer		
41	Quality of gas	30
42	Gas pressure	30
Part 5		
Safety of installations		
<i>Safety of gas installations</i>		
43	Safety of gas installations	30
<i>Certification of gasfitting work</i>		
44	What types of gasfitting must be certified	31
45	Exemptions from requirement to certify gasfitting	32
46	Time when gasfitting must be certified	33
47	How gasfitting must be certified	33
48	Supply and retention of certificates of compliance	34

49	Forms for certificates of compliance	35
	<i>Testing of gas installations</i>	
50	Obligations of person connecting to gas supply	35
51	Supplying gas to gas installations on which no gasfitting done	36
52	Cessation of supply if gas installation unsafe	37
	Part 6	
	Safety of gas appliances and fittings	
	<i>Safety of gas appliances and fittings</i>	
53	Safety of gas appliances and fittings	37
54	Requirement for gas appliances to be certified or endorsed	38
55	Certification regime	38
56	Offences in relation to certification regime	39
57	Alternative endorsement regime for small production appliances and specialised gas appliances	39
58	Offences in relation to alternative endorsement regime	41
59	Approved practitioner regime	41
	<i>Declared and prohibited articles</i>	
60	Declared articles not to be offered for sale unless approved	42
61	Approval by Secretary of declared articles	43
62	Deemed approval by Secretary of declared articles	43
63	Prohibition and control of unsafe gas appliances and fittings	44
	<i>Specified fittings</i>	
64	Specified fittings	45
	<i>Supplier declarations</i>	
65	Gas appliances and fittings to which supplier declaration requirements apply	45
66	Manufacturer or importer must make supplier declaration	46
67	Contents of supplier declaration	46
68	Offence committed by manufacturers and importers relating to supplier declarations	47
69	Management of Internet site	47
70	Other suppliers and installers must check that declaration published or supplied	48
	<i>Marking and labelling of gas appliances and fittings</i>	
71	Marking of gas appliances	49

2010/76	Gas (Safety and Measurement) Regulations 2010	
72	Gas safety compliance labels for gas appliances and specified fittings	49
	<i>Miscellaneous</i>	
73	Supply of documents	51
74	Repairs, modifications, and adjustments to gas appliances and fittings	51
75	Responsibility of persons hiring or leasing gas appliances, fittings, and gas installations	52
	Part 7 CNG	
	<i>Measurement</i>	
76	Measurement of CNG	52
77	Testing and installation of CNG gas measurement systems	53
	<i>Requirements for CNG station safety</i>	
78	Particular requirements for CNG stations	54
79	Sealing of pressure-limiting devices and metering units for CNG stations	55
80	Maintenance and operation of CNG stations	55
81	CNG filling pressures	56
82	CNG safety requirements training	56
83	Inspection of CNG stations	56
84	Records for CNG stations	57
	Part 8 Miscellaneous provisions	
	<i>Exemptions</i>	
85	Secretary's power to exempt from requirements	58
	<i>General provisions</i>	
86	Issuing of urgent instructions	59
87	Details to be provided in reporting accidents	60
88	Competent organisations to supply copies of seals they use	60
89	Offence for competent organisations to fail to keep records	61
90	Fees	61
91	<i>Gazette</i> notices to be published on Internet site	61
92	Revocation	61

Transitional provisions

93	In-process distribution systems, gas installations, fittings, and gas appliances	61
94	Existing distribution systems, gas installations, fittings, and gas appliances.	62
95	Transitional provisions about gas appliance safety	62
96	Gas appliance and fittings certification requirements before 4 May 2012	63
97	Transitional provision about repair of gas appliances made and installed before 1985	63
98	Transitional provision about CNG station certificates of compliance	63
99	Transitional provision about safety management systems	63
100	Secretary's exemptions	64
101	Gas Regulations 1993 continue in force for purpose of transitional arrangements in these regulations	64
102	Certificates of compliance	64

Schedule 1 64

List of gas codes of practice and official standards

Schedule 2 67

Infringement notice and reminder notice

Schedule 3 74

Requirements for CNG safety training

Schedule 4 75

Form

Schedule 5 75

Prescribed fees

Schedule 6 76

Gas safety compliance labels

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 1 Preliminary provisions

Interpretation

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
accredited auditor means an auditor accredited by any of the following:

- (a) a body that is accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ):
- (b) a body that is accredited by a current signatory to the International Accreditation Forum, Inc for management systems:
- (c) a body approved by or under an international agreement between New Zealand and another country that is not a member of the International Accreditation Forum, Inc to assess a person's compliance with these regulations or safety management systems generally

Act means the Gas Act 1992

all practicable steps has the meaning given in section 2(1) of the Act

audited safety management system means an audited safety management system for which an audit certificate has been issued under regulation 36 and not cancelled under regulation 38

Board has the meaning given in section 2(1) of the Act

calorific value means the gross calorific value

canister means a non-refillable container designed to supply gas to a portable gas appliance

certificate of compliance means a certificate issued in respect of gasfitting in accordance with regulations 44 to 47

CNG means compressed gas consisting of more than 50% methane by volume for storage or use outside a transmission or distribution system

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

competent organisation means—

- (a) a testing laboratory accredited to ISO 17025 by a third-party laboratory accreditation agency for the purposes of regulation 22, 77, 79, 83, 84, or 88, or GCP 2, as the case may be; or
- (b) an organisation that is accredited to ISO 17020 by a third-party agency accredited under the agreement negotiated between the Australian and New Zealand Governments entitled Joint Accreditation System of Australia and New Zealand (JAS-ANZ) for the purposes of regulation 22, 79, or 83, or GCP 2, as the case may be; 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 22, 79, or 83, or GCP 2, as the case may be

connect means to carry out any activity, including gasfitting, whereby a supply of gas is or will be provided to a gas installation or part of a gas installation

danger includes dangers such as, or associated with, fire, burns, mechanical injury, toxicity, and radiation

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

fittings means 1 or more fittings within the meaning given in section 2(1) of the Act

gas appliance has the meaning given in section 2(1) of the Act

gas distributor has the meaning given in section 2(1) of the Act

gas retailer has the meaning given in section 2(1) of the Act

gas supplier means a gas wholesaler, a gas distributor, or a gas retailer, as the context requires

gas wholesaler has the meaning given in section 2(1) of the Act

GCP 2 has the meaning given in Schedule 1

grade A offence has the meaning given in regulation 6(1)

grade B offence has the meaning given in regulation 6(2)

hazard has the meaning given in section 54A(5) of the Act, and includes an existing hazard and a potential hazard

install, in relation to a gas installation, includes to construct, alter, or add to the whole or any part of the installation

Internet site means an Internet site maintained by, or on behalf of, the Secretary for the purpose of these regulations

lower explosive limit means the concentration of flammable gas, vapour, or mist in air below which an explosive gas atmosphere will not be formed

non-reticulated gas means piped gas that is not supplied to a consumer from a distribution system

point of supply has the meaning given in regulation 5

reticulated gas means piped gas that is supplied to a consumer from a distribution system

safe has the meaning given in regulation 4

safety management system means a system that is implemented and maintained by a safety management system operator for the purpose of ensuring that all practicable steps are taken to prevent the gas supply system from presenting a significant risk of—

- (a) serious harm to any member of the public; or
- (b) significant damage to property owned by a person other than the safety management system operator

safety management system operator means—

- (a) an owner or operator of a gas supply system who is required by section 46A of the Act to implement and maintain a safety management system; or
- (b) a person who opts to implement and maintain a safety management system

serious harm has the meaning given in section 2(1) of the Act

specified fittings means fittings specified under regulation 64

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

supplier declaration means a declaration that complies with regulation 67

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

unsafe has the meaning given in regulation 4

year means a calendar year.

- (2) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.
- (3) A term used in connection with a particular standard has the meaning used in that standard, unless the term is defined in the Act or these regulations, in which case it has that meaning.
- (4) In these regulations, gas codes of practice (**GCPs**) and official standards are referred to by the abbreviations listed in Schedule 1.
- (5) If an official standard is referred to in any other official standard by an abbreviation listed in the first column of Schedule 1, the abbreviation must be taken to refer to the appropriate official standard listed in column 2 of Schedule 1.

4 Meanings of safe and unsafe

In these regulations, unless the context otherwise requires,—
safe, in respect of any distribution system, gas installation, fittings, gas appliance, or associated equipment, means that there is no significant risk that a person or property will be injured or damaged by dangers arising from the use of, or passage of gas through, the distribution system, gas installation, fittings, gas appliance, or associated equipment

unsafe, in respect of any distribution system, gas installation, fittings, gas appliance, or associated equipment, means that there is a significant risk that a person may suffer serious harm, or that property may suffer significant damage, as a result of dangers arising from the use of, or passage of gas through, the distribution system, gas installation, fittings, gas appliance, or associated equipment.

5 Definition of point of supply

- (1) The purpose of this regulation is to prescribe where the point of supply is deemed to be for the purpose of—
- (a) the Gas Act 1992 (*see* definition of distribution system in section 2(1) of that Act);
 - (b) section 5 of the Plumbers, Gasfitters, and Drainlayers Act 2006;
 - (c) these regulations.
- (2) **Point of supply**, unless the context otherwise requires, means,—
- (a) in relation to a place to which reticulated gas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the gas measurement system that exclusively supplies gas to the consumer or gas refueller; or
 - (ii) if there is no gas measurement system that exclusively supplies gas to the consumer or gas refueller, the point that is the outlet of the first upstream isolation valve on the gas line; or
 - (iii) if there is no such valve, the point at which gas enters the place; and
 - (b) in relation to a place to which non-reticulated liquefied petroleum gas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the outlet valve of the cylinder, if the gas is supplied from a cylinder;
 - (ii) the first stage regulator of the tank, if the gas is supplied from a tank;
 - (iii) the outlet of the fittings, if the gas is supplied from fittings; and
 - (c) in relation to a place to which biogas is supplied to a consumer or gas refueller,—
 - (i) the outlet of the gas measurement system that exclusively supplies biogas to the consumer or gas refueller; or
 - (ii) the outlet of any processing facility; or
 - (iii) the outlet of any manifold collecting biogas if there is neither an outlet referred to in subpara-

- graph (i) nor an outlet referred to in subparagraph (ii); and
- (d) in relation to a place to which any other non-reticulated gas is supplied to a consumer, the outlet of the outlet valve of the container from which gas is supplied to the consumer.
- (3) However, the point of supply in relation to a gas installation may be varied by agreement as follows:
- (a) in relation to a gas installation that typically consumes 10 terajoules or more of gas per year, the point of supply is the point that is specifically agreed between the consumer or gas refueller on the one hand and the gas supplier on the other hand if those 2 parties have specifically agreed on a point of supply other than that prescribed in subclause (2); and
- (b) in relation to any other gas installation, the point of supply is the point that is specifically agreed between the gas distributor, the gas retailer, or the gas wholesaler (as appropriate), and the consumer if those 3 parties have specifically agreed on a point of supply other than that prescribed in subclause (2) and—
- (i) the point of supply is permanently marked as the point of supply by the gas distributor; and
- (ii) that point is maintained as the point of supply by the gas distributor; and
- (iii) records of that point are held at all times by the gas distributor.
- (4) In this regulation, **place** includes a ship, boat, caravan, vehicle, train, or relocatable building.

Offences

6 Grade A and grade B offences

- (1) A **grade A offence** is an offence for which the defendant, on summary conviction, is liable,—
- (a) for an individual, to a fine not exceeding \$10,000; or
- (b) for a body corporate, to a fine not exceeding \$50,000.
- (2) A **grade B offence** is an offence for which the defendant, on summary conviction, is liable,—

- (a) for an individual, to a fine not exceeding \$2,000; or
- (b) for a body corporate, to a fine not exceeding \$10,000.

7 Strict liability offences

- (1) Subclauses (2) and (3) apply to every offence in these regulations except those that specifically refer to a defendant's state of knowledge or intention regarding the facts constituting the offence.
- (2) In a prosecution for an offence to which this subclause applies, it is not necessary for the prosecution to prove that the defendant knew or intended the facts that constitute the offence.
- (3) It is a defence to a prosecution for an offence to which this subclause applies if the defendant proves—
 - (a) that—
 - (i) the action or event to which the prosecution relates was necessary for the purpose of avoiding serious harm to any person, or preventing significant damage to property; and
 - (ii) the defendant's conduct was reasonable in the circumstances; and
 - (iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or
 - (b) that the action or event to which the prosecution relates occurred because of an event beyond the control of the defendant (such as natural disaster, mechanical failure, or sabotage), and—
 - (i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and
 - (ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

Compare: 2004 No 72 s 388

8 Infringement offences

- (1) Offences against the following are infringement offences:
 - (a) all offences against any regulation in Parts 3 to 7 of these regulations:

- (b) section 21(d) of the Act;
- (c) section 27 of the Act.
- (2) The infringement fee for a grade A offence is,—
 - (a) for an individual, \$1,000; and
 - (b) for a body corporate, \$3,000.
- (3) The infringement fee for a grade B offence is,—
 - (a) for an individual, \$500; and
 - (b) for a body corporate, \$1,000.
- (4) The infringement fee for an offence against section 21(d) or 27 of the Act is the infringement fee set for a grade A offence.
- (5) The prescribed form for infringement notices is form 1 as set out in Schedule 2.
- (6) Reminder notices for infringement offences must be as set out in form 2 of Schedule 2.

Part 2

General safety requirements

Requirements for gas safety

9 Requirements to be safe

- (1) A person who designs, constructs, maintains, uses, or manages a distribution system or gas installation must do so in a way that ensures that the resulting distribution system or gas installation is safe when used for its intended purpose and in a lawful manner.
- (2) A person who designs, installs, manufactures, maintains, or uses a gas appliance or fittings must do so in a way that ensures that the resulting gas appliance or fittings are safe when used for their intended purpose and in a lawful manner.
- (3) The requirements in subclauses (1) and (2) include a requirement that the distribution system, gas installation, fittings, and gas appliance that conveys or utilises the gas must be compatible with the characteristics of the gas, including odourisation.
- (4) A person referred to in subclause (1) or (2) must also ensure that the distribution system, gas installation, fittings, and gas appliance must remain safe when turned off or decommissioned.

- (5) A person who owns, supplies, sells, hires, or operates a distribution system, a gas installation, fittings, or a gas appliance must not use, and must not allow any other person to use, the part of the distribution system, gas installation, fittings, or gas appliance if the part of the distribution system, gas installation, fittings, or gas appliance is unsafe.
- (6) Every person commits a grade A offence who—
 - (a) fails to comply with subclause (1) or (2); or
 - (b) fails to comply with subclause (4) or (5) knowing that, or being reckless as to whether, the distribution system, gas installation, fittings, or gas appliance is unsafe.

10 Obligation to notify Secretary of danger

- (1) Any person carrying out gasfitting (including a person acting under an exemption) who has reasonable grounds to believe that any gas installation or gas appliance presents immediate danger to life or property must, as soon as practicable, advise both of the following of the danger:
 - (a) the owner or occupier of the property where the danger exists; and
 - (b) the Secretary.
- (2) A person giving advice under subclause (1)(a) must also advise the owner or occupier to inform the gas retailer or gas wholesaler of the danger.
- (3) A person commits a grade A offence if the person has reasonable grounds to believe that any gas installation or gas appliance presents an immediate danger to life or property and the person fails to comply with subclause (1).

Compare: SR 1997/60 r 50

When things deemed unsafe

11 General rules for when things deemed to be unsafe

- (1) A distribution system, a gas installation, fittings, or a gas appliance are deemed to be unsafe if measures are not in place that—
 - (a) ensure a release of gas is detectable or ignition of release is prevented unless such a release is required to establish or sustain combustion; and

- (b) ensure gas is not released in an uncontrolled manner; and
 - (c) ensure that any oxygen and gas is prevented from mixing in a pipe unless the mixture is outside the flammability limits; and
 - (d) ensure persons are not exposed to carbon monoxide and other harmful products of combustion of gas; and
 - (e) ensure persons and property are not exposed to excessive forces; and
 - (f) ensure that the failure of any control or safety device does not expose the downstream equipment to excessive pressure above the rated pressure of any distribution system and equipment downstream of that control or safety device; and
 - (g) enable the effective isolation and shut-off of the gas supply, including during an emergency.
- (2) A distribution system, a gas installation, fittings, or a gas appliance are also deemed to be unsafe if—
- (a) the safety-related characteristics of any fittings are impaired so that the safety function is not served; or
 - (b) a connection between pipes, or between pipes and fittings, is inadequate, incompatible, or unreliable; or
 - (c) the fittings of any gas installation, distribution system, or gas measurement system are exposed to a pressure exceeding their maximum rated pressure, including as a result of the failure of any control or safety device; or
 - (d) a pipe (whether above or below ground) is inadequately protected against the risk of damage or corrosion; or
 - (e) a pipe is subject to forces beyond its design criteria; or
 - (f) there is insufficient space, access, lighting, ventilation, or facilities to operate, maintain, test, and inspect any fittings required to be operated, maintained, tested, or inspected; or
 - (g) any fittings that cause or are subject to high temperatures are placed in a position, or are unprotected, so as to create a risk of ignition of flammable materials or a risk of injury to persons or damage to property.
- (3) Subclauses (1) and (2) do not limit the rest of these regulations.

12 Additional rules for when gas installations deemed to be unsafe

An installation is deemed to be unsafe if—

- (a) leakage of gas within the installation is outside the tolerance of a soundness test or is in excess of one-fifth of the lower explosive limit; or
- (b) a pipe containing gas or intended to contain gas is not capped or securely closed to prevent leakage or flow of gas (except where ending in a burner or relief valve); or
- (c) the safety controls are inoperative or the safety controls fail; or
- (d) the flue associated with any gas appliance is incorrectly installed; or
- (e) installed permanent ventilation required for safe operation has been closed off or is absent.

13 Additional rules for when gas appliances deemed to be unsafe

- (1) A gas appliance is deemed to be unsafe if—
 - (a) the ignition is delayed beyond the design specification; or
 - (b) the supply of gas to the appliance results in a flashback or an extinguishment of flame or some other flame abnormality; or
 - (c) the appliance or flue is spilling products of combustion abnormally or outside the design specification, directly or indirectly into an enclosed space; or
 - (d) the supply of gas to the appliance results in leakage or failure of a downstream fitting.
- (2) In this regulation, **flame abnormality** means a flame condition that results in appreciable yellow tipping and carbon deposition (not including that which occurs in appliances designed for luminous effect), lifting, floating, lighting back, objectionable odour, incomplete combustion, or noise.

14 Additional rules for when gas supply deemed to be unsafe

A supply of gas is deemed to be unsafe if it is at a pressure or has a characteristic that, in a properly functioning gas installation, results in a gas appliance becoming unsafe.

*Protection of fittings***15 Interference with, or movement of, fittings**

- (1) A person must not damage or interfere with, or move or attempt to move, any of the fittings of a distribution system or gas measurement system, whether or not the fittings have been damaged, unless—
 - (a) the person obtains permission from the owner or operator of the fittings; or
 - (b) the person is authorised by an enactment; or
 - (c) an emergency requires it.
- (2) A person commits a grade B offence if the person fails to comply with subclause (1).

Compare: SR 1993/76 r 36; SR 1997/60 rr 93A, 100(d)(vi)

Part 3**Safety of gas distribution systems***Requirements for all gas distribution systems
about gas odourisation***16 General requirement about what gas must be odourised and to what level**

- (1) All gas supplied into a distribution system or supplied from a distribution system, all gas supplied into an installation, and all gas supplied from a container, must, at all times,—
 - (a) be odourised; and
 - (b) have 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 explosive limit of the gas.
- (2) Compliance with Part 2 of NZS 5263 is deemed to be compliance with subclause (1).
- (3) However, this regulation does not apply to—
 - (a) gas in a gas transmission system; or
 - (b) gas supplied directly from a gas transmission system to a gas installation that has the design capacity to consume 60 000 megajoules or more per hour if the owner or operator of the installation—
 - (i) can demonstrate that there are documented procedures to ensure that the presence of gas in the

- atmosphere is readily detectable at a concentration equivalent to one-fifth of the lower explosive limit; and
- (ii) effectively manages the associated risks for that installation; and
 - (iii) has asked the gas supplier to supply non-odorised gas in accordance with a written agreement.
- (4) Every person commits a grade A offence who supplies gas that does not conform to the requirements of this regulation.

Compare: SR 1993/76 r 5

17 Responsibility for ensuring odorisation of gas

- (1) The following persons must ensure that gas complies with regulation 16:
- (a) for reticulated gas,—
 - (i) the owner and the operator of the gas distribution system, in respect of any gas supplied into or from any gas distribution system; and
 - (ii) the owner and the operator of the gas distribution system in respect of gas in a gas distribution system that is operated at a gauge pressure of 2 000 kilopascals or less; and
 - (iii) the gas retailer, in respect of any gas that is at the point of supply to a consumer:
 - (b) for non-reticulated gas,—
 - (i) the gas wholesaler; or
 - (ii) if there is no gas wholesaler in respect of the gas, the gas retailer:
 - (c) for gas imported into New Zealand in canisters, the person who imports the gas into New Zealand.
- (2) Every person commits a grade A offence who fails to comply with this regulation.

18 Requirements for gas odorisation

- (1) Every person who odorises gas, or is responsible for the odorisation of gas, must use only odorants that do not damage the integrity of any distribution system, gas installation, fittings, or gas appliance.

- (2) Every person commits a grade B offence who fails to comply with this regulation.

19 Persons responsible for odourisation must have relevant odourisation documentation

- (1) Every owner and every operator of a distribution system must have documentation that demonstrates that—
- (a) the gas in the distribution system is odourised to the required level of detectability of concentration equivalent to one-fifth of the lower explosive limit; and
 - (b) a quality assurance procedure in respect of the distribution system is in place that tests and monitors whether the gas is odourised at all times to that required level; and
 - (c) appropriate contingency plans are in place in the event of an emergency in respect of the odourisation of the gas in the distribution system; and
 - (d) all persons carrying out the testing and monitoring of the odourisation are competent to carry out those functions.
- (2) Every other person who is responsible for odourisation of gas under regulation 17 must have documentation that demonstrates that the person has complied with regulations 16 and 18.
- (3) Every person commits a grade B offence who fails to comply with this regulation.

*Requirements for all gas distribution systems
about measurement of gas*

- 20 Application of regulations about measurement of gas**
Regulations 21 to 23 apply to gas other than CNG sold from a CNG station.

21 Gas measurement

- (1) Every person who sells gas must do so in accordance with the requirements of Part 1 of NZS 5259 unless there is an agreement in writing to the contrary between the seller and the purchaser.

- (2) Gas must be sold by energy content measured by a gas measurement system, and the following margins of error must not be exceeded:
 - (a) for volume, uncorrected for pressure or temperature,—
 - (i) prior to a meter being placed in service, plus or minus 2%; or
 - (ii) at any time after a meter has been placed in service, plus or minus 3%:
 - (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%; 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%:
 - (c) for calorific value measurements, plus or minus 0.5%.
- (3) Every person who owns a gas measurement system used to measure the supply of gas to consumers must manage that gas measurement system to ensure accuracy of measurement and to ensure that adequate records are kept.
- (4) Compliance with NZS 5259 is deemed to be compliance with subclauses (2) and (3).
- (5) Every person commits a grade A offence who fails to comply with this regulation.

Compare: SR 1993/76 r 9

22 Testing and installation of gas measurement systems

- (1) This regulation applies to any gas measurement system to which regulation 21 applies before the system is placed in service, and before it is returned to service after being disconnected from service for the purpose of maintenance or recalibration of that system.
- (2) Every gas measurement system to which this regulation applies must, before being put into service, be tested by a competent organisation to determine its accuracy, and must be sealed by the same competent organisation following confirmation that the system complies with regulation 21(2).

- (3) Compliance with Part 2 of NZS 5259 is deemed to be compliance with subclause (2).
- (4) Any gas measurement system that does not pass the test carried out in accordance with subclause (2) must not be sealed, and any seal that may have been placed on the system must be removed or destroyed.
- (5) If a test has been carried out in accordance with subclause (2) and the gas measurement system has been transported before being put into service, the person owning the gas measurement system must ensure that the calibration of the system is unaffected by that transportation before putting that system into service.
- (6) Every person commits a grade A offence who installs or uses a gas measurement system contrary to the requirements of this regulation.
- (7) Every competent organisation commits a grade A offence that seals a gas measurement system contrary to the requirements in respect of sealing in this regulation.
- (8) Every person commits a grade B offence who, not being a competent organisation, breaks the seal of any gas measurement system to which this regulation applies.

Compare: SR 1993/76 r 10(1)–(4), (7)

23 Records of tests of gas measurement systems must be kept

- (1) A record of the results of each test carried out in accordance with regulation 22 must be kept by—
 - (a) the competent organisation that carried out the test; and
 - (b) the operator of the gas measurement system tested.
- (2) The records kept by the operator of a gas measurement system pursuant to subclause (1)(b) must be retained by that operator for the period of that operator's operation of that gas measurement system.
- (3) Every operator of a gas measurement system commits a grade B offence if the operator fails to keep any of the records required by subclause (1).

Compare: SR 1993/76 r 10(5), (6)

Requirements for distribution systems not covered by audited safety management systems

24 Application of regulations 25 to 28

Regulations 25 to 28 apply to all distribution systems in respect of which there is no audited safety management system.

25 Operators of distribution systems must keep records and plans

- (1) Every 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 would enable the owner and operator to readily identify and locate the system or any part of the system.
- (2) Compliance with either Part 3 of NZS 5258 (to the extent that that Part relates to records or plans of distribution systems), or Part 1 of AS/NZS 4645, in relation to that system or part of a system, is deemed to be compliance with subclause (1).
- (3) Every person commits a grade B offence who fails to keep records and plans in accordance with this regulation.

Compare: SR 1993/76 r 6

26 Owners and operators of distribution systems must ensure continuity of supply and safety

- (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 and safety of the distribution system.
- (2) Compliance with Part 1 (network management) of AS/NZS 4645, or compliance with Part 3 of NZS 5258, is deemed to be compliance with subclause (1).
- (3) Compliance with Part 2 (steel pipe systems) and Part 3 (plastic pipe systems) of AS/NZS 4645 is also deemed to be compliance with subclause (1).
- (4) Every person commits a grade A offence who, 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 dis-

tribution system or part is designed, constructed, maintained, and operated in a manner that, as far as practicable, achieves continuity of supply and safety.

Compare: SR 1993/76 r 7(1), (3)

27 Duties of owners and operators of distribution systems in relation to work carried out on systems

- (1) Every owner and every operator of a distribution system or of a part of a distribution system who works on, or 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) competent to ensure that the work carried out will be consistent with the ongoing safe operation of the distribution system.
- (2) Compliance with NZS 5258 or AS/NZS 4645 is deemed to be compliance with this regulation.
- (3) This regulation does not limit regulation 26.
- (4) Every person commits a grade A offence who fails to comply with this regulation.

Compare: SR 1993/76 r 7(2)–(4)

28 Safety inspections

- (1) Every owner and every operator of a distribution system that forms part of a system for conveying gas to consumers must—
 - (a) establish a system for regular inspection by a competent person of the safety of that distribution system; and
 - (b) implement and maintain the safety inspection system that is so established.
- (2) The safety inspection system must—
 - (a) provide for periodic inspection at reasonable intervals of the distribution system; and
 - (b) require records to be kept of the results of every periodic inspection.
- (3) A person who owns a distribution system to which this regulation applies commits a grade A offence if the person—
 - (a) fails to comply with this regulation; or

- (b) fails to carry out the inspections required by a safety inspection system established, implemented, and maintained in accordance with this regulation.
- (4) A person who operates a distribution system to which this regulation applies commits a grade A offence if the distribution system has not been inspected as required by a safety inspection system established for the purposes of this regulation, and the person knows, or is reckless as to whether, the distribution system has not been inspected.

Compare: SR 1997/60 rr 60(3), 66(5)

Requirements for audited safety management systems

29 Overview

Under section 46A of the Act, every person who owns or operates a gas supply system must implement and maintain safety management systems. Owners or operators of other distribution systems may choose to implement and maintain safety management systems as an alternative to complying with regulations 25 to 28. Regulations 30 to 40 set out requirements and other matters relating to safety management systems.

30 Who must have safety management system

- (1) Every owner and every operator of a gas supply system must implement and maintain an audited safety management system if the gas supply system—
 - (a) is a distribution system, a gas installation, fittings, or a gas appliance that forms part of a system for conveying gas to consumers; and
 - (b) typically measures, or is intended to measure under normal operating conditions, annual consumption greater than 10 terajoules of gas per year.
- (2) Every owner and every operator of any other distribution system may opt in to comply with the requirements of regulations 31 to 40 instead of regulations 25 to 28.
- (3) A person is **opted-in** to comply with the requirements of these regulations about safety management systems for the period commencing on the date when a declaration is made under

regulation 31 and ending on the date when the declaration is revoked.

- (4) Once an owner or operator has opted in, that owner and operator must implement and maintain an audited safety management system.
- (5) This regulation does not require a safety management system in respect of a gas measurement system on a gas transmission system.

31 How person opts in

- (1) An owner or operator of a distribution system who is not required to have an audited safety management system by regulation 30(1) may opt in to comply with the requirements of these regulations about safety management systems by making a declaration to the Secretary.
- (2) A declaration may be revoked in the same manner as it was made.

32 What safety management systems must do

- (1) Every safety management system must comply with either—
 - (a) NZS 7901; or
 - (b) regulations 33 and 34.
- (2) Nothing in regulations 33 and 34 applies to safety management systems that comply with NZS 7901.
- (3) Every safety management system must include an audit programme that complies with regulations 35 to 38.

33 Substantive requirements of safety management systems

Every safety management system must provide for the following:

- (a) the systematic identification of existing and new or potential hazards associated with the gas supply system, if possible before, and otherwise as, the hazards arise; and
- (b) the assessment by the safety management system operator, at appropriate regular intervals, of the scope and magnitude of each hazard; and
- (c) the steps that must be taken to eliminate, isolate, or minimise hazards (both generally and with respect to

- particular hazards), and to mitigate risks from those hazards; and
- (d) the assessment of the effectiveness of steps taken to eliminate, isolate, or minimise hazards and to mitigate risks from hazards; and
 - (e) the investigation of accidents that involve or affect the gas supply system or the part of the gas supply system in which the safety management system operator is involved; and
 - (f) how the safety management system operator proposes to enhance continuously the safety performance of the gas supply system, including performance measurement through key performance indicators as specified in NZS 5258, internal audits, management reviews, and incident reviews; and
 - (g) an audit programme setting out the intervals at which audits must be carried out.

34 Documentation of safety management systems

- (1) Every safety management system must be fully documented, and the documentation must include, at a minimum, a description of the following:
 - (a) the gas supply system (including its components) to which the safety management system relates;
 - (b) all the matters referred to in regulation 33.
- (2) The documentation of the safety management system must be in a format and style that enable anyone auditing it to read and understand it easily.

35 Audit of safety management systems

- (1) Every safety management system must be regularly audited to confirm whether—
 - (a) the safety management system complies with NZS 7901 or regulations 33 and 34, as appropriate; and
 - (b) the safety management system operator is implementing and maintaining the safety management system as written; and

- (c) the effect of the safety management system is that all practicable steps are taken to prevent the gas supply system from presenting a significant risk of—
 - (i) serious harm to any member of the public; or
 - (ii) significant damage to property owned by a person other than the safety management system operator.
- (2) Every audit must be conducted by an accredited auditor.
- (3) The first audit under this regulation of a safety management system must take place before 4 May 2013, and thereafter at intervals determined by the auditor but at least once every 5 years.
- (4) However, the first audit under this regulation of a safety management system for a gas supply system that does not exist on 4 May 2010 may be deferred until 1 year after the date that the gas supply system becomes operational.

36 Audit certificate for safety management systems

- (1) If an accredited auditor is satisfied of the matters in regulation 35(1), the auditor may issue an audit certificate for the safety management system.
- (2) The audit certificate must specify the period for which it is issued, which may be up to 5 years.
- (3) The audit certificate comes into force on and from the date it is issued and remains current for the period for which it is issued, unless earlier cancelled.

37 Statutory declaration by safety management system operator

- (1) Every safety management system operator must, at least once every 5 years, make, and send to the Secretary, a statutory declaration that confirms that the operator's safety management system has an audit certificate that has been issued under regulation 36 and that is still in force.
- (2) However, the first statutory declaration made under this regulation must be made and sent to the Secretary within 6 months after the first audit of the safety management system.

38 Cancellation of audit certificate

- (1) An accredited auditor must cancel an audit certificate—
 - (a) within 10 working days of completing an audit, if the accredited auditor is satisfied that the safety management system, or its implementation by the safety management system operator, does not meet the requirements referred to in regulation 35(1); or
 - (b) within 10 working days of receiving a notice from the Secretary requiring the accredited auditor to cancel the certificate on the grounds that the Secretary is satisfied that the audited safety management system is not being implemented.
- (2) On cancelling an audit certificate, the accredited auditor must, within 10 working days of cancellation, issue a notice of cancellation to the safety management system operator and give a copy of the notice of cancellation to the Secretary.

39 Certification and declaration deemed to be compliance with section 46A of Act

- (1) For the purpose of section 46A of the Act, a person is deemed to be implementing and maintaining a safety management system if—
 - (a) the person holds a current audit certificate in respect of an audited safety management system; and
 - (b) the Secretary has received the statutory declaration required by regulation 37 within the time required by that regulation.
- (2) However, until 4 May 2013, a person is deemed to comply with section 46A of the Act if the person complies with all of regulations 16 to 28.

40 Offences by accredited auditors

- An accredited auditor commits a grade A offence if he or she—
- (a) issues an audit certificate under regulation 36 without being satisfied of the matters in regulation 35(1); or
 - (b) fails to cancel an audit certificate in the circumstances described in regulation 38(1); or
 - (c) fails to issue a notice of cancellation, or give a copy of the notice, as required by regulation 38(2).

Part 4

Safety of gas at point of supply to consumer

41 Quality of gas

- (1) Any 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.
- (2) Reticulated natural gas must comply with NZS 5442.
- (3) Liquefied petroleum gas must comply with NZS 5435.
- (4) Every gas retailer and every gas wholesaler must ensure that the gas that it supplies at a consumer's point of supply complies with this regulation.
- (5) Every person commits a grade A offence who fails to comply with subclause (4).

Compare: SR 1993/76 r 3

42 Gas pressure

- (1) Gas must be supplied to consumers at a pressure that ensures the safe supply, passage, and use of the gas, where the gas is used for its intended purpose in a properly functioning gas installation.
- (2) Every gas retailer and every gas wholesaler must ensure that the gas that it supplies at a consumer's point of supply complies with this regulation.
- (3) Every person commits a grade A offence who fails to comply with subclause (2).

Compare: SR 1993/76 r 4

Part 5

Safety of installations

Safety of gas installations

43 Safety of gas installations

- (1) Every person who commissions, installs, or tests a gas installation or a part of a gas installation, or an extension or addition to, or replacement of, a gas installation or part of a gas installation, must commission, install, and test that gas installation

or part, or the extension, addition, or replacement, as the case may be, in accordance with NZS 5261.

- (2) Every person who imports a gas installation or a part of a gas installation, or an extension or addition to, or replacement of, a gas installation or part of a gas installation, must ensure that gas installation or part, or the extension, addition, or replacement, as the case may be, complies with Part 1 of NZS 5261.
- (3) In relation to caravans and boats, compliance with NZS 5428 is deemed to be compliance with subclauses (1) and (2).
- (4) Subclause (1) also applies in respect of a gas installation that receives gas at a supply pressure of over 700 kilopascals gauge, despite the fact that Part 1 of NZS 5261 states that it does not apply.
- (5) This regulation does not apply to CNG stations.
- (6) Every person commits a grade A offence who commissions, installs, or tests a gas installation or a part of a gas installation, or an extension, addition, or replacement, contrary to the requirements of this regulation.

Compare: SR 1993/76 r 12(1), (6)

Certification of gasfitting work

44 What types of gasfitting must be certified

- (1) For the purposes of section 47(1) of the Act, this regulation and regulations 46 to 48 apply to the following kinds of gasfitting:
 - (a) gasfitting on newly constructed or imported gas installations:
 - (b) extensions and additions to, and replacements of, 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 by a

person who is authorised under the Plumbers, Gasfitters, and Drainlayers Act 2006 to certify that kind of gasfitting.

- (3) Gasfitting that is carried out under an employer licence issued under section 62 of the Plumbers, Gasfitters, and Drainlayers Act 2006 may be certified by persons authorised to certify under that system of operation.
- (4) Gasfitting that is carried out under a system of operation within the exemption of section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006 may be certified by the competent person identified in the system of operation who is responsible for the safety and compliance of the gasfitting carried out.
- (5) Every person commits a grade A offence who, being a person who is responsible for ensuring that gasfitting is certified under this regulation, fails to ensure that the gasfitting is certified in accordance with this regulation and regulations 46 to 48.

Compare: SR 1993/76 r 24(1)

45 Exemptions from requirement to certify gasfitting

Requirements to certify gasfitting do not apply to—

- (a) any work on any pipes or fittings supplied with liquefied petroleum gas from any portable gas storage container or containers that have, or together have, a maximum capacity of 15 kilograms of liquefied petroleum gas; or
- (b) any gasfitting that replaces a gas appliance with an equivalent gas appliance if the work on the replacement appliance, or the replacement appliance itself, does not result in 1 or more of the following:
 - (i) repositioning of pipework:
 - (ii) repositioning of flue system components:
 - (iii) a change in the installation pressure:
 - (iv) a change in the gas type:
 - (v) a significant change in the energy consumption:
 - (vi) a change in the ventilation:
 - (vii) a change to the operation of the installation; or
- (c) any gasfitting that replaces a fitting in an installation with an equivalent fitting if the fitting is instrumentation and related controls and the work does not result in repositioning or disturbance of pipework, other than instrumentation and related controls pipework.

46 Time when gasfitting must be certified

- (1) Certification of gasfitting must be completed within 10 working days of the completion of the work.
- (2) Gasfitting is certified when a certificate of compliance that complies with these regulations is signed by a person authorised under the Plumbers, Gasfitters, and Drainlayers Act 2006 or regulation 44(3) or (4) to certify that gasfitting.
- (3) Every person commits a grade A offence who operates or uses a gas installation knowing that the gasfitting on the gas installation has not been certified in accordance with regulations 44 and 47 and this regulation and that the gasfitting on the installation should have been so certified, or being reckless as to that matter.

Compare: SR 1993/76 r 24A

47 How gasfitting must be certified

- (1) A certificate of compliance must contain—
 - (a) an accurate description of the relevant gasfitting; and
 - (b) a statement that the gas installation on which gasfitting has been done is safe to connect to a gas supply; 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 gas installation unsafe; and
 - (e) in the case of a gas appliance or fittings that have been imported or manufactured by a person for the person's own use, a statement that the appliance or fittings have been imported or manufactured by a person for the person's own use.
- (2) The certificate of compliance must be in the form approved by—
 - (a) the Secretary (by notice in the *Gazette*), in the case of gasfitting on industrial premises carried out under section 57(3) of the Plumbers, Gasfitters, and Drainlayers Act 1976 or section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006; or

- (b) the Secretary (by notice in the *Gazette*), in the case of gasfitting carried out under an employer licence issued under section 62 of the Plumbers, Gasfitters, and Drainlayers Act 2006; or
 - (c) the Board under regulation 49, in any other case.
- (3) A person must not certify gasfitting unless the person is satisfied that the description and statements that must be provided under subclause (1) are accurate.
- (4) Every person commits a grade B offence who signs a certificate of compliance contrary to the requirements of this regulation.

48 Supply and retention of certificates of compliance

- (1) The person who is responsible for ensuring that gasfitting is certified under regulation 44 must ensure that—
- (a) the original of the completed certificate of compliance is supplied to the Board within 5 working days of the certification of the gasfitting, if the gasfitting was carried out by a person authorised under the Plumbers, Gasfitters, and Drainlayers Act 2006; and
 - (b) the original of the completed certificate of compliance is retained by the employer and a copy of the completed certificate of compliance is supplied to the Board within 5 working days of the certification, if the gasfitting was carried out under an employer licence issued under section 62 of the Plumbers, Gasfitters, and Drainlayers Act 2006; and
 - (c) the original of the completed certificate of compliance is retained by the competent person and a copy of the completed certificate of compliance is supplied to the Board within 5 working days of the certification, if the gasfitting was carried out under an exemption issued under section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006; and
 - (d) a copy of the completed certificate of compliance is supplied, within 5 working days of the certification of the gasfitting, to the person for whom the gasfitting was carried out.

- (2) The person certifying the gasfitting, or the person doing gasfitting work referred to in regulation 44(2) to (4), must retain a copy of the certificate of compliance for 7 years or until that person ceases (as the case may be)—
 - (a) to be involved in gasfitting; or
 - (b) to hold an employer licence; or
 - (c) to carry out gasfitting under an exemption issued under section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006.
- (3) Every person commits a grade B offence who fails to comply with this regulation.

Compare: SR 1993/76 r 24B

49 Forms for certificates of compliance

- (1) The Board must provide or approve forms of certificates of compliance.
- (2) The Board may sell forms of certificates of compliance referred to in regulation 47(2)(c), or may sell them to resellers, who must maintain a register of persons to whom the forms are sold.
- (3) A fee is payable to the Board for each certificate of compliance, whether it is supplied by the Board or in a form approved by the Board, and different fees may be payable for different kinds of certificates.
- (4) Each form must have a unique identifier.
- (5) The fee for each form sold by the Board must be the prescribed fee.

Compare: SR 1993/76 r 25

Testing of gas installations

50 Obligations of person connecting to gas supply

- (1) This regulation applies when a gas installation, or any part of it, is being connected to a gas supply (unless regulation 51 applies).
- (2) Before connecting a gas installation to a gas supply, the person doing the connection must—
 - (a) do all of the following:
 - (i) ensure that the connection is safe; and

- (ii) ensure that, once connected, the installation is operating in a safe manner; and
 - (iii) ensure that the gas installation is compatible with the gas supply; and
 - (iv) ensure that, once connected, the whole installation is safe; and
 - (b) if gasfitting has been done on the installation that requires certification in accordance with regulation 44, either certify the work in accordance with that regulation, or sight a certificate given by another person that complies with subclause (3).
- (3) Any certification for the purpose of subclause (2)(b) must—
- (a) be dated not earlier than 6 months before the date of connection of the gas installation to the gas supply; and
 - (b) comply with regulation 47.
- (4) A person who connects a gas installation to a gas supply commits a grade A offence if the person fails to comply with subclause (2) or (3).
- (5) This regulation does not limit section 47 of the Act.

51 Supplying gas to gas installations on which no gasfitting done

- (1) This regulation applies to a gas installation—
- (a) that is disconnected from a gas supply; and
 - (b) on which no gasfitting has been done since the gas installation was last disconnected from a gas supply.
- (2) If the period since the last disconnection is 6 months or less and the owner of the installation confirms that no gasfitting has occurred during that time, regulation 50 does not apply, and a person may reconnect the gas installation to the gas supply without doing the things referred to in that regulation, provided the installation will operate safely once reconnected to the gas supply.
- (3) For the purposes of this regulation, a person doing a reconnection is entitled (if acting in good faith) to rely on a written confirmation by the owner of the installation that no gasfitting has been done on the installation since it was last disconnected.

52 Cessation of supply if gas installation unsafe

- (1) A gas wholesaler or gas retailer may cease supply of gas to a gas installation if the wholesaler or retailer becomes aware that the installation is unsafe.
- (2) This regulation does not limit section 47 of the Act.
Compare: SR 1993/76 r 26

Part 6**Safety of gas appliances and fittings***Safety of gas appliances and fittings***53 Safety of gas appliances and fittings**

- (1) Every gas appliance or fittings that are sold or offered for sale must be safe.
- (2) This regulation applies whether the appliance or fittings are new or used.
- (3) Every person who manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fittings must take all practicable steps to ensure that the gas appliance or fittings are safe.
- (4) A gas appliance is unsafe, on and after 4 May 2012, unless it has either—
 - (a) been certified in accordance with regulation 55; or
 - (b) been endorsed in accordance with regulation 57.
- (5) Fittings are unsafe, on and after 4 May 2012, if—
 - (a) the fittings have a gas leakage; or
 - (b) the fittings may be operated in a manner that is hazardous when exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions; or
 - (c) specified fittings referred to in regulation 55(1)(b) have not been certified in accordance with that regulation.
- (6) Despite subclause (5)(a), minute leakages from some fittings are permissible under relevant testing procedures.
- (7) The requirement in subclause (3) includes a requirement in respect of gas appliances or fittings that are imported as part of an installation, for example, as part of an imported caravan.

- (8) Subclauses (4) and (5) do not limit the other provisions of these regulations about what is unsafe.
- (9) Every person commits a grade A offence who manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fittings without complying with this regulation.

Compare: SR 1993/76 r 13

54 Requirement for gas appliances to be certified or endorsed

- (1) Every gas appliance supplied in New Zealand on or after 4 May 2012 must be certified under regulation 55 or endorsed under regulation 57.
- (2) *See* regulation 96 for supplies before that date.

55 Certification regime

- (1) Every supplier (whether an importer or a manufacturer) must on and after 4 May 2012, and may before that date, ensure that the following have a current certification that has been issued by a conformity assessment body, before the same are offered for sale:
 - (a) gas appliances to which regulation 53 applies; and
 - (b) specified fittings that the Secretary has specified must be certified in accordance with this regulation under regulation 64(2).
- (2) However, this regulation does not apply to a gas appliance that has been endorsed in accordance with regulation 57.
- (3) In this regulation, a **conformity assessment body** means any of the following:
 - (a) a body that is accredited to the Joint Accreditation System of Australia and New Zealand for product certification;
 - (b) a body that is accredited by an accreditation body that is a signatory to the International Accreditation Forum, Inc's, Multilateral Recognition Arrangement for product certification;
 - (c) an accreditation body that is recognised by New Zealand in an international agreement between New Zealand and another country (that is not a member of

the International Accreditation Forum, Inc) as being able to assess a body's compliance with these regulations.

- (4) Certification must be to, and in compliance with, NZS 5262.
- (5) In addition to the requirement in subclause (4), certification must be carried out, as a minimum, in accordance with product certification system 2 as defined in ISO/IEC Guide 67:2004.
- (6) Certification in accordance with either of the following is deemed to be compliance with this regulation, provided that certification includes certification with the recognised equivalent test gas specifications specified in subclause (7):
 - (a) AS 3645;
 - (b) the European Parliament and European Council directive on the approximation of the laws of the Member States relating to appliances burning gaseous fuels (2009/142/EC), including all the annexes.
- (7) The recognised equivalent test gas specifications are that—
 - (a) gas appliances using natural gas must be tested with methane based gases with Wobbe indexes equal to or less than 43.7 and equal to or more than 54.6; and
 - (b) liquefied petroleum gas appliances must be tested with commercial propane and commercial butane as test gases.

56 Offences in relation to certification regime

Every conformity assessment body commits a grade A offence who issues a certificate under regulation 55 knowing that the gas appliance or fittings do not meet the requirements for certification under that regulation, or being reckless as to that matter.

57 Alternative endorsement regime for small production appliances and specialised gas appliances

- (1) This regulation sets out alternative rules for endorsement of small production appliances and specialised gas appliances.
- (2) In this regulation, unless the context otherwise requires,—**small production appliance** means a gas appliance—
 - (a) of which there are 11 or fewer in New Zealand; and

- (b) that is a new or used gas appliance that forms part of an imported new or used gas installation; and
- (c) for which a product certification regime or test standards exists

specialised gas appliance means a gas appliance for which no product certification regime or test standard exist.

- (3) The alternative rules set out in this regulation may be complied with instead of the certification rules in regulation 55 and the labelling rules in regulation 72.
- (4) If the appliance is of a type referred to in subclause (2), the alternative rules are that, before being connected or installed, the person installing or connecting the appliance must ensure that the gas appliance has an endorsement issued by an approved practitioner that endorses that, in the opinion of that approved practitioner, the gas appliance to which the endorsement relates,—
 - (a) complies with these regulations; and
 - (b) complies with NZS 5262.
- (5) Every endorsement must include the following:
 - (a) the full name and address of the manufacturer or importer in New Zealand; and
 - (b) the full name of the approved practitioner giving the endorsement; and
 - (c) where endorsed as part of a gas installation, the address of that installation; and
 - (d) a statement identifying the gas appliance that is covered by the endorsement; and
 - (e) the type of gas that the appliance can safely use; and
 - (f) the endorsement as required by subclause (4).
- (6) An **approved practitioner**, for the purpose of this regulation, is a person approved by the Secretary under regulation 59.
- (7) A copy of every endorsement—
 - (a) must be sent to the Secretary within 10 working days of a request being made by the Secretary; and
 - (b) must be given to the owner or purchaser of the gas appliance covered by the endorsement.

- (8) This regulation applies with necessary modifications to specified fittings that the Secretary has specified must be endorsed in accordance with this regulation under regulation 64(2).

58 Offences in relation to alternative endorsement regime

- (1) Every person commits a grade A offence who issues an endorsement under regulation 57 when that person is not an approved practitioner.
- (2) Every person commits a grade B offence who issues an endorsement under regulation 57 knowing that the gas appliance does not meet the requirements of that regulation, or being reckless as to that matter.
- (3) Every person commits a grade B offence who installs or connects a gas appliance that has an endorsement under regulation 57 while knowing that the gas appliance does not meet the requirements for endorsement under regulation 57, or being reckless as to that matter.

59 Approved practitioner regime

- (1) The Secretary, on application made on the form approved by the Secretary for the purpose, may grant to the applicant an approval authorising the applicant to issue endorsements for the purposes of regulation 57.
- (2) The Secretary may not approve an application unless the applicant has qualifications and experience in assessing the safety and suitability of gas appliances and fittings as follows:
- (a) every applicant must have demonstrated competence, technical knowledge, and relevant experience to assess the suitability of appliances in 1 or more of the cases referred to in regulation 57; and
 - (b) every applicant must have relevant business structures and arrangements including liability insurance; and
 - (c) every applicant for approval to issue endorsements for small production appliances—
 - (i) must demonstrate sound understanding and knowledge of the relevant means of compliance with standards; and
 - (ii) must be able safely and competently to carry out testing and commissioning of the appliance; and

- (d) every applicant for approval to issue endorsements for specialised gas appliances—
 - (i) must have a sound understanding and demonstrated knowledge of critical safety elements specific to specialised gas appliances and installations; and
 - (ii) must have a sound understanding and demonstrated knowledge of specific means of compliance with standards; and
 - (iii) must be able to undertake or require and assess testing and commissioning of the appliance.
- (3) The Secretary may grant an approval subject to any terms and conditions that the Secretary thinks fit, and may revoke an approval at any time.
- (4) The Secretary must publish and maintain a list of approved practitioners on the Internet site at all reasonable times.
- (5) Every person commits a grade A offence if that person issues an endorsement other than in accordance with the terms and conditions of the grant of approval by the Secretary under this regulation.

Declared and prohibited articles

60 Declared articles not to be offered for sale unless approved

- (1) The Secretary may, by notice in the *Gazette*, declare that particular types or categories of gas appliances or fittings are declared fittings or appliances (in this regulation and regulations 61 and 62, **declared articles**).
- (2) A declared article may not be offered for sale in New Zealand unless—
 - (a) it is approved for sale by the Secretary under regulation 61 and all conditions of the approval are complied with; or
 - (b) it is deemed, under regulation 62, to be approved by the Secretary, and all conditions of the approval are complied with.
- (3) A person who offers a declared article for sale in New Zealand commits a grade A offence if—

- (a) the article is not approved under regulation 61 or deemed to be approved under regulation 62; or
- (b) the article is approved under regulation 61, or deemed to be approved under regulation 62, but all conditions of the approval or deemed approval are not complied with.

Compare: SR 1993/76 r 28

61 Approval by Secretary of declared articles

- (1) Any person may apply to the Secretary for approval to offer a declared article for sale in New Zealand by applying in a form prescribed by the Secretary and paying the prescribed fee set out in Schedule 5.
- (2) The Secretary may refer the application to an experienced person for advice on compliance by the declared article with safety requirements.
- (3) The Secretary must notify the applicant in writing of his or her decision, and must notify the applicant of any conditions of the approval imposed by the Secretary.
- (4) The Secretary may, on giving 7 days' notice in writing to the applicant,—
 - (a) vary or withdraw the approval; or
 - (b) vary or revoke any condition, or specify any additional conditions, to which the approval is subject.

62 Deemed approval by Secretary of declared articles

- (1) A declared article is deemed to have the Secretary's approval to be offered for sale in New Zealand if the article—
 - (a) is approved or certified by an organisation or agency, or under a programme or regime, recognised by the Secretary under subclause (3); and
 - (b) complies, as required, with any conditions of the approval or certification.
- (2) The conditions of approval must include a requirement for a supplier declaration to be made and must set out the information that must be included in that declaration.
- (3) The Secretary may, by notice in the *Gazette*, recognise an organisation or agency, or a programme or regime of compliance, for the purposes of subclause (1).

- (4) The Secretary may, by notice in the *Gazette*, specify conditions to which a deemed approval is subject.
- (5) The Secretary may, by notice in the *Gazette*,—
 - (a) vary or withdraw any deemed approval; or
 - (b) vary or revoke any conditions, or specify additional conditions, to which the deemed approval is subject.
- (6) A notice given under subclause (4) takes effect on the seventh day after the date of notification in the *Gazette*.

63 Prohibition and control of unsafe gas appliances and fittings

- (1) The manufacture, importation, sale (including an offer to sell), or use (including installation) of any gas appliance or fittings is prohibited if—
 - (a) the Secretary believes on reasonable grounds that the appliance or fittings are or may be unsafe (having regard to the tests, standards, and safety criteria prescribed by these regulations); and
 - (b) a prohibition notice in respect of that appliance or fittings has effect under subclause (3).
- (2) The installation of a gas appliance or any fittings used or intended to be used in the application of gas is controlled if—
 - (a) the Secretary believes on reasonable grounds that the appliance or fittings are or may be unsafe; and
 - (b) a control notice in respect of the appliance or fittings has effect under subclause (3).
- (3) A prohibition or control under this regulation—
 - (a) must be made by notice in the *Gazette* given by the Secretary; and
 - (b) takes effect on and from the date specified for the purpose in the notice, which date must be later than the date of publication of the notice in the *Gazette*; and
 - (c) must adequately describe the gas appliance or fittings being prohibited or controlled; and
 - (d) may, in the case of a control, be subject to any conditions in respect of the installation of the gas appliance or fittings that are specified in the control notice; and
 - (e) must give brief reasons for the belief that the gas appliance or fittings are or may be unsafe.

- (4) Where the Secretary knows the New Zealand address of the manufacturer, importer, seller, or user concerned, the Secretary must give notice of the prohibition or control to that person before the date specified in the notice in the *Gazette* as the date on which the prohibition or control takes effect.
- (5) A notice under this regulation may be varied or revoked in the same manner as it was made.
- (6) A person commits a grade A offence if the person manufactures, imports, sells, installs, or uses any gas appliance or fittings contrary to a prohibition or control under this regulation.
Compare: SR 1993/76 r 29

Specified fittings

64 Specified fittings

- (1) The Secretary may, by notice in the *Gazette*, specify fittings that must not be offered for sale, or that must not be installed as part of a gas installation, before those specified fittings have been certified in accordance with regulation 55 or endorsed by an approved practitioner in accordance with regulation 57.
- (2) The notice must specify for any specified fittings which certification route must be followed.
- (3) Decisions by the Secretary under subclause (1)—
 - (a) must be made by notice in the *Gazette*; and
 - (b) may be amended or revoked, at any time, by notice in the *Gazette*.

Supplier declarations

65 Gas appliances and fittings to which supplier declaration requirements apply

Regulations 66 to 70 apply to the following:

- (a) all gas appliances other than those of a type referred to in regulation 57(2); and
- (b) any fittings that the Secretary has specified under regulation 64, by notice in the *Gazette*, to be of a type to which regulations 66 to 70 apply (a **specified fitting**); and

- (c) any declared articles that the Secretary has specified under regulation 60 to be gas appliances or fittings that require a supplier declaration.

Compare: SR 1993/76 r 15

66 Manufacturer or importer must make supplier declaration

- (1) This regulation applies to—
 - (a) all persons who manufacture in New Zealand gas appliances or fittings referred to in regulation 65; and
 - (b) all importers of gas appliances or fittings referred to in that regulation (including gas appliances or fittings that are imported as part of an installation, for example, as part of an imported caravan).
- (2) Every person to whom this regulation applies must, before that person supplies, or offers for sale, in New Zealand a gas appliance or fittings referred to in regulation 65,—
 - (a) make a supplier declaration that relates to the appliance or fittings; and
 - (b) publish the declaration on the Internet site.
- (3) Every person commits a grade A offence who, being a manufacturer or importer, supplies a gas appliance or fittings referred to in regulation 65 without complying with this regulation.

Compare: SR 1993/76 r 15A

67 Contents of supplier declaration

Every supplier declaration must—

- (a) be in a form prescribed for the purpose by the Secretary (if any) by notice in the *Gazette*; 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) include a statement that the manufacturer or importer has complied with—
 - (i) regulations 53 and 71 in relation to all gas appliances covered by the declaration; and
 - (ii) regulation 53 in relation to all fittings covered by the declaration; and
- (f) include the details specified by the conformity assessment body, including the certificate number, the name of the body, the date of issue, the fuel types that the gas appliance or fittings may safely use, and the date of expiry of the certification; and
- (g) include a copy of the certificate issued by the conformity assessment body.

Compare: SR 1993/76 r 15B

68 Offence committed by manufacturers and importers relating to supplier declarations

Every person commits a grade B offence who, being a manufacturer or importer, publishes on the Internet site, or gives to the person to whom a gas appliance or fittings are supplied, a supplier declaration that is false or misleading in a material respect.

69 Management of Internet site

- (1) Every manufacturer or importer who is required to publish a supplier declaration on the Internet site must ensure that the manufacturer or importer has—
 - (a) registered with the Secretary so as to enable the manufacturer or importer to publish supplier declarations on the Internet site; 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 Internet site any supplier declaration that appears to the Secretary to be incorrect, frivolous, non-complying, incomplete, or outdated; and

- (b) must promptly send notice of the removal to the manufacturer or importer.

Compare: SR 1993/76 r 15C

70 Other suppliers and installers must check that declaration published or supplied

- (1) Every person who supplies a gas appliance or fittings in relation to which a supplier declaration is required to be published on the Internet site, other than the manufacturer or importer, must, before supplying the appliance or fittings, ensure that a supplier declaration relating to the appliance or fittings is so published.
- (2) Every person who installs a gas appliance or fittings in relation to which a supplier declaration is required to be published on the Internet site must, before installing the appliance or fittings,—
 - (a) ensure that the appliance or fittings are labelled in accordance with regulation 72; and
 - (b) if they are not, ensure that a supplier declaration relating to the appliance or fittings is so published.
- (3) Every person who supplies a declared article in relation to which a supplier declaration is required to be published on the Internet site must, before supplying the declared article, ensure that a supplier declaration relating to the declared article is published.
- (4) Every person who installs a declared article in relation to which a supplier declaration is required to be published on the Internet site must, before installing the declared article, ensure that a supplier declaration relating to the declared article is published.
- (5) Every person commits a grade B offence who, being a person to whom this regulation applies, fails to comply with this regulation.

Compare: SR 1993/76 r 15F

Marking and labelling of gas appliances and fittings

71 Marking of gas appliances

- (1) Every gas appliance sold or intended for sale must, as a minimum, be legibly and clearly marked in the English language in a permanent manner with all of the following:
 - (a) the name or registered trademark or other means of identifying the manufacturer or New Zealand supplier; and
 - (b) the type or types of gas that the appliance is certified to safely use; and
 - (c) the gas supply pressure range within which the gas appliance will operate safely; and
 - (d) the nominal heat input rating of the gas appliance; and
 - (e) a gas safety compliance label; and
 - (f) the model number of the gas appliance.
- (2) However, liquified petroleum gas appliances connected to disposable canisters and simple burners of less than 1 kilowatt rating (for example, Bunsen burners and ring burners) do not have to be marked with the information specified in subclause (1)(c) and (d).
- (3) Every person commits a grade A offence who sells or offers for sale a gas appliance that is not marked in accordance with this regulation.
- (4) This regulation does not apply to a gas appliance that has the design capacity to consume 60 000 megajoules or more of gas energy per hour.

Compare: SR 1993/76 r 14

72 Gas safety compliance labels for gas appliances and specified fittings

- (1) Every person who supplies or installs a new gas appliance or new specified fittings to which regulation 55 applies must ensure that the appliance or fittings are labelled with a gas safety compliance label before that person supplies or installs the gas appliance or specified fittings in New Zealand.
- (2) A gas safety compliance label—

- (a) must be in the form shown in Schedule 6, with lettering no smaller than 3 mm and the label no smaller than 15 mm in diameter; and
 - (b) must include identification of the certifier of the gas appliance, including any relevant certification reference, which details must be in text no less than 3 mm in height; and
 - (c) must be permanently affixed to the gas appliance in a manner that is clearly visible to the installer; and
 - (d) must be legibly and durably applied on the external surface of the gas appliance as near as is possible to the model identification (if there is a model identification), unless this is not possible owing to the size or nature of the product, in which case the label must be placed on the packaging or warranty or instructions for the product; and
 - (e) must be reproduced in either red and black, or grey and black, as shown in Schedule 6 (except that variations that replace the grey tone with white outlined with black are acceptable where grey is not practicable); and
 - (f) may also be placed on promotional material associated with the product.
- (3) Every person commits a grade B offence who—
- (a) affixes a label to a gas appliance or fittings that do not meet the requirements of regulations 53 to 70; or
 - (b) installs or supplies a gas appliance or fittings that do not have a label that complies with this regulation.
- (4) Every person commits a grade A offence who—
- (a) marks or labels a gas appliance or fitting with a false or incorrect marking or label relating to the safety of the appliance or fitting; or
 - (b) sells or offers to sell a fitting or appliance with a false or incorrect marking or label relating to the safety of that appliance or fitting.
- (5) This regulation does not apply to a gas appliance that has the design capacity to consume 60 000 megajoules or more of gas energy per hour.

*Miscellaneous***73 Supply of documents**

- (1) Every manufacturer or importer of a gas appliance or specified fittings must, within 10 working days of a request being made by the Secretary, supply to the Secretary a document or documents that demonstrate whether the manufacturer or importer has,—
 - (a) in the case of a gas appliance, complied with regulations 53, 71, and 72 in relation to the gas appliance; or
 - (b) in the case of fittings, complied with regulations 53 and 72 in relation to the fittings.
- (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.
- (3) Every person commits a grade A offence who, being a manufacturer or importer, fails to supply a document or documents to the Secretary in accordance with this regulation.

Compare: SR 1993/76 r 15D

74 Repairs, modifications, and adjustments to gas appliances and fittings

- (1) Every person who repairs, modifies, or makes adjustments to a gas appliance or fittings must take all practicable steps to ensure that—
 - (a) the appliance or fittings are safe in all reasonably foreseeable circumstances before the appliance or fittings are returned to service; and
 - (b) the appliance complies with the technical requirements of NZS 5262.
- (2) Without limiting subclause (1), a gas appliance or fittings are unsafe if—
 - (a) they have a gas leakage; or
 - (b) they are operated in a manner that is hazardous when they are exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions.
- (3) Despite subclause (2)(a), minute leakages from some fittings are permissible under relevant testing procedures.

- (4) Every person commits a grade B offence who, having repaired, modified, or made adjustments to a gas appliance or fittings, returns that gas appliance or fittings to service before taking all practicable steps to ensure that the gas appliance or fittings are safe (including complying with subclause (1)(b)) in all reasonably foreseeable circumstances in accordance with this regulation knowing that those steps have not been taken or being reckless as to that matter.

Compare: SR 1993/76 r 16

75 Responsibility of persons hiring or leasing gas appliances, fittings, and gas installations

- (1) Every person who hires out or leases out any gas appliance, fittings, or gas installation must take all practicable steps to ensure that, before so hiring or leasing them out,—
- (a) the appliance, fittings, or installation are in a safe condition and are complete with any safety accessory (for example, a fireguard); and
 - (b) any instructions to ensure the safe use of the appliance, fittings, or installation are provided and are practical and suitable for the safe use of the appliance, fittings, or installation.
- (2) Every person commits a grade A offence who hires out or leases out any gas appliance, fittings, or gas installation knowing that this regulation has not been complied with, or being reckless as to that matter.

Compare: SR 1993/76 r 17

**Part 7
CNG**

Measurement

76 Measurement of CNG

- (1) CNG sold from any CNG station must meet the requirements of this regulation, unless there is an agreement in writing to the contrary between the seller and the purchaser.
- (2) CNG gas measurement systems of CNG stations must—
- (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 reasonably expected variations in ambient conditions, gas supply temperatures, pressure and composition, and electrical supply, and for all reasonably expected electrical supply interference, not exceed a margin of error of—
 - (i) plus or minus 2% immediately after calibration, and a further plus or minus 1% 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.
- (3) Compliance with Division 3.3 of NZS 5425.3 is deemed to be compliance with subclause (2).
- (4) Every person who owns a gas measurement system used to measure the supply of gas to consumers must ensure that adequate records are kept so that the accuracy requirements of subclause (2) are met in relation to that system.
- (5) Compliance with NZS 5259 is deemed to be compliance with subclause (4).
- (6) Every person commits a grade A offence who sells gas otherwise than in accordance with this regulation.

Compare: SR 1993/76 r 9

77 Testing and installation of CNG gas measurement systems

- (1) This regulation applies to 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) The operator of a gas measurement system to which this regulation applies must ensure, before putting the system into service, that the system has been tested by a competent organisa-

tion to determine the system's accuracy, and has been sealed by the same competent organisation following confirmation that the system complies with regulation 76(2)(e).

- (3) Any gas measurement system that does not pass the test carried out in accordance with subclause (2) must not be sealed, and any seal that may have been placed on the system must be removed or destroyed.
- (4) If a test has been carried out in accordance with subclause (2) and the gas measurement system or a part of the system has been transported before being put into service, the owner of the gas measurement system must ensure that the calibration of the system is unaffected by that transportation before putting that system into service.
- (5) A record of the results of each test carried out in accordance with subclause (2) must 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 under subclause (5)(b) must be retained by that operator for the period of that operator's right to operate that gas measurement system, and must be kept at the site where the system is located.
- (7) Every person commits a grade A offence who fails to comply with this regulation.

Compare: SR 1993/76 r 10

Requirements for CNG station safety

78 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) Compliance with NZS 5425.2 is deemed to be compliance with this regulation in relation to a CNG compressor.
 - (5) Compliance with NZS 5425.1 is deemed to be compliance with this regulation in relation to a fast-fill CNG station.
 - (6) Compliance with NZS 5425.4 is deemed to be compliance with this regulation in relation to a trickle-fill CNG station.
 - (7) Subclauses (5) and (6) are subject to subclause (4).
 - (8) Every person commits a grade B offence who owns or installs a CNG station without complying with this regulation.

Compare: SR 1993/76 r 18

79 Sealing of pressure-limiting devices and metering units for CNG stations

- (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.
- (3) Every person commits a grade A offence who owns or installs a CNG station without complying with subclause (1).
- (4) Every person, being a person other than the Secretary or a competent organisation, commits a grade B offence who fails to comply with subclause (2).

Compare: SR 1993/76 r 19

80 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.

- (3) Every person commits a grade A offence who owns or operates a CNG station without complying with this regulation.

Compare: SR 1993/76 r 19A

81 CNG filling pressures

- (1) The maximum fill pressure of a CNG dispenser of a CNG station is 20 megapascals (gauge).
- (2) However, for trickle-fill CNG gas installations the maximum fill pressure is 16.5 megapascals (gauge).
- (3) Every person commits a grade A offence who owns or operates a CNG dispenser that operates at above a maximum fill pressure specified in this regulation.

Compare: SR 1993/76 r 20

82 CNG safety requirements training

- (1) Every operator of a CNG station must 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 3.
- (2) The Secretary may exempt a particular CNG station from the requirements of this regulation if the Secretary is satisfied that 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.
- (3) Every person commits a grade B offence who, being an owner or operator of a CNG station, fails to ensure that personnel filling or being present for the filling of vehicles with CNG have received the training required by this regulation.

Compare: SR 1993/76 r 21

83 Inspection of CNG stations

- (1) Every owner and every operator of a CNG station must ensure that the CNG station is inspected at least once every 2 years by a competent organisation that has approval to certify the safety of the fittings of the station, and the safety of the operation of the station.
- (2) If an inspection required under subclause (1) is carried out, the CNG station must 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 4.

- (3) Compliance with GCP 2 is deemed to be compliance with subclause (1).
- (4) Every person commits a grade B offence who, being an owner or operator of a CNG station, fails to have the installation certified in accordance with this regulation.
- (5) Every competent organisation commits a grade A offence that provides a certificate under this regulation if any fittings of the CNG station are not safe.

Compare: SR 1993/76 r 22

84 Records for CNG stations

- (1) Every operator of a CNG station must maintain—
 - (a) records of any adjustments or repairs to the gas measurement system of the installation, including, if seals are broken or fitted, the person who 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 82(1);
 - (c) logbooks in accordance with section 4 of GCP 2.
- (2) Compliance with clause 7.3.1 of GCP 2 is deemed to be compliance with subclause (1)(b).
- (3) Every competent organisation must keep records for each installation in respect of which work is carried out, and the results of the work, after—
 - (a) making or breaking seals, or adjusting fittings, of pressure-limiting devices or metering units under regulation 79; or
 - (b) carrying out inspections or issuing certificates in accordance with regulation 83.
- (4) The records required to be kept under this regulation must,—
 - (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 7 years from the date of the last entry in the par-

tical record, or until the organisation ceases business, whichever occurs first.

- (5) Every person commits a grade B offence who, being an operator of a CNG station, fails to maintain the records required by this regulation.

Compare: SR 1993/76 r 23

Part 8 Miscellaneous provisions

Exemptions

85 Secretary's power to exempt from requirements

- (1) The Secretary may exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by or under all or any of regulations 16 to 28 and Parts 4, 6, or 7 if the Secretary is satisfied that safety will be ensured despite the exemption and that the extent of the exemption is not broader than what is reasonably necessary to address the matters that gave rise to the exemption.
- (2) The Secretary may exempt any distribution system, gas installation, fittings, or gas appliances from the provisions of section 46 of the Act if the Secretary is satisfied that safety will be ensured despite the exemption and that the extent of the exemption is not broader than what is reasonably necessary to address the matters that gave rise to the exemption.
- (3) An application for an exemption must—
- specify the precise exemption sought and the reason; and
 - demonstrate how safety will be ensured if the exemption is granted; and
 - be made on a form prescribed by the Secretary; and
 - be accompanied by the fee prescribed in Schedule 5.
- (4) The Secretary may refer an application for an exemption to an experienced person in the gas industry for advice.
- (5) Every exemption—
- must be in writing; and
 - must specify the period for which it applies; and
 - may impose conditions on the exemption.

- (6) The Secretary may amend or revoke an exemption—
- (a) if the holder of the exemption asks; or
 - (b) in order to prevent any danger or potential danger to any person or property, but only after giving the exemption holder at least 20 working days' notice of the proposed amendment or revocation; or
 - (c) if the Secretary is satisfied that the holder is not complying, or has not complied, with any conditions of the exemption, in which case the amendment or revocation has effect on the date of, or any later date specified in, the Secretary's notice.
- (7) The Secretary must give notice of an exemption, and any amendment or revocation of an exemption,—
- (a) to the applicant; and
 - (b) if the exemption, amendment, or revocation will materially affect a wider range of persons than the applicant, by notice in the *Gazette*.
- (8) An exemption is not a regulation for the purposes of the Acts and Regulations Publication Act 1989 or the Regulations (Disallowance) Act 1989.
- Compare: SR 1993/76 r 30

General provisions

86 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 likely to be caused, directly or indirectly, by the presence, escape, or use of gas.
- (2) Any instruction, order, or requirement issued by the Secretary must be,—
- (a) if the instruction, order, or requirement is specific to a particular person or persons, by notice in writing to that person or those persons; or
 - (b) if 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, remains in force later than 6 months after its date of issue.

- (4) The Secretary may amend or revoke an instruction, order, or requirement in the same manner as it was made.
- (5) Every person commits a grade A offence who fails to comply with any instruction, order, or requirement issued under this regulation.

Compare: SR 1993/76 r 32

87 Details to be provided in reporting accidents

- (1) Any person who notifies the Secretary of an accident, in accordance with section 17 of the Act, must give a full report to the Secretary in writing that sets out the following matters:
 - (a) the name and contact details of the person giving notice (which should include, if possible, telephone and fax numbers, and an email address):
 - (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) if known, the names and contact information of any witness, investigator at the scene, or other person who could provide cogent information on the accident:
 - (f) possible causative factors (if any are known):
 - (g) if known, the name, age, sex, occupation, and residential address of the victim.
- (2) An accident may initially be notified to the Secretary by telephone, fax, email, or any other electronic means, as long as the full written report is sent to the Secretary within 2 weeks after that initial notification.
- (3) The full written report may be sent to the Secretary by post, fax, email, or any other electronic means.

Compare: SR 1993/76 r 33

88 Competent organisations to supply copies of seals they use

- (1) A competent organisation intending to carry out work under regulation 22 or 79 must, before carrying out the work, supply to the Secretary a copy of the seal that the competent organisation will use in respect of that work.

- (2) Every competent organisation commits a grade B offence that fails to provide a copy of a seal in accordance with this regulation.

Compare: SR 1993/76 r 35

89 Offence for competent organisations to fail to keep records

Every competent organisation commits a grade B offence that fails to keep any of the records required by these regulations to be kept by competent organisations.

Compare: SR 1993/76 r 37

90 Fees

- (1) The fees specified in Schedule 5 are 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.

Compare: SR 1993/76 r 38

91 *Gazette* notices to be published on Internet site

The Secretary must ensure that a copy of every notice that is published in the *Gazette* under these regulations—

- (a) is published at the same time as, or as soon as practicable after, it is published in the *Gazette* on the Internet site; and
- (b) contains a statement that identifies the Internet site on which a copy of the notice may be found.

92 Revocation

The Gas Regulations 1993 (SR 1993/76) are revoked.

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.

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.

Schedule 1

r 3

List of gas codes of practice and official standards
Gas codes of practice
**Abbreviations used
in regulations**
Full title

GCP 2

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

Official standards

**Abbreviations used
in regulations****Full title**

AS 3645:2010		Australian Standard known as AS 3645:2010 (Essential requirements for gas equipment)
AS/NZS 4645		New Zealand Standard known as AS/NZS 4645:2008 (Gas distribution networks Parts 1, 2, and 3)
ISO/IEC 67:2004	Guide	International Organization for Standardization Standard known as ISO/IEC Guide 67:2004 (Conformity assessment—Fundamentals of product certification)
ISO 17020		International Organization for Standardization Standard known as ISO/IEC 17020:1998 (General criteria for the operation of various types of bodies performing inspection)
ISO 17025		International Organization for Standardization Standard known as ISO/IEC 17025:2005 (General requirements for the competence of testing and calibration laboratories)
NZS 5258		New Zealand Standard known as NZS 5258:2003 (Gas distribution networks) subject to the variation that references in this standard to AS/NZS 1596:2002 (Storage and handling of LP gas) must be read as references to AS/NZS 1596:2008 (Storage and handling of LP gas)
NZS 5259		New Zealand Standard known as NZS 5259:2004 (Gas measurement)
NZS 5261		New Zealand Standard known as NZS 5261:2003 (Gas installation)
NZS 5262		New Zealand Standard known as NZS 5262:2003 (Gas appliance safety)
NZS 5263		New Zealand Standard known as NZS 5262:2003 (Gas detection and odourisation)
NZS 5425.1		New Zealand Standard known as NZS 5425.1:1994 (Code of practice for CNG compressor and refuelling stations—on site storage and location of equipment)
NZS 5425.2		New Zealand Standard known as NZS 5425.2:1996 (Code of practice for CNG compressor and refuelling stations—compressor equipment)
NZS 5425.3		New Zealand Standard known as NZS 5425.3 (Code of practice for CNG compressor and refuelling stations—metering devices)
NZS 5425.4		New Zealand Standard known as NZS 5425.4:1994 (Code of practice for CNG compressor and refuelling stations—CNG trickle-fill stations on commercial and industrial premises)
NZS 5428		New Zealand Standard known as NZS 5428:2006 (LPG installations for non-propulsive purposes in caravans and boats)

**Abbreviations used
in regulations**

	Full title
NZS 5435	New Zealand Standard known as NZS 5435:1996 (Specification for liquefied petroleum gas (LPG))
NZS 5442	New Zealand Standard known as NZS 5442:2008 (Specification for reticulated natural gas)
NZS 7901	New Zealand Standard known as NZS 7901:2008 (Electricity and gas industries—safety management systems for public safety)

Schedule 2

r 8

Infringement notice and reminder notice

Form 1

Infringement notice

Section 57C, Gas Act 1992

Infringement notice number:

This infringement notice is sent under section 57C of the Gas Act 1992—

- to you (*see* your details below):
- in respect of an alleged infringement offence (the **offence**) (*see* details of offence below):
- by a person authorised to issue an infringement notice (the **informant**) (*see* details of informant below).

Your details

Full name:

Full address:

Telephone number(s):

Date of birth:

Gender:

Occupation:

Details of offence

Nature of offence:

Where it occurred:

When it occurred:

Offence against: [*specify provision of Gas Act 1992 or Gas (Safety and Measurement) Regulations 2010*]**Details of informant**

Full name of informant:

Full address:

Payment of infringement feeThe amount of the infringement fee for the offence is [*specify*].

Form 1—*continued*

The fee is payable on or before [*specify*], which is 28 days after the date on which this notice is posted to you or delivered to you personally.

The fee must be paid to the informant at the informant's address (*see above*) by delivering or posting it so that it arrives on or before the due date.

If you are paying by cheque, the cheque must be made out to [*specify*] and be crossed "not transferable". When paying, include the following information with the payment:

- the infringement notice number (given at the top of this notice):
- your full name:
- your address for contact, but only if it is different from the one shown on this notice.

Paying the infringement fee now

If you pay the infringement fee on or before the due date, no further action will be taken against you.

General enquiries

You may contact the informant at any time. Contacting the informant does not stop the infringement fee being payable by the due date, unless you request a hearing.

If you want further information, or if you want to raise any other matter, write to the informant at the informant's address (*see above*). When writing, please give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

Requesting hearing

You should write to the informant if you want to request a hearing on the grounds that—

- you deny liability for the offence; or

Form 1—*continued*

- you admit liability for the offence, but you want a court to consider written submissions by you about any matter, such as the amount of the penalty.

If you write to request a hearing, the request must be signed by you, and be received by the informant on or before the due date of the infringement fee, or by any later time allowed by the informant. When writing, give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

If you write to request a hearing and deny liability, and if the informant decides to commence court proceedings against you, you will be served with a notice of hearing. The notice will set out the place, date, and time of the hearing before the court.

If the court finds you guilty of the offence, court costs will be imposed on you in addition to any fine.

If you write to request a hearing but you admit liability, your letter should clearly—

- admit liability; and
- set out the written submissions that you wish the court to consider.

The informant will file the letter containing your submissions in court. There is no provision for you to make oral submissions at the hearing, or for anyone else to do so on your behalf.

The court will impose court costs on you in addition to any fine.

In any proceedings, it is a defence if you prove that the infringement fee was paid in full to the informant, at the informant's address, on or before the due date. Late payment, or payment to an address other than the informant's address, is not a defence, but late payments may be applied towards any fine and costs you become liable to pay.

If you do nothing

If you have not paid the infringement fee by the due date, and have not requested a hearing on or before that date (or within any further time the informant allows), the informant may send you a reminder notice. The reminder notice will set out a final due date, which will

Form 1—*continued*

be the date that is 28 days after the date on which the reminder notice is posted or delivered to you.

If you do not pay the infringement fee on or before that final due date and do not request a hearing on or before that date (or within any further time the informant allows), you will be liable to pay court costs in addition to a fine of the same amount as the infringement fee.

Further information

Further information about infringement offences and fees is contained in sections 21 and 78A of the Summary Proceedings Act 1957. If there is anything in this notice that you do not understand, contact a lawyer.

Form 2
Infringement reminder notice
Section 57D, Gas Act 1992

Infringement notice number:

An infringement notice was sent under section 57C of the Gas Act 1992—

- to you (*see* your details below):
- in respect of an alleged infringement offence (the **offence**) (*see* details of offence below):
- by a person authorised to issue an infringement notice (the **informant**) (*see* details of informant below).

The infringement notice was served on [*date*] by [*method of service*].
This reminder notice is served on [*date*] by [*method of service*] at [*full address at which reminder notice served*].

Your details

Full name:

Full address:

Telephone number(s):

Date of birth:

Gender:

Occupation:

Details of offence

Nature of offence:

Where it occurred:

When it occurred:

Offence against: [*specify provision of Gas Act 1992 or Gas (Safety and Measurement) Regulations 2010*]

Details of informant

Full name of informant:

Full address:

Payment of infringement fee

The amount of the infringement fee for the offence is [*specify*].

Form 2—*continued***Final due date**

The due date for payment of the infringement fee was [*specify*]. By that date, payment had not been received, and you had not requested a hearing.

The final due date is now [*specify*], which is 28 days after the date on which this notice is posted to you or delivered to you.

The fee must be paid to the informant at the informant's address (*see* above) by delivering or posting it so that it arrives on or before the final due date.

If you are paying by cheque, the cheque must be made out to [*specify*] and be crossed "not transferable". When paying, include the following information with the payment:

- the infringement notice number (given at the top of this notice):
- your full name:
- your address for contact, but only if it is different from the one shown on this notice.

Paying the infringement fee now

You can pay the infringement fee to the informant now, at the informant's address. If you pay it on or before the final due date, no further action will be taken against you.

General enquiries

You may contact the informant at any time. Contacting the informant does not stop the infringement fee being payable by the final due date, unless you request a hearing.

If you want further information, or if you want to raise any other matter, write to the informant at the informant's address (*see* above). When writing, please give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

Form 2—*continued***Requesting hearing**

You should write to the informant if you want to request a hearing on the grounds that—

- you deny liability for the offence; or
- you admit liability for the offence, but you want a court to consider written submissions by you about any matter, such as the amount of the penalty.

If you write to request a hearing, the request must be signed by you, and be received by the informant on or before the final due date, or by any later time allowed by the informant. When writing, give the infringement notice number (given at the top of this notice), your full name, and your address for contact (if different from the address on this notice).

If you write to request a hearing and deny liability, and if the informant decides to commence court proceedings against you, you will be served with a notice of hearing. The notice will set out the place, date, and time of the hearing before the court.

If the court finds you guilty of the offence, court costs will be imposed on you in addition to any fine.

If you write to request a hearing but you admit liability, your letter should clearly—

- admit liability; and
- set out the written submissions that you wish the court to consider.

The informant will file the letter containing your submissions in court. There is no provision for you to make oral submissions at the hearing, or for anyone else to do so on your behalf.

The court will impose court costs on you in addition to any fine.

In any proceedings, it is a defence if you prove that the infringement fee was paid in full to the informant, at the informant's address, on or before the final due date. Late payment, or payment to an address other than the informant's address, is not a defence, but late payments may be applied towards any fine and costs you become liable to pay.

Form 2—*continued***If you do nothing**

If you do not pay the infringement fee on or before the final due date and do not request a hearing on or before that date (or within any further time the informant allows), you will be liable to pay court costs in addition to a fine of the same amount as the infringement fee.

Further information

Further information about infringement offences and fees is contained in sections 21 and 78A of the Summary Proceedings Act 1957. If there is anything in this notice that you do not understand, contact a lawyer.

Schedule 3

r 82

Requirements for CNG safety training

- 1 Equipment knowledge—
 - (a) compressors—
 - (i) location and operation of CNG equipment (gas and electrical):
 - (ii) start-up and shutdown 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 before commencing filling:
 - (b) filling procedures:
 - (c) safety checks following the completion of filling.

- 3 Emergency procedures—
- (a) gas leak from vehicle:
 - (b) gas leak during refuelling:
 - (c) other gas leaks:
 - (d) fire.
-

Schedule 4 Form

r 83(2)

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 2 years from date compliance is established*].

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):

Name of employee of certifier so certifying:

Signature of employee:

Date:

Schedule 5 Prescribed fees


rr 61(1), 85(3), 90(1)

For gasfitting certificates of compliance provided by the Board pursuant to regulation 49, for each certificate:	\$25
For an application for an exemption:	\$400
For declared article approvals—	
(a) initial application:	\$640
(b) application for modification to approval:	\$400

Schedule 6
Gas safety compliance labels

r 72(2)(a) and (e)



 <p>AUSTRALIA AND NEW ZEALAND GAS SAFETY CERTIFICATION</p> <p>STANDARD: AS4557 CERTIFICATION NO: GMK100001 CERTIFYING BODY: IAPMO-R&T OCEANA</p>	DO NOT REMOVE

	Individual logos and incorporation details here



Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

Most of these regulations come into force on 4 May 2010. However, the exemption from certain gasfitting certification requirements comes into force on 1 April 2010.

These regulations consolidate and update the content of the Gas Regulations 1993, bringing them into alignment with the amendments made to the Gas Act 1992 by the Gas Amendment Act 2006.

Some of the significant features of these regulations, as compared to the Gas Regulations 1993, are that these regulations—

- gather together and state the generic rules and requirements about safety, and what is deemed to be safe or unsafe;
- prescribe where the point of supply is deemed to be in relation to any place (*see* regulation 5). The definition of point of sup-

ply applies for the purposes of the Gas Act 1992, where the point of supply is the boundary of a gas distribution system, and for the purposes of the Plumbers, Gasfitters, and Drainlayers Act 2006, where work downstream of the point of supply is gasfitting work that is regulated under that Act:

- include requirements relating to safety management systems, which are provided for in new section 46A of the Gas Act 1992. These regulations prescribe which gas supply systems are required to have safety management systems, namely, those that are referred to in section 46A of that Act and that typically measure, or are intended to measure under normal operating conditions, annual consumption greater than 10 terajoules of gas per year:
- introduces the third party certification regime and the joint New Zealand and Australia gas safety compliance label:
- set out in schedules all the official standards referred to in the regulations, and all standards applying to fittings and appliances:
- provide for 2 levels of offences:
- provide for infringement offences.

Transitional provisions provide that, in many cases, compliance with these regulations is not required until 4 May 2012. For example, there are transitional provisions about existing and in-process things, and things which continue to comply with NZS 5262. In these cases, these regulations provide a choice, in certain respects, between compliance with the Gas Regulations 1993 and these new regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 1 April 2010.
These regulations are administered by the Ministry of Economic Development.
