



## THE GAS REGULATIONS 1993

CATHERINE A. TIZARD, Governor-General

### ORDER IN COUNCIL

At Wellington this 31st day of March 1993

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

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

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Gas Regulations 1993.

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

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

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

“CNG” means—

- (a) Natural gas; or
  - (b) Any mixture of natural gas and any other gas consisting predominantly of methane,—
- that is compressed:

“CNG station” means a CNG gas installation supplying CNG to vehicles:

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

“Competent organisation” means—

- (a) A testing laboratory accredited to ISO/IEC Guide 25 by a third party laboratory accreditation agency; or
- (b) An organisation having relevant certification by a third party agency accredited under the treaty negotiated between the Australian and New Zealand governments entitled “Joint Accreditation System—Australia and New Zealand” (JAS-ANZ); or

(c) Any other laboratory or organisation that satisfies the Secretary that it is competent to perform the relevant functions for the purposes of regulations 10, 15, 18, or 22 of these regulations, or GCP2, as the case may be:

“Error” means the deviation of a measured or applied value from a true value (usually expressed as a percentage of the true value):

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

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

“Gasfitting certification certificate” means any certificate given under regulation 24 of these regulations:

“ISO/IEC Guide 25” means ISO/IEC Guide 25, General requirements for the technical competence of testing laboratories, published by the International Organisation for Standardisation, and available from the Standards Association of New Zealand:

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

“Standard conditions” means a temperature of 15°C and an absolute pressure of 101.325 kilopascals:

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

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

(2) In these regulations,—

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

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

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

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

#### *Gas Quality and Pressure*

**3. Suitability of gas**—(1) Natural gas shall comply with NZS 5442, New Zealand Specification for Natural Gas.

(2) Liquefied petroleum gas shall comply with NZS 5435, New Zealand Specification for Liquefied Petroleum Gas (LPG).

(3) Any gas (other than natural gas or liquefied petroleum gas) supplied for use in gas installations and gas appliances, or for use as an automotive fuel, shall be of a specification that is suitable and safe for those uses.

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

(2) Supplies of gas at pressures that, in a properly functioning gas installation, result in—

(a) Flashback or extinguishment of flame; or

(b) Creation of carbon monoxide at levels which threaten or result in death or injury to persons—

shall be deemed to be unsafe.

**5. Gas odourisation**—(1) Every supplier of gas shall ensure that the gas supplied has a distinctive and unpleasant odour so that the presence of gas in the atmosphere is readily detectable at a concentration equivalent to one-fifth of the lower flammability limit of the gas.

(2) Compliance with GCP3 shall be deemed to be compliance with this regulation.

#### *Distribution of Gas*

**6. Records and location of distribution systems**—(1) The operator of a distribution system shall keep such records and plans as will enable that operator to readily locate any fittings of that distribution system, if required.

(2) Records to be kept by an owner or operator to which subclause (1) of this regulation applies also include—

(a) The location of cathodic protection systems; and

(b) Leakage surveys carried out; and

(c) Tests and calibration carried out on safety equipment; and

(d) The location of abandoned and inactive services.

(3) Compliance with NZS 5258, Code of Practice for Gas Distribution, shall be deemed to be compliance with this regulation.

**7. Safety of distribution systems**—(1) Every owner and every operator of a distribution system shall ensure that the distribution system is designed, constructed, maintained, and operated in such a manner that, as far as practicable, continuity of supply, immunity from danger, and satisfactory operation is achieved.

(2) Compliance with NZS 5258, Code of Practice for Gas Distribution, shall be deemed to be compliance with this regulation.

**8. Work on distribution systems**—Every person (being the owner or operator of a distribution system) who authorises work to be carried out on that distribution system shall ensure that the person or persons carrying out the work are competent to safely perform the tasks assigned to them and that such person or persons are familiar with safety procedures when working with or near gas or fittings.

#### *Gas Measurement*

**9. Measurement of gas**—(1) Gas sold through a distribution or gas transmission system, and any CNG sold from any CNG station, shall meet the requirements of this regulation, unless there is agreement in writing to the contrary between the seller and the purchaser.

(2) Gas, not being CNG sold from a CNG station, shall be sold by energy content measured by a gas measurement system, and the following margins of error shall not be exceeded:

- (a) For volume, uncorrected for pressure or temperature—
  - (i) Prior to a meter being placed in service, plus or minus 2 percent; or
  - (ii) At any time after a meter has been placed in service, plus or minus 3 percent:
- (b) For corrections of the volume measured to standard conditions, whether by a device used for obtaining corrections or by the setting of factors—
  - (i) Prior to a device used for obtaining corrections being placed in service, or on the setting of factors, plus or minus 1 percent; or
  - (ii) At any time after a device used for obtaining corrections has been placed in service, or on the setting of factors, plus or minus 1.5 percent:
- (c) For calorific value measurements, plus or minus 0.5 percent.
- (3) CNG gas measurement systems of CNG stations shall—
  - (a) Meter gas by mass:
  - (b) Provide a clear indication of quantity in kilograms and price per kilogram, and of total price in dollars:
  - (c) Prevent delivery of CNG during the operation of the reset mechanism:
  - (d) Be provided with a means of sealing the calibration unit:
  - (e) For all expected variations in ambient conditions, gas supply temperatures, pressure and composition, and electrical supply, and for all expected electrical supply interference, not exceed a margin of error of—
    - (i) Plus or minus 2 percent immediately after calibration, and a further plus or minus 1 percent at subsequent times while in service, for quantities over 5 kilograms; or
    - (ii) Plus or minus 0.1 kilograms immediately after calibration, and a further plus or minus 0.05 kilograms at subsequent times while in service, for quantities of 5 kilograms or less.
- (4) Compliance with NZS 5425: Part 3: Division 3.3, shall be deemed to be compliance with subclause (3) of this regulation.
- (5) Where a calorific value other than that specified in paragraph (c) of subclause (2) of this regulation is subject to an agreement of the type referred to in subclause (1) of this regulation, the calorific value agreed upon shall be disclosed in writing to the Secretary within 2 months of the date of the agreement.
- (6) Every person who owns a gas measurement system used to measure the supply of gas to consumers shall ensure that adequate records are kept so that the accuracy requirements of subclauses (2) and (3) of this regulation are met in relation to that system.
- (7) Compliance with sections 4, 5, and 6 of NZS 5259:1991, Gas Metering—gas meter acceptance testing, meter installation and calculation of energy from measured volume, shall be deemed to be compliance with subclause (6) of this regulation.

**10. Testing and installation of gas measurement systems—(1) This regulation applies to—**

- (a) Any gas measurement system, prior to the system being placed in service, and before being returned to service after being disconnected from service for the purpose of maintenance or recalibration of that system; and

(b) Any CNG gas measurement system of a CNG station that has been subject to servicing on site and that may suffer alteration to calibration while subsequently in service.

(2) Every gas measurement system to which this regulation applies shall, before being put into service, be tested by a competent organisation to determine its accuracy, and shall be sealed by the same competent organisation following confirmation that the system complies with regulation 9 (2) of these regulations (in the case of a system other than for CNG supplied from a CNG station), and regulation 9 (3) (e) of these regulations (in the case of CNG supplied from a CNG station).

(3) Any gas measurement system that does not pass the test carried out in accordance with subclause (2) of this regulation shall not be sealed and any seal which may have been placed on the system shall be removed or destroyed.

(4) Where a test has been carried out in accordance with subclause (2) of this regulation and the gas measurement system or part thereof has been transported before being put into service, the person owning the gas measurement system shall ensure that the calibration of the system is unaffected by that transportation prior to putting that system into service.

(5) A record of the results of each test carried out in accordance with subclause (2) of this regulation shall be kept by—

(a) The competent organisation that carried out the test; and

(b) The operator of the gas measurement system tested.

(6) The records kept by the operator of a gas measurement system pursuant to subclause (5) (b) of this regulation shall be retained by that operator for the period of that operator's ownership of that gas measurement system, and, in the case of a CNG gas measurement system of a CNG station, shall be kept at the site where the system is located.

(7) Compliance with Section 3 of NZS 5259:1991 shall be deemed to be compliance with subclause (2) of this regulation, in respect of gas measurement systems other than CNG gas measurement systems of CNG stations.

**11. Requests for tests to be carried out on gas measurement systems**—(1) This regulation does not apply to measurements of calorific value or to CNG gas measurement systems of CNG stations.

(2) A consumer or a gas retailer supplying a consumer may request the Secretary to carry out a test of the accuracy of the gas measurement system measuring the gas supplied to the premises of that consumer.

(3) The prescribed fee shall be payable by any consumer who requests a test, after the test is completed.

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

#### *Gas Installations, Gas Appliances, and Fittings*

**12. Safety of gas installations**—(1) Gas installations, other than installations used for industrial purposes, shall be installed in accordance with NZS 5261, Code of Practice for the Installation of Gas Burning Appliances and Equipment, provided that where any particular gas installation is outside the scope of that standard, equivalent performance criteria shall be used.

(2) Gas installations used for industrial purposes shall be installed in accordance with sound engineering practice and workmanship so that they are safe when connected to a supply of gas.

(3) Compliance with NZS 5261, Code of Practice for the Installation of Gas Burning Appliances and Equipment, shall be deemed to be compliance with subclause (2) of this regulation.

(4) Any person installing a gas installation shall ensure that at any point in the installation where gas is used, the gas pressure is sufficient so that there is no flame light back, flame extinction, or incomplete combustion.

**13. Safety of gas appliances and fittings**—(1) Every gas appliance and every fitting shall be capable of operating in a manner that is free from hazard to persons or property when installed correctly and used for its intended purpose.

(2) A gas appliance shall be deemed to comply with subclause (1) of this regulation, if, where used for its intended purpose,—

- (a) It is free from gas leakage, provided that minute leakages from some fittings is permissible under relevant testing standards; and
- (b) It is provided with adequate means of support; and
- (c) It is fitted with suitable protective fireguards that do not compromise the functions of the appliance where there is fire danger to persons or property from the appliance; and
- (d) It is designed and constructed in a manner which ensures its safe operation; and
- (e) Where a flame failure safeguard is fitted, that safeguard operates so that correct detection of the flame, and shut off of the gas, is assured; and
- (f) The products of combustion of the appliance do not present a hazard to health, or a combustion hazard in any building, relocatable building, or tent, when used with gases for which the appliance is designed or with gases available in New Zealand that are equivalent to, or similar to, gases for which the appliance was designed; and
- (g) There is no flame abnormality or flame extinction; and
- (h) The burners and associated ignition system of the appliance are designed and installed so that complete and rapid ignition of all ports is achieved on starting up the appliance, and so that a stable flame is maintained during operation of the appliance, when used with gases complying with the specifications listed in regulation 3 of these regulations, or with any other gas for which the appliance is designed; and
- (i) The surface temperature of the appliance (not including burners) is not hazardous to persons or property; and
- (j) Instructions in English for the safe installation and use of the appliance are supplied with the appliance.

(3) A fitting shall be deemed to comply with subclause (1) of this regulation if—

- (a) It is free from gas leakage, provided that minute leakages from some fittings is permissible under relevant testing procedures; and
- (b) When installed correctly and operated for its intended purpose, it operates in a manner which is free from hazard when exposed to any reasonably foreseeable torques, pressures, or chemical or physical conditions.

**14. Marking of appliances**—Every gas appliance sold or intended for sale shall be permanently marked with the following information:

- (a) The name or registered tradename or mark of the manufacturer or supplier:
- (b) The model number of the appliance:
- (c) The type of gas the appliance may safely use:
- (d) The working pressure of the appliance:
- (e) The input rating of the appliance:
- (f) The standard (if any) to which the appliance was constructed or tested.

**15. Confirmation that appliances conform**—Any manufacturer, importer, or seller of any type of gas appliance or fittings shall produce to the Secretary, within 20 working days of demand being made by the Secretary,—

- (a) A certificate from a competent organisation; or
- (b) A statutory declaration,—

confirming that the type of appliance conforms with regulations 13 and 14 of these regulations or that the fittings conform with regulation 13 of these regulations.

**16. Repairs and modifications to appliances and fittings**—Any person repairing, modifying, or making adjustments to gas appliances or fittings shall ensure that the appliance or fitting, as the case may be, conforms with the requirements of paragraphs (a), (b), (e), (f), (g), and (h) of regulation 13 (2) of these regulations before the appliance or fitting is returned to service.

**17. Responsibility for safe operation and use of gas appliances and fittings**—(1) Every person who owns, operates, or uses any fittings, gas appliance, or gas installation, shall take all reasonable steps to ensure that the fittings, appliance, or installation meets the requirements of regulation 13 of these regulations, is operated in a safe manner, and is maintained in a safe condition.

(2) Every person who hires out or leases out any fittings, gas appliance, or gas installation shall take reasonable steps to ensure that—

- (a) The fittings, appliance or installation is in a safe condition; and
- (b) Any instructions to ensure the safe use of the appliance are provided—

prior to so hiring or leasing them out.

#### *CNG Station Safety*

**18. Particular requirements for CNG stations**—(1) Subject to this regulation, every gas appliance and all fittings used in connection with a CNG station, shall comply with Parts 1 and 2 of NZS 5425: Code of Practice for CNG Compressor and Refuelling Stations.

(2) A CNG compressor of a CNG station shall not allow the ingress of air.

(3) All refuelling hoses and assemblies shall be of a kind that prevent electrostatic ignition.

(4) Every refuelling probe shall be of a design that minimises wear on seals and minimises any other effects which may result in sudden gas release during refuelling.



(5) In respect of any gas appliance or fittings used in connection with a CNG station, that are in use, or are available for use, immediately before the commencement of these regulations—

(a) A CNG compressor of a CNG station need not comply with subclause (2) of this regulation until 1 October 1993:

(b) Refuelling hoses and assemblies, and refuelling probes, need not comply with subclause (3) of this regulation until they are replaced, but in any case shall comply with that subclause by 1 April 1995.

(6) Every pressure limiting device and metering unit of a CNG station shall be sealed, and only competent organisations or the Secretary may make or break the seal, or adjust those fittings.

**19. Maintenance and operation of CNG stations**—(1) Fittings and gas appliances of CNG stations shall be maintained and operated safely.

(2) Compliance with GCP2 shall be deemed to be compliance with this regulation.

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

**21. CNG training**—(1) Every operator of a CNG station shall ensure that vehicles are filled at the station by or in the presence of a person who has received training in the safety requirements specified in the First Schedule to these regulations.

(2) The Secretary may exempt a particular CNG station from the requirements of subclause (1) of this regulation where the Secretary is satisfied that such alternative safety procedures or fittings are in place in the CNG station so as to render compliance with those requirements unnecessary in the particular case.

**22. Inspection of CNG stations**—(1) Every person (being the owner or operator of a CNG station) shall ensure that the CNG station is inspected at least once every 2 years by a competent organisation to certify the safety of the fittings and appliances of the station, and the safety of the operation of the station.

(2) Where an inspection required under subclause (1) of this regulation is carried out, the CNG station shall be used only if the competent organisation certifies the safety of the fittings and appliances of the station and issues a certificate in the form set out in the Second Schedule to these regulations.

(3) Compliance with GCP2 shall be deemed to be compliance with subclause (1) of this regulation.

**23. Records**—(1) Every operator of a CNG station shall maintain—

(a) Records of any adjustments or repairs to the gas measurement system of the installation, including where seals are broken or fitted, the person who so broke or fitted the seals; and

(b) Records of the names of staff at the station and any training undertaken and completed by the staff for the purpose of regulation 21 (1) of these regulations:

(c) Logbooks in accordance with section 5 of GCP 2.

(2) Compliance with clause 8.3.1 of GCP 2 shall be deemed to be compliance with paragraph (b) of subclause (1) of this regulation.

(3) Competent organisations—

(a) Making or breaking seals, or adjusting fittings, of pressure limiting devices or metering units pursuant to regulation 18 (6) of these regulations; or

(b) Carrying out inspections or issuing certificates in accordance with regulation 22 of these regulations—

shall keep records of the installation in respect of which the work was carried out and the results of the work.

(4) The records required to be kept pursuant to this regulation shall,—

(a) In the case of operators of CNG stations, be retained for the operational life of the installation:

(b) In the case of a competent organisation, be retained for a period of 7 years from the date of the last entry in the particular record, or until the organisation ceases business, whichever occurs first.

#### *Testing and Certification*

**24. Certification of gasfitting**—(1) For the purposes of section 47 (1) of the Act, this regulation applies to the following kinds of gasfitting:

(a) Newly constructed gas installations:

(b) Extensions, additions, and replacements to existing gas installations:

(c) Alterations to gas installations that result in repositioning of pipework or changes to the operation of the installation:

(d) Repairs to gas installations, gas appliances, or fittings following accidents which are notifiable under section 17 of the Act.

(2) Gasfitting to which this regulation applies (not being gasfitting to which subclause (3) of this regulation applies) shall be certified by—

(a) A craftsman gasfitter; or

(b) In respect of gasfitting carried out under section 57 (1) of the Plumbers, Gasfitters, and Drainlayers Act 1976, or by a gas inspector, by the person or inspector carrying out the work—

in accordance with the following requirements:

(c) The certificate shall be in the form approved by the Board under regulation 25 of these regulations:

(d) The original of the completed certificate shall, within 5 working days of the certification of the gasfitting, be supplied to the Board and copies shall be so supplied to the person for whom the gasfitting was carried out and to the person supplying or proposing to supply gas to that installation:

(e) The person certifying the gasfitting shall retain a copy of the certificate for 7 years, or until that person has ceased that person's involvement in gasfitting, whichever is the earlier.

(3) Gasfitting to which this regulation applies and that has been carried out—

(a) Under an employer licence granted pursuant to section 39A of the Plumbers, Gasfitters, and Drainlayers Act 1976; or

(b) Pursuant to section 57 (3) of that Act,—

shall be certified (in the case of gasfitting to which paragraph (a) of this subclause applies) in accordance with the terms of the employer licence or (in the case of gasfitting to which paragraph (b) of this subclause applies) by

the person who carried out the work, in both cases in accordance with the following requirements:

- (c) The certificate shall be in the form approved by the Secretary for the purpose:
  - (d) A copy of the certificate shall, within 5 working days of the certification of the gasfitting, be supplied to the person for whom the gasfitting was carried out, and a copy of the certificate shall be supplied to the person supplying or proposing to supply gas to that installation:
  - (e) The holder of the employer licence (in the case of gasfitting to which paragraph (a) of this subclause applies) or the person certifying the gasfitting (in the case of gasfitting to which paragraph (b) of this subclause applies) shall retain a copy of the certificate for 7 years, or until that person has ceased business (or in the case of a person holding an employer licence, no longer holds an employer licence), whichever is the earlier.
- (4) Where gasfitting is carried out by a person exempted under section 57 (5) of the Plumbers, Gasfitters, and Drainlayers Act 1976, and is not certified in accordance with the requirements of GCP 1, that gasfitting shall be certified in accordance with the requirements of paragraphs (c), (d), and (e) of subclause (3) of this regulation.

**25. Forms for gasfitting certification certificates**—(1) The Board shall provide forms of certificates for the purposes of regulation 24 (2) of these regulations.

(2) The Board may sell such forms to any person certifying work in accordance with regulation 24 (2) of these regulations, or may sell them to resellers, who shall maintain a register of persons to whom such certificates are sold.

(3) Each form sold shall have a unique identifier.

(4) The fee for each form sold by the Board shall be the prescribed fee.

**26. Supply of gas to gas installations**—(1) For the purposes of section 47 (3) of the Act, every gas wholesaler and every gas retailer shall ensure that gasfitting to which regulation 24 of these regulations applies has been certified in accordance with that regulation prior to supplying gas to that installation for purposes other than those to which section 47 (4) of the Act applies.

(2) For the purpose of subclause (1) of this regulation, a gas wholesaler or gas retailer may rely on the verbal advice of the certifying person provided that gas wholesaler or gas retailer is satisfied that a copy of the certificate will be received by the gas wholesaler or gas retailer, as the case may be, within 5 working days of the completion of the gasfitting.

(3) If a gas wholesaler or gas retailer does not receive the certificate after verbal advice in accordance with subclause (2) of this regulation, the gas wholesaler or gas retailer, as the case may be, may, where reasonably satisfied that there is a risk of hazard to persons and property as a result of the continued supply of gas to that installation, cease supplying gas to the installation in respect of which the verbal advice was given.

**27. Notification to Secretary**—Any person entitled to carry out gasfitting who is carrying out any gasfitting work and who believes on reasonable grounds that a gas installation or gas appliance presents immediate danger to life or property shall, as soon as practicable, advise

the owner or occupier of the property where the danger exists, and the Secretary.

#### *Declared Articles*

**28. Declared articles**—(1) The Secretary may from time to time give public notice that stated types or categories of gas appliances or fittings (in these regulations referred to as “declared articles”) require the Secretary’s approval before being offered for sale in New Zealand, and may amend or revoke such notice.

(2) An application for the approval of a declared article shall be made on the approved form and accompanied by the prescribed fee.

(3) An application for the approval of a declared article may be referred by the Secretary to an experienced person in the gas industry for advice on compliance of the declared article with the gas safety requirements.

(4) Any approval granted under this regulation may from time to time be varied or withdrawn by the Secretary, and where such a variation or withdrawal is requested by any person, the person requesting the variation or withdrawal shall make application on the form approved by the Secretary for the purpose accompanied by the prescribed fee.

#### *Prohibitions*

**29. Prohibition of fittings and appliances**—(1) The Secretary may, in the manner provided for in subclause (2) of this regulation, prohibit the manufacture, importation, sale, and use of any fittings or gas appliance that constitutes or may constitute a gas hazard.

(2) A prohibition under this regulation shall—

(a) Be made by notice in the *Gazette*; and

(b) Take effect on and from the date specified for the purpose in the notice, which date shall be later than the date of publication of the notice in the *Gazette*; and

(c) Adequately describe the fittings or gas appliance being prohibited; and

(d) Give brief reasons for the belief the fittings or gas appliance constitutes or may constitute a hazard.

(3) Where the Secretary knows the New Zealand address of the manufacturer, importer, seller, or user concerned, the Secretary shall cause notice of the prohibition to be given to that person before the date specified in the notice in the *Gazette* as the date on which the prohibition shall take effect.

(4) A prohibition made under this regulation may in like manner be varied or revoked.

#### *Miscellaneous*

**30. Secretary’s exemptions from requirements**—(1) The Secretary may, in writing and for such period as the Secretary specifies,—

(a) Exempt any specific gas installation, gas appliance, fittings, person, or thing from any requirement imposed by any of regulations 3 to 10, and regulations 12 to 23 of these regulations; or

(b) Exempt any distribution system, gas installation, fittings, or gas appliances from the provisions of section 46 of the Act.

(2) The Secretary may amend or withdraw any exemption granted pursuant to this regulation in order to prevent any gas hazard.

(3) The Secretary may impose conditions to which the exemption shall be subject.

**31. Building Industry Authority's exemptions from requirements—**(1) The Building Industry Authority may, in writing and for such period as the Authority specifies, exempt any specific gas installation, gas appliance, fittings, person, or thing from a requirement imposed by regulation 12 of these regulations where the exemption is required as a result of the granting of a waiver or modification to the Building Code, or any document for use in establishing compliance with the Building Code, in relation to any application for a building consent that is referred to the Building Industry Authority pursuant to section 34A of the Building Act 1991.

(2) The Building Industry Authority may amend or withdraw any exemption granted pursuant to this regulation in order to prevent any gas hazard.

(3) The Building Industry Authority may impose conditions to which the exemption shall be subject.

**32. Issuing of urgent instructions—**(1) In any case of urgency, the Secretary may issue instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by the presence, escape, or use of gas.

(2) Any instruction, order, or requirement issued by the Secretary shall be,—

(a) Where the instruction, order, or requirement is specific to a particular person or persons, by notice in writing to that person or persons; or

(b) Where the instruction, order, or requirement is of more general application, by notice in the *Gazette*.

(3) No instruction, order, or requirement issued under this regulation, whether or not subsequently amended, shall remain in force for a period exceeding 6 months from its issue.

(4) The Secretary may from time to time, in like manner, amend or revoke any such instruction, order, or requirement so issued.

**33. Details to be provided in reporting accidents—**(1) Persons reporting accidents in accordance with section 17 of the Act shall notify the Secretary in writing of the following particulars of the accident:

(a) The name of the person so notifying and the place at which that person may be contacted (including where possible a telephone number and fax number):

(b) The place, date, and time of the accident:

(c) A complete description of the accident:

(d) A description of any injuries, damage, or losses resulting from the accident:

(e) Where known, the names and contact information for affected persons, witnesses, investigators at the scene, or other persons that could provide cogent information on the accident:

(f) Possible causative factors (if any are known).

(2) The reporting of accidents may initially be by telephone, but a written report must be sent to the Secretary within 7 days of the verbal notification.

**34. Permits under Gas Industry Regulations 1984**—(1) Permits granted under regulation 18 of the Gas Industry Regulations 1984\* shall lapse at the date of the commencement of these regulations, and any gasfitting carried out after the commencement of these regulations shall comply with the requirements of these regulations.

(2) The gasfitter holding any permit to which subclause (1) of this regulation applies shall—

- (a) Return the permit to the person for whom the gasfitting was, or was proposed to be, carried out; and
- (b) Advise the person for whom the gasfitting was carried out of any gasfitting required in order that any necessary gasfitting certification certificate may be issued in respect of the gas installation to which the permit applies.

**35. Competent organisations to supply copies of seals they use**—A competent organisation intending to carry out work under regulation 10 or regulation 18 of these regulations shall, prior to carrying out any such work, supply to the Secretary a copy of the seal that competent organisation shall be using in respect of that work.

**36. Protection of fittings of a distribution system or a gas measurement system**—(1) Subject to subclause (2) of this regulation, no person shall blast, operate an excavation plant, or otherwise cut into, break up, or remove any ground, or install or construct any structure, that will, or is likely to, undermine, interfere with, damage, affect, or enclose any fittings of a distribution system or a gas measurement system without the prior written consent of the owner of the distribution or gas measurement system, which consent shall not be unreasonably withheld.

(2) Except where blasting is undertaken, subclause (1) of this regulation shall not apply in any case of emergency involving possible danger to life or property, but the person carrying out the work shall forthwith notify the owner of the distribution system or gas measurement system of the emergency and shall give full written particulars of the work involved as soon as is reasonably practicable after commencing that work.

**37. Offences and penalties**—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—

- (a) Supplies gas that does not conform to the requirements of regulations 3 to 5 of these regulations; or
- (b) Fails to keep records and plans in accordance with regulation 6 of these regulations; or
- (c) Owns or operates an unsafe distribution system; or
- (d) Being the owner or operator of a distribution system, authorises persons to work on that system who are not competent to safely perform tasks assigned to them or are not familiar with safety procedures when working with or near gas or fittings; or
- (e) Sells gas otherwise than in accordance with regulation 9 of these regulations; or
- (f) Installs or uses—
  - (i) A gas measurement system contrary to the requirements of regulation 10 of these regulations; or
  - (ii) A gas installation contrary to the requirements of regulation 12 of these regulations; or

- (g) Manufactures, imports, sells or offers for sale, hires out, or leases out, installs, or uses a gas appliance or fittings that do not comply with regulation 13 of these regulations; or
- (h) Sells or offers for sale a gas appliance which is not marked in accordance with regulation 14 of these regulations; or
- (i) Having repaired, modified, or made adjustments to a gas appliance or fittings, returns that gas appliance or those fittings to service before ensuring that the appliance or fittings conforms to the requirements of paragraphs (a), (b), (e), (f), (g), and (h) of regulation 13 (2) of these regulations; or
- (j) Fails to produce to the Secretary a certificate or declaration in accordance with regulation 15 of these regulations; or
- (k) Operates or maintains any fittings, gas appliance, or gas installation in an unsafe manner; or
- (l) Owns, operates, installs, or uses a CNG station that does not conform to the requirements of regulation 18 of these regulations; or
- (m) Fails to maintain or operate a CNG station safely in accordance with regulation 19 of these regulations; or
- (n) Owns or operates a CNG dispenser that operates at above the maximum fill pressures specified in regulation 20 of these regulations; or
- (o) Being an owner or operator of a CNG station,—
  - (i) Fails to ensure that personnel filling or being present for the filling of vehicles with CNG have received the training required by regulation 21 of these regulations; or
  - (ii) Fails to have the installation certified in accordance with regulation 22 of these regulations; or
- (p) Being an operator of a CNG station, fails to maintain the records required by regulation 23 of these regulations; or
- (q) Certifies gasfitting otherwise than in accordance with regulation 24 of these regulations; or
- (r) Operates or uses a gas installation that has not been certified in accordance with regulation 24 of these regulations, where that installation should have been so certified; or
- (s) Supplies gas otherwise than in accordance with regulation 26 of these regulations; or
- (t) Sells or offers for sale, any declared article that has not received the Secretary's approval pursuant to regulation 28 of these regulations; or
- (u) Contrary to any prohibition imposed pursuant to regulation 29 of these regulations, manufactures, imports, offers for sale or sells, or uses prohibited fittings or a prohibited gas appliance; or
- (v) Fails to comply with any instruction, order, or requirement given under regulation 32 of these regulations; or
- (w) Not being a competent organisation, breaks the seal of any gas measurement system, pressure limiting device, or metering unit of a CNG gas installation; or
- (x) Being a competent organisation,—
  - (i) Seals a gas measurement system contrary to the requirements in respect of sealing in regulation 10 of these regulations; or
  - (ii) Fails to keep records required by these regulations to be kept by such organisations; or

(iii) Provides a certificate under regulation 15 of these regulations where the appliance or fitting to which the certificate relates does not conform to regulations 13 and 14 of these regulations; or

(iv) Provides a certificate under regulation 22 of these regulations where any fittings of the CNG station are not safe; or

(v) Fails to provide a copy of a seal in accordance with regulation 33 of these regulations; or

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

**38. Fees**—(1) The fees specified in the Third Schedule to these regulations shall be payable in respect of the matters specified in that Schedule.

(2) The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

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## SCHEDULE

## FIRST SCHEDULE

Reg. 21

## REQUIREMENTS FOR CNG SAFETY TRAINING

1. Equipment knowledge:
  - (a) Compressors
    - (i) Location and operation of CNG equipment (gas and electrical)
    - (ii) Start-up and shut down procedures
    - (iii) Emergency shutdown procedures
  - (b) Storage
    - (i) Location and operation of storage
    - (ii) Location and operation of shut-off valves
  - (c) Forecourt
    - (i) Location and operation of shut-off valves
    - (ii) Location and operation of compressor stop buttons
  - (d) Dispensers—location and operation of dispensing equipment
2. Refuelling procedures:
  - (a) Refilling safety checks
  - (b) Filling procedures
  - (c) Completion procedures
3. Emergency procedures:
  - (a) Gas leak from vehicle
  - (b) Gas leak during refuelling
  - (c) Other gas leaks
  - (d) Fire

## SECOND SCHEDULE

Reg. 22 (2)

## FORM

*CNG Station Certificate of Compliance*

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

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 .....

Reg. 38

## THIRD SCHEDULE

## PRESCRIBED FEES

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

For domestic gas measurement systems	\$80 for each hour or part of an hour, up to a maximum of \$80
For non-domestic gas measurement systems	\$80 for each hour or part of an hour, up to a maximum of \$160

## 2. For gasfitting certification certificates provided by the Board pursuant to regulation 25 of these regulations, for each certificate, \$20.

## 3. For declared article approvals:

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

MARIE SHROFF,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

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

These regulations come into force on 1 April 1993. They replace the Gas Industry Regulations 1984, which are revoked, as from 1 April 1993, by the Gas Act 1992.

These regulations set out requirements relating to—

- (a) Gas quality and pressure:
- (b) The distribution of gas:
- (c) Gas measurement:
- (d) Gas installation, gas appliances, and fittings:
- (e) CNG safety:
- (f) The testing and certification of gasfitting work pursuant to section 47 of the Act:
- (g) The protection of distribution systems.

These regulations also provide—

- (a) That the Secretary of Commerce may determine that a stated type or category of gas appliances or fittings are “declared articles” requiring the Secretary’s approval before being offered for sale in New Zealand:
- (b) That the Secretary of Commerce may declare a prohibition on a type or category of gas appliance or fittings which are or may be a gas hazard:
- (c) That the Secretary of Commerce may exempt any gas installation, gas appliance, fittings, persons, or things from certain requirements in these regulations, and may exempt any distribution system, gas installation, fittings, or gas appliance from the provisions of section 46 of the Act:
- (d) That certain exemptions from the requirements of these regulations may be granted by the Building Industry Authority:
- (e) That the Secretary may issue urgent instructions to secure protection of persons from injury:
- (f) The details to be provided by a person reporting an accident in accordance with section 17 of the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Ministry of Commerce.