



Gas (Safety and Measurement) Amendment Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of September 2012

Present:

The Right Hon John Key presiding in Council

Pursuant to section 54 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 and Resources after consultation with the Environmental Protection Authority in accordance with section 54(6) of the Gas Act 1992, makes the following regulations.

Contents

		Page
1	Title	4
2	Commencement	4
3	Principal regulations	4
	<i>Amendments to Part 1</i>	
4	Regulation 3 amended (Interpretation)	4
5	Regulation 4 amended (Meanings of safe and unsafe)	5
6	New regulation 5A inserted (High-risk, low-risk, and general gasfitting)	5

**Gas (Safety and Measurement) Amendment
Regulations 2012**

2012/280

5A	Meanings of low-risk, high-risk, and general gasfitting	5
7	Regulation 6 and cross-heading replaced <i>Penalty levels</i>	7
6	Level 1 and level 2 penalties defined	7
8	Consequential amendments relating to amendment to regulation 6	8
9	Regulation 8 amended (Infringement offences) <i>Amendments to Part 2</i>	8
10	Regulation 9 amended (Requirements to be safe)	8
11	Regulation 11 amended (General rules for when things deemed to be unsafe)	9
12	New regulation 14A inserted (Manufacturer's instructions)	9
14A	Manufacturer's instructions <i>Replacement of Part 5</i>	9
13	Part 5 replaced	10
Part 5 Safety of installations <i>Certified designs for gas installations</i>		
43	Certified designs	10
<i>Rules for gas installations</i>		
44	Safety of gas installations <i>Testing gasfitting work</i>	11
<i>Testing gasfitting work</i>		
45	Testing gasfitting work on gas installations <i>Certifying gasfitting work</i>	12
<i>Certifying gasfitting work</i>		
46	Requirement for certificate of compliance	12
47	Content of certificate of compliance	13
48	Information recorded on certificate of compliance	14
49	Who may issue certificate of compliance	15
50	Offences relating to certificates of compliance <i>Connection to gas supply after gasfitting work</i>	16
<i>Connection to gas supply after gasfitting work</i>		
51	Connecting gas installations to gas supply	16
52	Offence relating to connection	17

	<i>Reconnection when no general or high-risk gasfitting work done</i>	
52A	Reconnecting or restoring gas supply to certain gas installations	17
	<i>Certifying gas installations</i>	
52B	Gas safety certification	19
52C	Obligation to disconnect if requirements for certification not met	20
52D	Exception for operators with maintenance management systems	20
52E	Time when gas safety certificate to be issued	20
52F	Offences relating to gas safety certificates	21
	<i>Record-keeping</i>	
52G	What happens to certificates of compliance	21
52H	Details of certificates of compliance for high-risk work to be lodged on database	22
52I	What happens to gas safety certificates	22
52J	Offences relating to record-keeping	23
	<i>Miscellaneous</i>	
52K	Location of installations	23
	<i>Amendments to Part 8</i>	
14	New regulations 85A to 85E and cross-headings inserted	24
	<i>Consolidation of certificates</i>	
85A	Consolidation of certificates	24
	<i>Authentication mark</i>	
85B	Authentication mark	25
85C	Offences relating to application of authentication mark	25
	<i>Recording certificate details</i>	
85D	Database for recording certificate details on Internet site	25
85E	Access to database	25
	<i>Transitional provisions</i>	
15	Application of amendments made by these regulations	26
	<i>Schedules amended</i>	
16	Schedule 1 amended	27
17	Schedule 2A amended	27

18 Schedule 5 amended 28

Regulations

- 1 Title**
These regulations are the Gas (Safety and Measurement) Amendment Regulations 2012.
- 2 Commencement**
These regulations come into force on 1 July 2013.
- 3 Principal regulations**
These regulations amend the Gas (Safety and Measurement) Regulations 2010 (the **principal regulations**).

Amendments to Part 1

- 4 Regulation 3 amended (Interpretation)**
 - (1) In regulation 3(1), insert in their appropriate alphabetical order:
 - “**certified design** means a design for a gas installation that has been certified in accordance with regulation 43
 - “**gas installation** has the meaning given in section 2(1) of the Act; and **part installation** means any part of a gas installation
 - “**gas safety certificate** means a certificate, issued under regulation 52B, regarding the safety of a gas installation that is connected to a gas supply
 - “**gasfitting** has the meaning given in section 5 of the Plumbers, Gasfitters, and Drainlayers Act 2006
 - “**general gasfitting** has the meaning given in regulation 5A(3)
 - “**high-risk gasfitting** has the meaning given in regulation 5A(2)
 - “**level 1 penalty** has the meaning given in regulation 6(1)
 - “**level 2 penalty** has the meaning given in regulation 6(2)
 - “**location**, for the purpose of identifying on a certified design, certificate of compliance, or gas safety certificate the location of a gas installation or part installation, has the meaning given in regulation 52K

“**low-risk gasfitting** has the meaning given in regulation 5A(1)

“**maintenance** includes repair

“**specified caravan or boat** means any vehicle or pleasure vessel that contains sleeping quarters, or is intended to be used for sleeping in”.

- (2) In regulation 3(1), revoke the definitions of **grade A offence** and **grade B offence**.
- (3) In regulation 3(1), replace the definition of **certificate of compliance** with:
“**certificate of compliance** means a certificate, issued under regulation 46, regarding the lawfulness and safety of gasfitting work done on a gas installation or part installation”.
- (4) In regulation 3(1), definition of **install**, after “alter,”, insert “relocate,”.

5 Regulation 4 amended (Meanings of safe and unsafe)

- (1) In regulation 4, definition of **safe**, after “dangers arising”, insert “, directly or indirectly,”.
- (2) In regulation 4, definition of **unsafe**, after “dangers arising”, insert “, directly or indirectly,”.

6 New regulation 5A inserted (High-risk, low-risk, and general gasfitting)

After regulation 5, insert:

“5A Meanings of low-risk, high-risk, and general gasfitting

- “(1) In these regulations, **low-risk gasfitting** means gasfitting that comprises any of the following:
 - “(a) the replacement of a gas appliance with an equivalent gas appliance, but only if—
 - “(i) the work on the replacement appliance, or the replacement appliance itself, does not result in any of the following:
 - “(A) the repositioning of pipework:
 - “(B) the repositioning of flue system components:
 - “(C) a change in the installation pressure:
 - “(D) a change in the gas type:

- “(E) a significant change in energy consumption:
- “(F) a change in the ventilation:
- “(G) a change to the operation of the installation; and
- “(ii) the appliance is not located in a specified caravan or boat:
- “(b) the maintenance of fittings and appliances in an installation, other than repair work that is carried out following an accident that is notifiable under section 17 of the Act:
- “(c) the replacement, in an installation, of fittings that are instrumentation and related controls, but only if the work does not result in the repositioning or disturbance of pipework (other than instrumentation and related controls pipework):
- “(d) the setting, in connection with a gas installation, of safety devices, combustion conditions, and controls that are not designed to be adjusted by a consumer or gas refueller:
- “(e) gasfitting in a gas engineering workshop, manufacturing facility, gas test facility, laboratory, hospital, research project, or teaching institution, but only if—
 - “(i) the work is the installation of temporary pipework between fittings (or between gas appliances, or between fittings and gas appliances), or the repair of fittings and gas appliances; and
 - “(ii) the fittings or appliances are used for experimental, testing, demonstration, teaching, or research purposes.
- “(2) In these regulations, **high-risk gasfitting** means any of the following, unless it is low-risk gasfitting:
 - “(a) gasfitting that comprises the alteration of, or addition to, an existing installation:
 - “(b) any gasfitting, other than that described in paragraph (a), that—
 - “(i) is not carried out in accordance with sections 3 to 6 of AS/NZS 5601.1 or sections 3 to 9 of AS/NZS 5601.2 (as appropriate):

- “(ii) is on a gas installation that includes pressure-raising equipment:
 - “(iii) is repair work following an accident that is notifiable under section 17 of the Act:
 - “(iv) is in domestic premises and where the installation is designed for a maximum operating pressure of greater than 7 kilopascals for natural gas or greater than 14 kilopascals for LPG:
 - “(v) is in a building that has more than 3 storeys and contains 3 or more separate dwellings:
 - “(vi) is carried out in accordance with AS/NZS 5601.2 where the pressure at the point of supply is greater than 3 kilopascals:
 - “(vii) is carried out in accordance with AS/NZS 5201.1 where the pressure at the point of supply is greater than 200 kilopascals:
 - “(viii) is within 20 metres of a hazardous area (as determined in accordance with AS/NZS 60079.10.1 or AS/NZS 60079.10.2, as appropriate):
 - “(ix) is in a building where the air pressure within the building is intended to be controlled by a mechanical ventilation system:
 - “(x) is in a place where the air for combustion may be varied by mechanical means:
 - “(xi) is in a specified caravan or boat.
- “(3) In these regulations, **general gasfitting** means any gasfitting that is neither low-risk gasfitting nor high-risk gasfitting.”

7 Regulation 6 and cross-heading replaced

Replace regulation 6 and the cross-heading above regulation 6 with:

“Penalty levels

“6 Level 1 and level 2 penalties defined

- “(1) A **level 1** penalty is,—
 - “(a) in the case of an individual, a fine not exceeding \$2,000; and
 - “(b) in any other case, a fine not exceeding \$10,000.
- “(2) A **level 2** penalty is,—

- “(a) in the case of an individual, a fine not exceeding \$10,000; and
- “(b) in any other case, a fine not exceeding \$50,000.”

8 Consequential amendments relating to amendment to regulation 6

- (1) In each of the following provisions, replace “commits a grade A offence” with “commits an offence and is liable on summary conviction to a level 2 penalty”: 9(6), 10(3), 16(4), 17(2), 21(5), 22(6) and (7), 26(4), 27(4), 28(3) and (4), 40, 41(5), 42(3), 53(4), 54(4) and (5), 56, 58(1), 59(5), 60(3), 63(6), 66(3), 71(3), 72(4), 73(3), 75(2), 76(6), 77(7), 79(3), 80(3), 81(3), 83(5), 86(5), and 96(3).
- (2) In each of the following provisions, replace “commits a grade B offence” with “commits an offence and is liable on summary conviction to a level 1 penalty”: 15(2), 18(2), 19(3), 22(8), 23(3), 25(3), 47(4), 48(3), 58(2) and (3), 68, 70(5), 72(3), 74(4), 78(8), 79(4), 82(3), 83(4), 84(5), 88(2), and 89.

9 Regulation 8 amended (Infringement offences)

- (1) In regulation 8(2), replace “a grade A offence” with “an offence punishable by a level 2 penalty”.
- (2) In regulation 8(3), replace “a grade B offence” with “an offence punishable by a level 1 penalty”.
- (3) In regulation 8(4), replace “a grade A offence” with “an offence punishable by a level 2 penalty”.

Amendments to Part 2

10 Regulation 9 amended (Requirements to be safe)

- (1) Replace regulation 9(1) and (2) with:
 - “(1) A person who designs, or supervises the design of, a distribution system, gas installation or part installation, gas appliance, or fitting must ensure that, if the finished design were installed or manufactured as designed, the resulting distribution system, gas installation or part installation, gas appliance, or fitting would be safe when used for its intended purpose and in a lawful manner.

- “(2) A person who installs, manufactures, or maintains a distribution system, gas installation or part installation, gas appliance, or fitting must do so in a way that ensures that the resulting distribution system, gas installation, gas appliance, or fitting is safe when used for its intended purpose and in a lawful manner.”
- (2) In regulation 9(3), replace “fittings” with “fitting”.
- (3) In regulation 9(4), replace “fittings” with “fitting”.
- (4) In regulation 9(5), replace “fittings” with “fitting” in each place.
- (5) In regulation 9(6)(b), replace “fittings” with “fitting”.

11 Regulation 11 amended (General rules for when things deemed to be unsafe)

- (1) In regulation 11(1), replace “fittings, or a gas appliance are” with “fitting, or a gas appliance is”.
- (2) In regulation 11(2), replace “fittings, or a gas appliance are” with “fitting, or a gas appliance is”.

12 New regulation 14A inserted (Manufacturer’s instructions)

After regulation 14, insert:

“14A Manufacturer’s instructions

- “(1) This regulation applies if a manufacturer or importer supplies a gas appliance or fitting with manufacturer’s instructions that—
- “(a) expressly apply in New Zealand; or
 - “(b) are silent as to where they apply.
- “(2) The manufacturer’s instructions must be such that, if the gas appliance or fitting to which they apply is installed, tested, maintained, or connected in accordance with those instructions, the resulting appliance or fitting will—
- “(a) comply with these regulations; and
 - “(b) be safe.
- “(3) A person who does any gasfitting work involving a gas appliance or fitting to which manufacturer’s instructions apply is entitled (if acting in good faith) to rely on the manufacturer’s instructions as complying with subclause (2).

- “(4) A manufacturer or importer who supplies a gas appliance or fitting with manufacturer’s instructions to which this regulation applies commits an offence and is liable on summary conviction to a level 2 penalty if the manufacturer’s instructions do not comply with subclause (2).”

Replacement of Part 5

13 Part 5 replaced

Replace Part 5 with:

“Part 5

“Safety of installations

“Certified designs for gas installations

“43 Certified designs

- “(1) A design for a gas installation or part installation is a **certified design** if—
- “(a) it identifies the location or proposed location of the gas installation or part installation; and
 - “(b) it identifies the standards (if any) with which the gas installation or part installation, or proposed gas installation or part installation, complies or is intended to comply; and
 - “(c) the person who prepared the design signs and dates it.
- “(2) A certified design for a gas installation or part installation must be such that, if it is installed, tested, and connected in accordance with the design, the resulting installation or part installation will—
- “(a) comply with these regulations; and
 - “(b) be safe, as required by regulation 9.
- “(3) A person who installs, tests, or connects a gas installation or part installation to which a certified design relates is entitled (if acting in good faith) to rely on the design as ensuring that, if the gas installation or part installation is installed, tested, and connected in accordance with the design, the resulting gas installation or part installation will comply with subclause (2).
- “(4) Every person commits an offence and is liable on summary conviction to a level 2 penalty if the person—

- “(a) falsely certifies a design for a gas installation or part installation; or
- “(b) certifies a design that does not comply with subclause (2).

“Rules for gas installations

“44 Safety of gas installations

- “(1) Every person who designs, installs, tests, commissions, or connects a gas installation or part installation must design, install, test, commission, and connect the gas installation or part installation in accordance with any applicable certified design and whichever of the following applies:
 - “(a) AS/NZS 5601.1; or
 - “(b) AS/NZS 5601.2.
- “(2) If a gas installation or part installation does not comply with either sections 3 to 6 of AS/NZS 5601.1 or sections 3 to 9 of AS/NZS 5601.2, any person who installs, tests, commissions, or connects the installation or part installation must do so in accordance with a certified design.
- “(3) Every person who supplies or intends to supply an imported gas installation to a retailer or consumer must, before supplying the gas installation, ensure that it complies with the requirements of section 2 of whichever of the following applies:
 - “(a) AS/NZS 5601.1; or
 - “(b) AS/NZS 5601.2.
- “(4) However, subclauses (1) and (3) do not apply in relation to CNG stations.
- “(5) For the purposes of subclauses (1) to (3),—
 - “(a) despite anything to the contrary in AS/NZS 5601.1,—
 - “(i) a gas installation does not fail to be a gas installation to which AS/NZS 5601.1 applies by reason only that it receives gas at a supply pressure of more than 200 kilopascals; and
 - “(ii) a gas installation that has a design capacity to consume 60 000 megajoules or more of gas per hour need not meet the requirements of paragraph 8 of clause 2.6.2, or paragraph 7 of clause 2.6.6, of AS/NZS 5601.1; and

- “(b) despite anything to the contrary in AS/NZS 5601.2, a gas installation does not fail to be a gas installation to which AS/NZS 5601.2 applies by reason only that it receives gas at a supply pressure of more than 3 kilopascals.
- “(6) Every person who breaches the requirements of subclause (1), (2), or (3) is liable on summary conviction to a level 2 penalty.

“Testing gasfitting work

“45 Testing gasfitting work on gas installations

- “(1) All gasfitting work done on a gas installation or part installation must be tested—
- “(a) for operational safety; and
 - “(b) to ensure that the gas installation or part installation is not unsafe; and
 - “(c) as required by regulation 44; and
 - “(d) in the case of a gas installation or part installation that does not comply with sections 3 to 6 of AS/NZS 5601 or sections 3 to 9 of AS/NZS 5601.2 (as applicable), in accordance with the verification or testing process set out in the certified design for the gas installation or part installation.
- “(2) Every person who fails to test gasfitting work as required by this regulation commits an offence and is liable on summary conviction to a level 2 penalty.

“Certifying gasfitting work

“46 Requirement for certificate of compliance

- “(1) A certificate of compliance must be issued in accordance with these regulations for all general and high-risk gasfitting work done on a gas installation or part installation (other than gasfitting work that comprises the connection of a gas installation or part installation to a gas supply).
- “(2) A person who does low-risk gasfitting work may, but is not obliged by these regulations to, issue a certificate of compliance for that work.
- “(3) No general or high-risk gasfitting work may be treated as complete until a certificate of compliance is issued for it.

- “(4) For the purposes of issuing a certificate of compliance for gasfitting work done on a gas installation or part installation, or for issuing a gas safety certificate for a gas installation or part installation, the person issuing the certificate is entitled (if acting in good faith) to rely on the veracity of any certificates of compliance issued in respect of gasfitting work done on the installation or any part of the gas installation, and on the veracity of any equivalent certificate issued under these regulations before 1 July 2013.
- “(5) Subclauses (1) and (3) do not apply in relation to general or high-risk gasfitting done on a gas installation or part installation if—
- “(a) the owner or operator of the installation has a maintenance management system in place for the gas installation; and
 - “(b) the maintenance management system ensures that information required by regulation 48 to be on a certificate of compliance for the work is recorded in relation to all general and high-risk gasfitting done on the gas installation.
- “47 **Content of certificate of compliance**
- “(1) Every certificate of compliance for gasfitting work must—
- “(a) contain a statement confirming that the person issuing the certificate is satisfied that—
 - “(i) the gasfitting work has been done lawfully and safely; and
 - “(ii) the information in the certificate is correct; and
 - “(b) provide the information required by regulation 48(1) and (2); and
 - “(c) include in or on it the authentication mark, as specified in regulation 85B; and
 - “(d) have attached to it a copy of any manufacturer’s instructions and certified designs used in the course of the gasfitting work.
- “(2) For the purposes of a certificate of compliance, gasfitting work on a gas installation or part installation has been done **lawfully and safely** if—

- “(a) the work has been done as required by these regulations; and
 - “(b) the testing required by these regulations has been satisfactorily completed; and
 - “(c) the gas installation or part installation on which the work was done is safe; and
 - “(d) the work has not adversely affected the safety of—
 - “(i) the gas installation on which the work was done, or any part of that installation; or
 - “(ii) any fittings that form part of the gas installation on which the work was done.
- “(3) If it is impractical to attach a copy of a particular manufacturer’s instructions, or of any certified design, to a certificate of compliance, the certificate must instead contain a reference to where the documents can be found, in a readily accessible format, through electronic means.

“48 Information recorded on certificate of compliance

- “(1) Every certificate of compliance must record the following:
- “(a) whether the work has been done in accordance with sections 3 to 6 of AS/NZS 5601.1 or in accordance with sections 3 to 9 of AS/NZS 5601.2;
 - “(b) whether the work has been done in accordance with the certified design for the gas installation or part installation;
 - “(c) if the work was required to comply with standards in addition to AS/NZS 5601.1 or AS/NZS 5601.2 (as applicable), which standards were complied with;
 - “(d) whether the work done relied on any manufacturer’s instructions;
 - “(e) the type of gas that the gas installation or part installation is safe to connect to;
 - “(f) the gas pressure that the gas installation or part installation is safe to connect to;
 - “(g) which parts of the gas installation, if any, are safe to connect to a gas supply.
- “(2) Every certificate of compliance must also—
- “(a) identify the location of the gas installation or part installation on which gasfitting work was done; and

- “(b) describe the gasfitting work done and, if different gasfitting work was done by different people, who did what; and
 - “(c) give the name of the person issuing the certificate and his or her registration number (if any); and
 - “(d) give the name and registration number (if any) of any person who did any of the gasfitting under the supervision of the person issuing the certificate; and
 - “(e) give the date or dates on which the work was done, or the period within which it was done; and
 - “(f) be signed and dated by the person issuing the certificate.
- “(3) If the person who issued the certificate is acting under an employer licence, the person must give the employer licence number instead of his or her registration number (if any).
- “(4) The certificate must also give the following information in the circumstances described:
- “(a) where the certificate is given for work done under the exemption in section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the name of the industrial premises concerned, and the name of the person for the time being in charge of the industrial plant on those premises:
 - “(b) where the certificate is given for work done under the exemption in section 23 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the name of the gas operator supplying gas to the premises and the name of the person who, on behalf of that operator, gave the approval required by the exemption.
- “(5) A person issuing a certificate of compliance may include any additional information on the certificate (such as, for example, testing results).

“49 **Who may issue certificate of compliance**

A person may issue a certificate of compliance for particular gasfitting work only if,—

- “(a) in all cases except those described in paragraphs (b) to (d),—
 - “(i) the person either did the work, or supervised the person who did the work; and

- “(ii) the person is authorised by the Board to certify gasfitting work of that kind; or
- “(b) in the case of gasfitting work carried out under an employer licence, the person did or supervised the work and is authorised to certify the work under the system of operation used by the employer; or
- “(c) in the case of gasfitting work described in section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006, by a person identified in the system of operation required by that section as a person authorised to certify the work; or
- “(d) in the case of gasfitting work described in section 23 of the Plumbers, Gasfitters, and Drainlayers Act 2006, by the person approved by the gas operator to do the work.

“50 Offences relating to certificates of compliance

Every person commits an offence and is liable on summary conviction to a level 2 penalty if he or she—

- “(a) falsely certifies any gasfitting work; or
- “(b) purports to certify gasfitting work when the certificate of compliance does not comply with the requirements of regulation 48; or
- “(c) issues a certificate of compliance that contains incorrect information; or
- “(d) issues a certificate of compliance in relation to particular gasfitting work when not permitted by regulation 49 to certify that work.

“Connection to gas supply after gasfitting work

“51 Connecting gas installations to gas supply

- “(1) Before a person connects a gas installation or part installation on which gasfitting work has been done to a gas supply, the person doing the connection must—
 - “(a) be satisfied that the installation or part installation is safe to connect; and
 - “(b) be satisfied that the testing required by these regulations has been done; and
 - “(c) if a certificate of compliance is required for the work, either issue or sight a certificate of compliance issued

- no earlier than 6 months before the gas installation or part installation is connected; and
- “(d) ensure that the connection is safe; and
 - “(e) ensure that the gas type and the gas supply pressure are compatible with the gas supply; and
 - “(f) ensure that any safety devices associated with the supply are correctly rated and operational; and
 - “(g) if the gas installation or part installation is an imported gas installation or part installation, ensure that it complies with the requirements of section 2 of AS/NZS 5601.1 or section 2 of AS/NZS 5601.2 (as applicable).
- “(2) Immediately after connecting a gas installation or part installation to a gas supply, the person doing the connection must ensure that the gas installation is operating in a safe manner.
- “(3) If the person who connects a gas installation or part installation has not done the testing required by these regulations personally, the person must sight documentation, signed by the person who did the tests, that sets out what tests were carried out and what the results were.
- “(4) A person who undertakes the connection of a gas installation or part installation is entitled (if acting in good faith) to rely on the veracity of any certificates of compliance relating to gasfitting work done on the gas installation or part installation, and on the veracity of any equivalent certificate issued under these regulations before 1 July 2013.

“**52 Offence relating to connection**

Every person who connects a gas installation or part installation to a gas supply in breach of any requirement of regulation 51 commits an offence and is liable on summary conviction to a level 2 penalty.

*“Reconnection when no general or high-risk
gasfitting work done*

“**52A Reconnecting or restoring gas supply to certain gas installations**

- “(1) This regulation applies to a gas installation or part installation—

- “(a) that has been disconnected or isolated from a gas supply; and
 - “(b) on which no general or high-risk gasfitting work has been done since the last disconnection or isolation; and
 - “(c) that is not an imported gas installation or part installation that is being connected for the first time in New Zealand to a gas supply.
- “(2) If the period since the last disconnection or isolation of the gas installation or part installation is more than 6 months, the person proposing to reconnect or restore supply must, before doing so, give or sight a certificate issued in accordance with NZS 5255 that—
- “(a) was issued no earlier than 6 months before the date of reconnection or restoration of supply; and
 - “(b) certifies that the gas installation or part installation is suitable for continued use; and
 - “(c) was given by a person authorised by the Board to certify gasfitting work of that kind.
- “(3) A person reconnecting or restoring gas supply to a gas installation or part installation is entitled (if acting in good faith) to rely on a written confirmation by the owner of the gas installation or part installation that no general or high-risk gasfitting work has been done on it since it was last disconnected or isolated.
- “(4) After reconnecting or restoring a gas supply in accordance with this regulation, the person doing the reconnection or restoring must ensure that the gas installation or part installation is operating in a safe manner.
- “(5) If the person is not satisfied that the gas installation or part installation is operating in a safe manner, the person must immediately disconnect the gas installation or part installation from the gas supply.
- “(6) Every person commits an offence and is liable on summary conviction to a level 2 penalty who—
- “(a) connects or restores gas supply to an installation or part installation without first complying with subclause (2); or
 - “(b) fails to comply with subclause (4) or (5).

*“Certifying gas installations***“52B Gas safety certification**

- “(1) After gasfitting work on a gas installation or part installation has been completed, the person doing the connection or, if that person is acting under supervision, the supervisor, must issue a gas safety certificate for the gas installation or part installation if the person issuing the certificate is satisfied that—
- “(a) the gas installation or part installation is safe to use, on the grounds that it is safe and complies with these regulations; and
 - “(b) where the gasfitting work comprised the maintenance or alteration of, or addition to, the gas installation or part installation, the work has not adversely affected any other part of the gas installation.
- “(2) For the purpose of subclause (1), if a gas installation or part installation was disconnected from a gas supply while the gasfitting work was done, the work is complete only once the installation or part installation is connected or reconnected to a gas supply.
- “(3) A gas safety certificate must—
- “(a) include a statement that the person issuing it is satisfied that the gas installation is connected to a gas supply and is safe to use; and
 - “(b) clearly state whether the gas safety certificate relates to the whole of the gas installation or just to specified parts of it; and
 - “(c) identify the location of the installation or part installation to which it relates; and
 - “(d) include or have on it the authentication mark, as specified in regulation 85B; and
 - “(e) give the date on which the connection was done; and
 - “(f) be signed and dated by the person who did the connection; and
 - “(g) give the name and registration number of the person who did the connection or, if that person was acting under an employer licence, the employer’s licence number; and

“(h) in the circumstances described in regulation 48(4), give the information required by paragraphs (a) and (b) of that provision, as applicable.

“(4) If gasfitting work is done without disconnecting the gas supply, the references in subclause (3)(e) to (g) to connection must be taken to be references to the completion of the work.

“(5) A gas safety certificate issued for a gas installation or part installation is, for the purposes of section 19(1)(e) of the Building Act 2004, a certificate that confirms that any gasfitting work done on the gas installation or part installation complies with the building code.

“52C Obligation to disconnect if requirements for certification not met

“(1) If a person who proposes to issue a gas safety certificate in respect of the installation or part installation cannot do so because he or she is not satisfied of either or both the matters set out in regulation 52B(1), the person must immediately disconnect the installation or part installation from the gas supply.

“(2) Every person who fails to comply with subclause (1) commits an offence and is liable on summary conviction to a level 2 penalty.

“52D Exception for operators with maintenance management systems

If low-risk gasfitting work is done on a gas installation, then despite clause 52B, a gas safety certificate does not need to be issued for the installation if—

“(a) the owner or operator of the installation has a maintenance management system in place for the installation; and

“(b) the maintenance management system ensures that information equivalent to the information required by clause 52B(3) is recorded and kept.

“52E Time when gas safety certificate to be issued

A person who issues a gas safety certificate for a gas installation or part installation on which gasfitting work has been done

must do so as soon as practicable after the gas installation or part installation is connected to a gas supply, but in any case no later than 20 working days after connection.

“52F Offences relating to gas safety certificates

Every person commits an offence and is liable on summary conviction to a level 2 penalty if he or she—

- “(a) issues a gas safety certificate when not satisfied as required by regulation 52B(1); or
- “(b) issues a gas safety certificate when the certificate does not comply with regulation 52B(3); or
- “(c) fails to issue a gas safety certificate within the time required by regulation 52E.

“Record-keeping

“52G What happens to certificates of compliance

- “(1) In this regulation, **responsible person**, in relation to a certificate of compliance, means—
 - “(a) the person who issued it; or
 - “(b) if the person who issued the certificate of compliance was acting under an employer licence, the holder of the employer licence; or
 - “(c) if the certificate was for work done under the exemption in section 22 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the person for the time being in charge of the industrial premises; or
 - “(d) if the certificate was for work done under the exemption in section 23 of the Plumbers, Gasfitters, and Drainlayers Act 2006, the gas operator.
- “(2) The responsible person must provide a copy of the certificate of compliance for gasfitting work to the person who contracted for the work to be done or, if that person is not readily available, to the occupier or owner of the place or thing in which the gas installation or part installation is located.
- “(3) The responsible person must retain a copy, whether in hard copy or electronically, of every certificate of compliance for at least 7 years.

- “(4) A responsible person must, on request by any of the following, provide a copy of the certificate to the requester within 10 working days after the request:
- “(a) the Secretary:
 - “(b) the Board:
 - “(c) the Registrar:
 - “(d) the territorial authority of the place where the gasfitting work was done:
 - “(e) the person who contracted for the work to be done:
 - “(f) the owner or occupier of the place or thing in which the gas installation or part installation is located.
- “(5) The owner or operator of a gas installation to which regulation 46(5) applies must, on request by any of the following, provide a copy of that information, or specified parts of that information, to the requester within 10 working days after the request:
- “(a) the Secretary:
 - “(b) the Board:
 - “(c) the Registrar:
 - “(d) the territorial authority of the place where the installation is located.
- “(6) Nothing in this regulation prevents a person who issues a certificate of compliance from retaining a copy of the certificate, even if he or she is not the responsible person.

“52H Details of certificates of compliance for high-risk work to be lodged on database

- “(1) The details of a certificate of compliance provided in respect of high-risk gasfitting work must be lodged on the database referred to in regulation 85D—
- “(a) by the person who issued the certificate; and
 - “(b) within 20 working days after the date of issue.
- “(2) The particular details to be lodged, and the manner in which they must be lodged, are as determined by the Secretary.

“52I What happens to gas safety certificates

- “(1) A person who issues a gas safety certificate must—
- “(a) provide a copy of it, within 20 working days after it is issued, to the person who contracted for the gasfitting

- work or, if that person is not readily available, to the owner or occupier of the place or thing in which the gas installation or part installation is located; and
- “(b) retain a copy, whether in hard copy or electronically, for at least 7 years.
- “(2) A person who issues a gas safety certificate must, on request by any of the following, provide a copy of the certificate to the requester within 7 working days after the request:
- “(a) the Secretary:
- “(b) the Board:
- “(c) the Registrar:
- “(d) the territorial authority of the place where the gas installation is located:
- “(e) the person who contracted for the work to be done:
- “(f) the owner or occupier of the place or thing in which the gas installation or part installation is located.
- “(3) The owner or operator of a gas installation to which regulation 52D applies must, on request by any of the following, provide a copy of that information, or specified parts of that information, to the requester within 7 working days after the request:
- “(a) the Secretary:
- “(b) the Board:
- “(c) the Registrar:
- “(d) the territorial authority of the place in which the installation is located.

“**52J Offences relating to record-keeping**

Every person commits an offence and is liable on summary conviction to a level 2 penalty if he or she fails to comply with any of the requirements of regulations 52G to 52I.

“*Miscellaneous*

“**52K Location of installations**

For the purpose of identifying on a certified design, certificate of compliance, or gas safety certificate the location of a gas installation or part installation, **location** means,—

- “(a) for a gas installation or part installation in a permanent location,—

- “(i) if the location has a street address, the street address and, if applicable, the place at that street address where the gas installation or part installation is located; and
- “(ii) if the location does not have a street address, a description of the place along with some form of specific identification of the location (such as its GPS co-ordinates); or
- “(b) for a specified caravan or boat, a unique identifier (such as a chassis number); or
- “(c) for a gas installation or part installation in a thing that will be, but is not yet, in a permanent location, a unique identifier fixed to the thing for the purpose of identifying the location of the gas installation or part installation.”

Amendments to Part 8

14 New regulations 85A to 85E and cross-headings inserted

After regulation 85, insert:

“Consolidation of certificates

“85A Consolidation of certificates

- “(1) The following certificates relating to a gas installation may be consolidated in a single document:
 - “(a) any certificates of compliance for gasfitting work done on all or any part of the gas installation;
 - “(b) any gas safety certificates for the whole or any part of the gas installation.
- “(2) Where certificates are consolidated,—
 - “(a) if any of the information required by these regulations for each certificate is the same, that information need not be repeated in the consolidated document; and
 - “(b) the authentication mark need be included in or on the document only once.

*“Authentication mark***“85B Authentication mark**

The authentication mark required by regulations 47 and 52B to be included in or on a certificate of compliance and a gas safety certificate must—

- “(a) be in the form illustrated in Schedule 6; and
- “(b) be of a size, and be placed, so that it is easily visible on the front, or near the top, of the certificate.

“85C Offences relating to application of authentication mark

A person commits an offence and is liable on summary conviction to a level 2 penalty if he or she includes in or on a document a mark in the form illustrated in Schedule 6 and the document—

- “(a) is not, but could reasonably be mistaken for being, a certificate of compliance or a gas safety certificate; or
- “(b) is, or could reasonably be mistaken for being, advertising material.

*“Recording certificate details***“85D Database for recording certificate details on Internet site**

The Secretary must ensure that there is included on an Internet site, maintained by or on behalf of the Secretary, a database that records details of the following, in a manner that enables the information to be accessible in accordance with regulation 85E:

- “(a) all certificates of compliance given for high-risk gasfitting work;
- “(b) any other certificates as determined by the Secretary.

“85E Access to database

- “(1) The Secretary must ensure that the database referred to in regulation 85D is accessible to members of the public at all reasonable times.
- “(2) The database must be able to be searched by members of the public only by reference to the location (as defined in regulation 52K) of the relevant gas installation.

- “(3) However, the Secretary must ensure that the Secretary and the Board are able to search the database by reference to whatever search criteria the Secretary determines will best enable the Secretary and the Board to fulfil their functions under the Act and these regulations.”

Transitional provisions

15 Application of amendments made by these regulations

- (1) In this regulation,—
- new regulations** means the principal regulations as amended by these regulations
- old regulations** means the principal regulations as they were immediately before these regulations came into force.
- (2) The new regulations apply to all gasfitting work that is started on or after these regulations come into force.
- (3) Gasfitting work on a gas installation or part installation that is in progress when these regulations come into force may, after these regulations come into force, be continued and completed under either the old regulations or the new regulations, but—
- (a) if the new regulations are applied, they must continue to be applied to all stages of the work (such as testing, connection, and certification) until the work is finished, and a gas safety certificate must be issued for the gas installation or part installation after it is connected to a gas supply; and
- (b) if the old regulations continue to be applied,—
- (i) a certificate of compliance of the sort provided for in the old regulations may be issued, but only until 30 September 2013, in which case any fee associated with that certificate of compliance continues to be payable by the person issuing it; after that date, every certificate of compliance must be in the form provided for in the new regulations; and
- (ii) a gas safety certificate may, but need not be, issued; and

- (iii) if the work is high-risk gasfitting work, details of the work may, but need not, be recorded in the certification database.

Schedules amended

16 Schedule 1 amended

In Schedule 1, insert in their appropriate numerical order:

AS/NZS 5601:2010	New Zealand Standard known as AS/NZS 5601:2010 (Gas installations Parts 1 and 2)
AS/NZS 60079.10.1:2009	New Zealand Standard known as AS/NZS 60079.10.1:2009 (Explosive atmospheres—Classification of areas—Explosive gas atmospheres)
AS/NZS 60079.10.2:2011	New Zealand Standard known as AS/NZS 60079.10.2:2011 (Explosive atmospheres—Classification of areas—Combustible dust atmospheres)

17 Schedule 2A amended

- (1) In Schedule 2A, clause 2(4), insert in their appropriate alphabetical order:

Absorption refrigerators	EN 732:1998 Specifications for dedicated liquefied petroleum gas appliances—Absorption refrigerators
Room sealed LPG space heating equipment for installation in vehicles and boats	EN 624:2000 Specification for dedicated LPG appliances—Room sealed LPG space heating equipment for installation in vehicles and boats, including EN 624:2000/A2:2007
Room sealed storage water heaters for the production of sanitary hot water using LPG for vehicles and boats	EN 15033:2006 Room sealed storage water heaters for the production of sanitary hot water using LPG for vehicles and boat, including EN 15033:2006/AC:2008

- (2) In Schedule 2A, clause 3(3), insert in their appropriate alphabetical order:

Gas-Fired Waterless toilets	CGA 5.2–1971 Gas-fired waterless toilets
Storage Water Heaters With Input Ratings Above 75,000 Btu Per Hour, Circulating and Instantaneous	ANSI Z21.10.3–2011/CSA 4.3–2011 Gas water heaters—Volume III, storage water heaters with input ratings above 75,000 btu per hour, circulating and instantaneous

18 Schedule 5 amended

In Schedule 5, delete the item relating to gasfitting certificates of compliance.

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.

These regulations, which come into force on 1 July 2013, amend the Gas (Safety and Measurement) Regulations 2010 (the **principal regulations**).

The main amendments relate to certification following gasfitting on gas installations. Gasfitting work is to be categorised as low-risk, high-risk, or general. Certificates of compliance will be required for all high-risk and general gasfitting works. Certificates of compliance for low-risk gasfitting work are optional. The form of certificates of compliance must comply with requirements set out in the regulations. Details of certificates of compliance issued for high-risk gasfitting work must be recorded on a database established by the chief executive of the Ministry of Business, Innovation, and Employment. A further requirement is that, after a gas installation or part installation is connected to a gas supply or otherwise completed, the person who completed the work must issue a gas safety certificate. This confirms that the gas installation or part installation is safe to use.

Other amendments include the following:

- providing for certified designs for gas installations and part installations:
- clarifying the role of, and accountability for, manufacturers' instructions provided with gas appliances and fittings:
- clarifying that people who act in good faith can rely on the veracity of various certificates and statements made by others:
- introducing an authentication mark (which is in the same form as the gas safety compliance label), which must be used on certificates of compliance and gas safety certificates:
- revising the terminology relating to penalties, without changing penalty levels:
- minor technical and drafting changes.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 27 September 2012.
These regulations are administered by the Ministry of Business, Innovation, and
Employment.
