

Reprint
as at 1 December 2017



Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999

(SR 1999/128)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 24th day of May 1999

Present:

His Excellency the Governor-General in Council

Pursuant to section 21 of the Health and Safety in Employment Act 1992, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title and commencement	3
2 Interpretation	4
3 Meaning of controller	4
4 Meaning of equipment	4
5 Exemptions for controllers, designers, manufacturers, or suppliers	5
6 Exemptions for equipment	5
7 Relationship between Act and regulations	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

Part 1
Duties of controllers

General duties

8	Information to be held by controller	6
9	Accident notification	7

Operation of equipment

10	Duties in relation to operation	8
----	---------------------------------	---

Repairs or alterations

11	Duties in relation to repairs or alterations	9
----	--	---

Part 2
Duties in relation to unsafe equipment

12	Employee's duty	9
13	Investigation of potentially unsafe equipment	9
14	Notification of type fault	10
15	Correction of type fault	10

Part 3
Duties of designers, manufacturers, and suppliers

16	Relationship to duties in Health and Safety in Employment Regulations 1995	11
17	Sufficient compliance with duties in regulations 18 to 20	11

Designers

18	Duties relating to design and design verification	12
----	---	----

Manufacturers

19	Duties relating to manufacture and fabrication inspection	13
----	---	----

Suppliers

20	Duties relating to supply	14
----	---------------------------	----

Duties relating to provision of information

21	Duties relating to provision of information	14
----	---	----

Part 4
Administrative provisions

22	Sufficient compliance with functions in regulations 23 to 35	15
23	Recognition procedures	16

Inspection bodies

24	Inspection bodies: functions	17
25	Inspection bodies: recognition	17

Design verifiers and equipment inspectors

26	Design verifiers	18
27	Equipment inspectors	19

	<i>Quality management systems</i>	
28	Quality management systems	19
	<i>Qualification issuing agencies</i>	
29	Qualification issuing agencies	19
	Part 5	
	Certificates	
	<i>Design verification</i>	
30	Certificates of design verification	20
31	Contents of certificate of design verification	20
	<i>Inspection</i>	
32	Issue and renewal of certificate of inspection	21
33	Term and contents of certificate of inspection	22
34	Suspension or cancellation of certificate of inspection	23
	<i>Competence</i>	
35	Certificates of competence	24
36	Duties of controllers and inspection bodies in relation to certificates of competence	24
	<i>Transitional arrangements</i>	
37	Certificates of inspection	25
38	Certificates of competence	25
	Part 6	
	Offences	
	<i>[Revoked]</i>	
39	Offences and penalties <i>[Revoked]</i>	25
	Schedule 1	26
	Interpretation	
	Schedule 2	36
	Equipment excluded from regulations	

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires, the terms defined in Schedule 1 have the meanings given to them in that schedule.

3 Meaning of controller

In these regulations, the term **controller** means a person who is the owner, lessee, sublessee, or bailee of equipment in a workplace (not being a home occupied by the person).

Regulation 3: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

4 Meaning of equipment

- (1) In these regulations, **equipment**—
 - (a) means—
 - (i) cranes; and
 - (ii) passenger ropeways; and
 - (iii) pressure equipment; and
 - (b) includes the attachments, fittings, foundations, mountings, and supports of cranes, passenger ropeways, or pressure equipment; and
 - (c) includes plant used in connection with cranes, passenger ropeways, or pressure equipment.
- (2) A reference in these regulations to equipment is to be read, as the context requires, as a reference to—
 - (a) all of the kinds of equipment set out in subclause (1); or
 - (b) 1 or more of those kinds of equipment; or
 - (c) an item or items of 1 or more of those kinds of equipment.
- (3) In these regulations, **equipment** does not include equipment listed in Schedule 2 or exempted under regulation 6, and a reference in these regulations to equipment is not to be read as a reference to any such equipment.
- (4) A reference in these regulations to equipment is to be read,—
 - (a) in relation to a controller, as a reference to equipment of which that controller is the owner, lessee, sublessee, or bailee:
 - (b) in relation to a designer, as a reference to equipment being designed or designed by that designer:
 - (c) in relation to a manufacturer, as a reference to equipment being manufactured or manufactured by that manufacturer:
 - (d) in relation to a supplier, as a reference to equipment being supplied or supplied by that supplier.

5 Exemptions for controllers, designers, manufacturers, or suppliers

- (1) WorkSafe may—
 - (a) grant an exemption to a controller, designer, manufacturer, or supplier from a duty imposed by these regulations; and
 - (b) impose any condition that WorkSafe thinks fit on an exemption.
- (2) An exemption may be granted to—
 - (a) a controller, designer, manufacturer, or supplier specified in the exemption, or
 - (b) all controllers, designers, manufacturers, or suppliers of a kind specified in the exemption; or
 - (c) all controllers, designers, manufacturers, or suppliers.
- (3) Kinds of controllers, designers, manufacturers, or suppliers may be specified by reference to a kind of equipment controlled, designed, manufactured, or supplied by them.
- (4) WorkSafe must publish a notice in the *Gazette* indicating the extent and effect of an exemption granted to—
 - (a) all controllers, designers, manufacturers, or suppliers of a kind specified in the exemption; or
 - (b) all controllers, designers, manufacturers, or suppliers.
- (5) WorkSafe may at any time decide to cancel an exemption, if satisfied that it is proper to do so, and must then—
 - (a) determine the date on which the cancellation takes effect, which must be a reasonable period after the date on which the decision is made; and
 - (b) publish a notice in the *Gazette* indicating that the exemption is to be cancelled on the date specified in the notice.

Regulation 5(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 5(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 5(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 5(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

6 Exemptions for equipment

- (1) WorkSafe may—
 - (a) exempt equipment from any or all of these regulations; and
 - (b) impose any condition that WorkSafe thinks fit on the exemption.
- (2) WorkSafe must publish a notice in the *Gazette* specifying the equipment exempted.

- (3) WorkSafe may at any time decide to cancel an exemption, if satisfied that it is proper to do so, and must then—
- (a) determine the date on which the cancellation takes effect, which must be a reasonable period after the date on which the decision is made; and
 - (b) publish a notice in the *Gazette* indicating that the exemption is to be cancelled on the date specified in the notice.

Regulation 6(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 6(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 6(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 6(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

7 Relationship between Act and regulations

A person on whom a duty is imposed by these regulations in relation to a particular set of circumstances must, on the occurrence of those circumstances, comply with that duty, despite the fact that the Act may impose the same, a similar, or an additional duty on that person in relation to that set of circumstances.

Part 1 Duties of controllers

General duties

8 Information to be held by controller

- (1) Every controller must, so far as is reasonably practicable, in relation to equipment, ensure that the following information is obtained from the designer, manufacturer, or supplier:
 - (a) information necessary to ensure that every activity involving the equipment can be carried out safely; and
 - (b) information establishing compliance with the requirements of these regulations relating to design, design verification, equipment inspection, installation, and manufacture.
- (2) Every controller must, so far as is reasonably practicable, ensure that, if the information described in subclause (1) is not available from the designer, manufacturer, or supplier,—
 - (a) information to the same effect is obtained from another source; and
 - (b) information obtained under paragraph (a) is confirmed as adequate and appropriate under the controller's quality management system, if the

controller has a quality management system in relation to equipment, or, if the controller does not have such a system, by an inspection body.

- (3) Every controller must take all practicable steps, in relation to equipment, to ensure that the information described in subclause (4) is kept in the place described in subclause (5).
- (4) The information is—
 - (a) information necessary to ensure that every activity involving the equipment can be carried out safely; and
 - (b) documents establishing compliance with the requirements of these regulations relating to design verification and equipment inspection, including—
 - (i) every certificate of design verification; and
 - (ii) every current certificate of inspection; and
 - (iii) every report associated with those certificates; and
 - (iv) any other information that the controller has affecting the safety of the equipment.
- (5) The place must be in the workplace where the equipment is located, and it must be readily accessible by any person in that workplace, including an inspector, who wants to examine the information.

Regulation 8(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 8(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 8(5): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

9 Accident notification

- (1) Every controller must, so far as is reasonably practicable, take steps to ensure that, if an event of the kind described in subclause (2) occurs, the actions described in subclause (3) are carried out.
- (2) The event is one that—
 - (a) occurs in a workplace; and
 - (b) causes—
 - (i) damage that affects the operational safety of equipment; or
 - (ii) damage to other property that may affect the safety of equipment; and
 - (c) might, in different circumstances, have caused a person to be seriously harmed.
- (3) The actions are—
 - (a) notifying WorkSafe as soon as possible after the event; and

- (b) giving WorkSafe, within 7 days of the event's occurrence, a detailed written report of an investigation of the circumstances of the event carried out by an inspection body or by a chartered professional engineer (as defined in section 6 of the Chartered Professional Engineers of New Zealand Act 2002) with a qualification in mechanical engineering independent of the controller.

Regulation 9(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 9(2)(a): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 9(3)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 9(3)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 9(3)(b): amended, on 1 January 2004, by section 76 of the Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17).

Operation of equipment

10 Duties in relation to operation

- (1) Every controller must, so far as is reasonably practicable, ensure that equipment—
- (a) is safe; and
 - (b) is operated safely; and
 - (c) is operated within the limits that it was designed to operate within; and
 - (d) is maintained in a safe condition.
- (2) Every controller must, so far as is reasonably practicable, ensure that no equipment is operated unless it has a current certificate of inspection.
- (3) Every controller must, so far as is reasonably practicable, ensure that the following equipment is not operated until a new certificate of inspection has been issued:
- (a) equipment to which regulation 11(c) applies;
 - (b) equipment to which regulation 13(3)(e) applies.
- (4) Every controller of a limited attendance boiler or an unattended boiler must notify WorkSafe before operating the boiler for the first time.
- (5) Every controller of a limited attendance boiler or an unattended boiler must, so far as is reasonably practicable, ensure that no such boiler is operated unless a quality management system relating to it is in place.

Regulation 10(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 10(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 10(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 10(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 10(5): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Repairs or alterations

11 Duties in relation to repairs or alterations

Every controller must, so far as is reasonably practicable, ensure, in relation to a repair or alteration affecting the operational safety of the equipment repaired or altered or any other equipment, that—

- (a) the repair or alteration is designed in accordance with these regulations; and
- (b) design verification requirements for the design specified by the designer are complied with; and
- (c) the repaired or altered equipment is subject to equipment inspection in accordance with these regulations.

Regulation 11: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Part 2

Duties in relation to unsafe equipment

12 Employee's duty

Every employee of a controller who believes that an activity or equipment is unsafe must, so far as is reasonably practicable, ensure that the controller is notified to that effect.

Regulation 12: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

13 Investigation of potentially unsafe equipment

- (1) Subclause (2) applies when a controller becomes aware that equipment may be unsafe.
- (2) The controller must, so far as is reasonably practicable, ensure that the equipment is investigated in a manner and to an extent that is appropriate, having regard to, in particular,—
 - (a) the nature of the problem with the equipment; and
 - (b) the degree of expertise likely to be required to deal with the problem; and
 - (c) the degree of harm likely to arise from the problem.

- (3) If the investigation determines that the equipment is unsafe, the controller must, so far as is reasonably practicable, ensure that—
- (a) the equipment is withdrawn from service and rendered inoperable; and
 - (b) the equipment is clearly marked as withdrawn from service; and
 - (c) a record is kept of the withdrawal of the equipment from service and of its location; and
 - (d) the equipment is not returned to service until the controller is satisfied that the equipment has been the subject of satisfactory maintenance or a satisfactory adjustment, alteration, or repair; and
 - (e) the adjusted, altered, or repaired equipment is subject to equipment inspection in accordance with these regulations, if equipment inspection is necessary to ensure operational safety; and
 - (f) a record is kept of the testing carried out on the equipment to confirm that the maintenance, adjustment, alteration, or repair is satisfactory.

Regulation 13(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 13(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

14 Notification of type fault

Every controller must, so far as is reasonably practicable, ensure that, if the controller believes equipment to have a type fault, the manufacturer and supplier are given a detailed written notice to that effect as soon as practicable.

Regulation 14: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

15 Correction of type fault

- (1) A manufacturer or supplier who receives a notice under regulation 14 must—
- (a) determine whether or not the equipment has a type fault; and
 - (b) if it does, ensure that—
 - (i) no more equipment with that type fault is manufactured or supplied; and
 - (ii) equipment with that type fault that has been manufactured or supplied is, at the manufacturer's or supplier's expense, recalled or withdrawn and, as the case requires, adjusted, altered, repaired, or replaced.
- (2) A manufacturer or supplier who becomes aware that equipment might have a type fault, whether or not either receives a notice under regulation 14, must—
- (a) determine whether or not the equipment has a type fault; and
 - (b) if it does, ensure that—

- (i) no more equipment with that type fault is manufactured or supplied; and
 - (ii) equipment with that type fault that has been manufactured or supplied is, at the manufacturer's or supplier's expense, recalled or withdrawn and, as the case requires, adjusted, altered, repaired, or replaced.
- (3) Every manufacturer or supplier who determines that equipment has a type fault must, so far as is reasonably practicable, notify WorkSafe—
- (a) what the fault is; and
 - (b) what measures the manufacturer or supplier is taking to correct it.

Regulation 15(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 15(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Part 3

Duties of designers, manufacturers, and suppliers

16 Relationship to duties in Health and Safety in Employment Regulations 1995

The duties imposed on designers, manufacturers, and suppliers under this Part complement the duties imposed on those persons by the provisions of Part 7 of the Health and Safety in Employment Regulations 1995. So, for example,—

- (a) designers must comply with regulation 18, and with regulation 66(2) of the Health and Safety in Employment Regulations 1995:
- (b) manufacturers must comply with regulation 19, and with regulation 67(1) of the Health and Safety in Employment Regulations 1995:
- (c) manufacturers and suppliers must comply with regulation 21, and with regulation 67(3) and (4) of the Health and Safety in Employment Regulations 1995.

17 Sufficient compliance with duties in regulations 18 to 20

- (1) WorkSafe may, from time to time, grant recognition, subject to any limit or condition that WorkSafe thinks fit, to any document containing standards relating to the operational safety of any equipment. In this regulation, **recognition under subclause (1)** means any such recognition and any limit or condition to which it is subject.
- (2) Standards in documents recognised by WorkSafe may relate to, for example—
 - (a) load:
 - (b) pressure:
 - (c) temperature:

- (d) operating life:
 - (e) design verification and fabrication inspection:
 - (f) hazard levels.
- (3) On granting recognition under subclause (1), WorkSafe must publish a notice in the *Gazette*—
- (a) specifying the title of the document; and
 - (b) stating that the document has been granted recognition; and
 - (c) setting out any limit or condition to which the recognition is subject.
- (4) WorkSafe may, at any time, withdraw a recognition under subclause (1) and, on doing so, must publish a notice in the *Gazette* to that effect.
- (5) In the absence of evidence to the contrary, a document is the subject of a current recognition under subclause (1) if its title is specified in a *Gazette* notice published under subclause (3) and no *Gazette* notice notifying the withdrawal of that recognition has been published under subclause (4).
- (6) It is, for all purposes, sufficient compliance with regulation 18 or regulation 19 or regulation 20 if a designer, manufacturer, or supplier takes steps, so far as is reasonably practicable, to do any thing described in whichever of those regulations applies to the designer, manufacturer, or supplier in accordance with the standards in a document that—
- (a) contains standards relating to the doing of that thing; and
 - (b) is the subject of a current recognition under subclause (1).

Regulation 17(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 17(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 17(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 17(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 17(6): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Designers

18 Duties relating to design and design verification

Every designer must, so far as is reasonably practicable, do the following in accordance with standards of generally accepted design practice:

- (a) design equipment in such a way that it is safe when operated for its intended purpose; and
- (b) determine, and specify in the design, its hazard level; and

- (c) determine, and specify in the design, the design life of the equipment; and
- (d) determine, and specify in the design, its design verification requirements, manufacturing requirements, and fabrication inspection requirements; and
- (e) take into account, in the design and design verification requirements, the nature of the New Zealand seismic environment.

Regulation 18: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Manufacturers

19 Duties relating to manufacture and fabrication inspection

- (1) Every manufacturer must, so far as is reasonably practicable, in relation to equipment, ensure that—
 - (a) if the equipment was designed in New Zealand, the designer complied with regulation 18; and
 - (b) the equipment is manufactured according to the verified design and any manufacturing requirements specified in the design are complied with; and
 - (c) before an alteration affecting the structural strength or safety of equipment is made to the design in the course of manufacture, it is approved by the designer and, if required, verified by a design verifier holding an appropriate qualification.
- (2) Every manufacturer must, so far as is reasonably practicable, ensure that, if fabrication inspection requirements are specified in the design, that inspection is carried out—
 - (a) by an equipment inspector holding an appropriate qualification; and
 - (b) at the inspection points, if any, specified by the designer of the equipment under regulation 18(d).
- (3) Every manufacturer must, so far as is reasonably practicable, ensure that an equipment inspector who carries out an inspection under subclause (2)(a)—
 - (a) prepares a report on the inspection; and
 - (b) gives the manufacturer a copy of the report.
- (4) Every manufacturer, before manufacturing equipment designed in an overseas country, must, so far as is reasonably practicable, ensure that the design and the design verification were done in accordance with standards that are equivalent to those imposed by regulation 18 for designs and design verification done in New Zealand.

Regulation 19(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 19(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 19(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 19(4): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Suppliers

20 Duties relating to supply

- (1) Every supplier must, so far as is reasonably practicable, ensure, before supplying equipment manufactured in New Zealand, that the manufacturer complied with regulation 19.
- (2) Every supplier must, so far as is reasonably practicable, ensure, when importing for supply equipment manufactured in an overseas country, that it has been designed, design verified, manufactured, and inspected to standards that are equivalent to those imposed, in relation to equivalent equipment, by regulations 18 and 19.
- (3) Every supplier must, so far as is reasonably practicable, ensure, when importing for supply equipment manufactured in an overseas country, that it has not already exceeded its designated design life.

Regulation 20(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 20(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 20(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Duties relating to provision of information

21 Duties relating to provision of information

- (1) This regulation applies to equipment manufactured after the commencement of these regulations.
- (2) In subclauses (3) to (5), **the information** means—
 - (a) information necessary to ensure that every activity involving the equipment can be carried out safely; and
 - (b) information establishing compliance with the requirements of these regulations relating to design, design verification, manufacture, and fabrication inspection.
- (3) Every designer of equipment must, so far as is reasonably practicable, ensure that every manufacturer of the equipment receives the information.
- (4) Every manufacturer of equipment must, so far as is reasonably practicable, ensure that every supplier of the equipment receives the information.

- (5) Every supplier of equipment must, so far as is reasonably practicable, ensure that every purchaser or hirer of the equipment receives the information.
- (6) Every manufacturer must, so far as is reasonably practicable, ensure that equipment is permanently marked with—
 - (a) the design details that are crucial to the safe operation of the equipment; and
 - (b) any other details that enable the safe operation of the equipment.

Regulation 21(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 21(4): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 21(5): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 21(6): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Part 4

Administrative provisions

22 Sufficient compliance with functions in regulations 23 to 35

- (1) WorkSafe may, from time to time, grant recognition, subject to any limit or condition that WorkSafe thinks fit, to any document containing requirements relating to the subject matter of any of regulations 23 to 35. In this regulation, **recognition under subclause (1)** means any such recognition and any limit or condition to which it is subject.
- (2) On granting recognition under subclause (1), WorkSafe must publish a notice in the *Gazette*—
 - (a) specifying the title of the document; and
 - (b) stating that the document has been granted recognition; and
 - (c) setting out any limit or condition to which the recognition is subject.
- (3) WorkSafe may, at any time, withdraw a recognition under subclause (1) and, on doing so, must publish a notice in the *Gazette* to that effect.
- (4) In the absence of evidence to the contrary, a document is the subject of a current recognition under subclause (1) if its title is specified in a *Gazette* notice published under subclause (2) and no *Gazette* notice notifying the withdrawal of that recognition has been published under subclause (3).
- (5) It is, for all purposes, sufficient compliance with any of regulations 23 to 35 and, in particular, with the recognised industry standards referred to in regulations 25(1)(a), 25(2)(a), 28(1)(a), and 32(1), if the person required to comply with the regulation complies with the requirements in a document that—

- (a) contains requirements relating to the subject matter of the regulation; and
- (b) is the subject of a current recognition under subclause (1).

Regulation 22(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 22(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 22(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

23 Recognition procedures

- (1) WorkSafe may, on application in writing, grant recognition under regulation 25(1) or (2) or regulation 29(2).
- (2) WorkSafe must notify the applicant of the grant of recognition in a written notice that—
 - (a) specifies the period for which the recognition is current; and
 - (b) specifies the limits of the recognition, which may be by reference to activities or equipment; and
 - (c) specifies the conditions of the recognition that,—
 - (i) in any case, WorkSafe determines are necessary in the interests of safety; or
 - (ii) in the case of a qualification issuing agency, the agency must comply with, if recognition is not to be withdrawn.
- (3) WorkSafe may, on application or otherwise, withdraw a condition of a recognition.
- (4) If WorkSafe is satisfied on reasonable grounds that a condition of a recognition under these regulations has not been complied with, or that it is in the interests of safety to do so, WorkSafe—
 - (a) may, after giving the individual or organisation concerned an opportunity to be heard, withdraw a recognition; and
 - (b) must notify the individual or organisation accordingly.
- (5) Every individual or organisation to whom recognition is granted under regulation 25(1) or (2) or regulation 29(2) must comply with the conditions of that recognition.

Regulation 23(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 23(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 23(2)(c)(i): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 23(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 23(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Inspection bodies

24 Inspection bodies: functions

- (1) The functions that an inspection body may be accredited to perform are—
 - (a) carrying out design verification:
 - (b) issuing or cancelling certificates of design verification on the recommendation of design verifiers:
 - (c) carrying out equipment inspection:
 - (d) giving a unique identifier to equipment issued for the first time with a certificate of inspection:
 - (e) issuing certificates of inspection, on the recommendation of equipment inspectors, and renewing, suspending, or cancelling such certificates, on the recommendation of equipment inspectors:
 - (f) suspending or cancelling certificates of inspection issued by other inspection bodies, on the recommendation of equipment inspectors:
 - (g) advising WorkSafe of any equipment that is so unsafe that the inspection body has refused to issue or renew a certificate of inspection for it, or has suspended or cancelled its certificate of inspection.
- (2) An inspection body carries out the functions described in subclause (1) through design verifiers or equipment inspectors or both, depending on the functions it is accredited to perform, that it employs or engages.
- (3) An inspection body accredited to perform the functions described in subclause (1)(f) may carry them out through equipment inspectors that someone else employs or engages.

Regulation 24(1)(g): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

25 Inspection bodies: recognition

- (1) WorkSafe may recognise an organisation as an inspection body if satisfied that—
 - (a) it is currently accredited, to a recognised industry standard, by International Accreditation New Zealand on behalf of the Accreditation Council or by the National Association of Testing Authorities, Australia; and
 - (b) it operates in Australia or New Zealand; and
 - (c) it has a procedure in place to ensure that every person employed or engaged by it as a design verifier or an equipment inspector is the holder of a relevant certificate of competence; and

- (d) it has a procedure in place to ensure that every person employed or engaged by it as a trainee design verifier or a trainee equipment inspector is appropriately qualified, is a fit and proper person, and is effectively supervised; and
 - (e) it has a procedure in place to ensure that design verification is carried out only by a design verifier holding an appropriate qualification; and
 - (f) it has a procedure in place to ensure that equipment inspection is carried out only by an equipment inspector holding an appropriate qualification; and
 - (g) it has afforded an employee of the department nominated by WorkSafe an opportunity of participating in assessments of the organisation's management system by, in New Zealand, International Accreditation New Zealand on behalf of the Accreditation Council or, in Australia, the National Association of Testing Authorities, Australia; and
 - (h) it is likely to carry out its inspection work in an objective fashion that promotes safety and the public interest; and
 - (i) there is no reasonably foreseeable conflict of interest between its design verification work, its inspection work, and any other work it does or is likely to do.
- (2) WorkSafe may recognise as an inspection body an organisation that does not operate in Australia or New Zealand if satisfied that—
- (a) it is accredited, to a recognised industry standard, by an organisation that has made a mutual recognition arrangement on inspection body accreditation with International Accreditation New Zealand; or
 - (b) it has a status equivalent to an inspection body under the law of the country in which it has its headquarters, and that law imposes requirements comparable to those imposed by these regulations.

Regulation 25(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 25(1)(a): amended, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Regulation 25(1)(g): amended, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Regulation 25(1)(g): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 25(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Design verifiers and equipment inspectors

26 Design verifiers

The functions of a design verifier are to—

- (a) carry out design verification on behalf of an inspection body; and

- (b) make recommendations to the inspection body relating to the issue or cancellation of certificates of design verification.

27 Equipment inspectors

- (1) The functions of an equipment inspector are to—
 - (a) carry out equipment inspection on behalf of an inspection body; and
 - (b) make recommendations to the inspection body relating to the issue of certificates of inspection and, whether or not that inspection body issued the particular certificate of inspection in question, the renewal, suspension, or cancellation of certificates of inspection.
- (2) An equipment inspector must inform the manufacturer or controller, as the case requires, of—
 - (a) safety issues relating to the equipment; and
 - (b) the action, if any, required to make the equipment safe.

Quality management systems

28 Quality management systems

- (1) A controller has a quality management system in relation to equipment if—
 - (a) the controller's system is currently certified, to a recognised industry standard, by a body accredited by the Joint Accreditation System of Australia and New Zealand; and
 - (b) the controller has afforded an employee of the department nominated by WorkSafe an opportunity of participating in assessments of the system carried out by the body.
- (2) A controller who has a quality management system in relation to equipment must, so far as is reasonably practicable, comply with it.

Regulation 28(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 28(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Qualification issuing agencies

29 Qualification issuing agencies

- (1) Qualification issuing agencies have the functions of—
 - (a) issuing certificates of competence; and
 - (b) advising applicants seeking certificates of competence on the equivalence of qualifications obtained outside New Zealand to certificates of competence.
- (2) WorkSafe may recognise an organisation as a qualification issuing agency if satisfied that it employs or engages persons who are competent to assess

whether or not applicants seeking certificates of competence are competent to carry out specified activities.

- (3) A qualification issuing agency must ensure that it issues a certificate of competence only after a determination (by way of examination, assessment, or otherwise) that the person concerned has the knowledge, training, skills, and experience to perform competently every activity that a holder of the certificate of competence would be expected to perform competently.
- (4) WorkSafe may request a qualification issuing agency to provide it with the names of persons who hold a specified kind of certificate of competence.

Regulation 29(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 29(4): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulation 29(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Part 5

Certificates

Design verification

30 Certificates of design verification

- (1) A design verifier may recommend to the inspection body that it issue a certificate of design verification in relation to any thing that has been the subject of design verification by that design verifier, if he or she has reasonable grounds to believe that the thing is safe.
- (2) An inspection body to which a recommendation is made must consider all documents that the design verifier submits to it in support of the recommendation
- (3) If the inspection body agrees that a certificate of design verification should be issued, it must—
 - (a) stamp the documents; and
 - (b) issue the certificate of design verification.

31 Contents of certificate of design verification

- (1) Every certificate of design verification issued by an inspection body must set out, in relation to the thing that has been the subject of design verification,—
 - (a) a brief description of the thing; and
 - (b) the name of the designer, manufacturer, supplier, or controller seeking the issue of the certificate; and
 - (c) the name of the inspection body; and
 - (d) the name of the design verifier; and

- (e) the date of issue; and
 - (f) the standards of generally accepted design practice, codes of practice, and regulatory guidelines with which the design complies; and
 - (g) the drawing numbers included in the verification process; and
 - (h) the principal design parameters, including, for example,—
 - (i) the maximum and minimum design pressures; and
 - (ii) the maximum and minimum design temperatures; and
 - (iii) any other details that are critical to the safe operation of the equipment, including, for example, design life, hazard levels, and nozzle loadings; and
 - (iv) the maximum safe working load; and
 - (v) load rating sheets; and
 - (i) the seismic coefficient; and
 - (j) the maximum operating wind conditions; and
 - (k) the fluid contained by the equipment; and
 - (l) any modifications or other details, not included in the submitted design, that the design verifier requires to be incorporated into the equipment; and
 - (m) the title and location of a document providing further details in relation to the matters specified in paragraphs (a) to (l), if those further details are too extensive to set out in the certificate.
- (2) Every certificate of design verification must—
- (a) be signed by the design verifier; and
 - (b) either—
 - (i) carry the logo or mark of the accreditation body that accredited the inspection body issuing it; or
 - (ii) contain a statement that the inspection body issuing it is accredited by a named accreditation body.

Inspection

32 Issue and renewal of certificate of inspection

- (1) An equipment inspector may recommend to the inspection body that it issue or renew a certificate of inspection in relation to equipment for a period he or she recommends in accordance with a recognised industry standard, if he or she—
- (a) has carried out equipment inspection on the equipment; and
 - (b) has reasonable grounds to believe that the equipment is safe; and
 - (c) has reasonable grounds to believe that the equipment will remain safe for the period recommended.

- (2) An equipment inspector must not recommend the issue of a certificate of inspection for a boiler unless—
 - (a) the interior of the boiler had been inspected (unless the inspector is satisfied that such interior inspection is not necessary in the circumstances); and
 - (b) the boiler is subsequently tested while in operation at safe working pressure.
- (3) An inspection body to which a recommendation is made may issue the certificate of inspection for the period recommended and may impose conditions that may be of a specified duration or may be related to the duration of the certificate.

33 Term and contents of certificate of inspection

- (1) A certificate of inspection remains in force until the first of the following events occurs:
 - (a) the period specified in it expires;
 - (b) a new certificate is issued as a result of an equipment inspection carried out under regulation 11(c);
 - (c) a new certificate is issued as a result of an equipment inspection carried out under regulation 13(3)(e);
 - (d) the inspection body suspends or cancels the certificate under regulation 34.
- (2) An equipment inspector may recommend to the inspection body that it extend a certificate of inspection that is due to expire, subject to terms and conditions he or she recommends in the interests of safety, if he or she—
 - (a) has visually examined the equipment and assessed the records relating to it; and
 - (b) has reasonable grounds to believe the equipment will be safe for the period of the extension.
- (3) An inspection body to which a recommendation is made may, on 1 occasion only, extend the certificate of inspection for a period of up to 3 months, subject to the terms and conditions recommended.
- (4) Every certificate of inspection issued or renewed by an inspection body must set out, in relation to the equipment to which it relates,—
 - (a) a brief description of the equipment; and
 - (b) the unique identifier given under regulation 24(1)(d); and
 - (c) the purpose of the equipment, as specified by its designer; and
 - (d) the location of the equipment; and
 - (e) the name of the manufacturer; and

- (f) the safe working load or safe working pressure, as the case requires, of the equipment; and
 - (g) if relevant, the design minimum and maximum temperature when the minimum temperature is less than 0°C or the maximum temperature exceeds 100°C, as the case requires; and
 - (h) the name of the equipment inspector who inspected the equipment; and
 - (i) a statement of the inspector's opinion that the equipment—
 - (i) was safe at the date of the inspection; and
 - (ii) will remain safe for the period of the certificate if operated and maintained properly; and
 - (j) the date of the inspection; and
 - (k) the date of expiry of the certificate; and
 - (l) the name of the inspection body that issued or renewed the certificate; and
 - (m) the name and business address of the controller; and
 - (n) the title and location of a document providing further details in relation to the matters specified in paragraphs (a) to (m), if those further details are too extensive to set out in the certificate.
- (5) Every such certificate must—
- (a) carry the logo or mark of the accreditation body that accredited the inspection body issuing it; or
 - (b) contain a statement that the inspection body issuing it is accredited by a named accreditation body.

34 Suspension or cancellation of certificate of inspection

- (1) If an equipment inspector is satisfied on reasonable grounds that equipment that has a current certificate of inspection is, for any reason, unsafe or unfit for use, the equipment inspector must recommend to an inspection body that the certificate be suspended or cancelled.
- (2) An inspection body to which a recommendation is made—
 - (a) may, after giving the controller an opportunity to be heard,—
 - (i) suspend the certificate of inspection for such period as the inspection body thinks fit; or
 - (ii) cancel the certificate of inspection; and
 - (b) must notify the controller accordingly.
- (3) If WorkSafe is satisfied on reasonable grounds that equipment that has a current certificate of inspection is, for any reason, unsafe or unfit for use, WorkSafe—
 - (a) may, after giving the controller an opportunity to be heard,—

- (i) suspend the certificate of inspection for such period as WorkSafe thinks fit; or
 - (ii) cancel the certificate of inspection; and
- (b) must notify the controller accordingly.

Regulation 34(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 34(3)(a)(i): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Competence

35 Certificates of competence

- (1) A certificate of competence is a certificate issued by a qualification issuing agency or by WorkSafe stating that the holder is suitably qualified to carry out a specified activity in relation to specified equipment.
- (2) A certificate of competence remains in force for the period specified in it and may be renewed from time to time.
- (3) WorkSafe may cancel a certificate of competence, or suspend a certificate of competence for such period as he or she thinks fit, if, after giving the holder an opportunity to be heard, he or she is satisfied on reasonable grounds—
 - (a) that the holder has been so negligent in carrying out any task that the holder of the certificate could reasonably be expected to perform to a reasonable standard that the safety of any person has been or could have been endangered; or
 - (b) that the holder has shown himself or herself unfit to be the holder of the certificate by the improper manner in which he or she has carried out any task that the holder of the certificate could reasonably be expected to perform in a proper manner.

Regulation 35(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

36 Duties of controllers and inspection bodies in relation to certificates of competence

- (1) Every controller and every inspection body must, so far as is reasonably practicable, ensure that every specified activity carried out by the controller or the inspection body, as the case may require, is carried out by the holder of a certificate of competence in relation to that specified activity.
- (2) Nothing in this regulation prevents a controller or inspection body training a person to become the holder of a certificate of competence from allowing that person to carry out a specified activity, so long as the person carries out the

specified activity under the effective supervision of the holder of a relevant certificate of competence.

Regulation 36(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Transitional arrangements

37 Certificates of inspection

- (1) Subclause (2) applies to a certificate held by a controller immediately before the commencement of these regulations—
 - (a) that allows equipment to be operated; and
 - (b) that was issued by an inspection body that held, immediately before the commencement of these regulations, recognition issued by WorkSafe; and
 - (c) that is current.
- (2) Such a certificate is deemed to be a current certificate of inspection, and the provisions of these regulations, with any necessary modifications, apply to it.

Regulation 37(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

38 Certificates of competence

- (1) Subclause (2) applies to a document held by a person immediately before the commencement of these regulations—
 - (a) that was issued by the Secretary or by the Secretary for Transport or with the authority of the Secretary or of the Secretary for Transport; and
 - (b) that allows that person to carry out a specified activity; and
 - (c) that is current.
- (2) Such a document is deemed to be a certificate of competence, and the provisions of these regulations, with any necessary modifications, apply to it.

Part 6 Offences

[Revoked]

Part 6: revoked, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

39 Offences and penalties

[Revoked]

Regulation 39: revoked, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 1 Interpretation

r 2

In these regulations, unless the context otherwise requires,—

Act means the Health and Safety at Work Act 2015

activity, in relation to equipment, means any of the following:

- (a) adjustment:
- (b) alteration:
- (c) commissioning:
- (d) construction:
- (e) disposal:
- (f) design:
- (g) design verification:
- (h) equipment inspection:
- (i) installation:
- (j) investigation:
- (k) maintenance:
- (l) manufacture:
- (m) operation:
- (n) repair:
- (o) testing

aerosol has the meaning given to it by regulation 15.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

aerosol dispenser has the meaning given to it by regulation 15.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017

alteration—

- (a) means changing the design of, adding to, or taking elements away from equipment; and
- (b) includes the relocation of non-mobile equipment, but
- (c) does not include repairs, replacements, or routine maintenance

attended boiler means a boiler that is under the direct control of a qualified operator at all times when steam is being raised or is being taken from the boiler

boiler—

- (a) means a device—
 - (i) most of which is an arrangement of pressure containment parts; and

- (ii) the purpose of which is to generate steam—
 - (A) by the use of a directly applied combustion process; or
 - (B) by the application of heated gases; and
- (b) includes any of the following:
 - (i) boiler piping;
 - (ii) combustion equipment;
 - (iii) combustion management systems;
 - (iv) controls;
 - (v) economisers;
 - (vi) fans;
 - (vii) feed and circulating pumps;
 - (viii) pressure fittings;
 - (ix) reheaters;
 - (x) superheaters;
 - (xi) supports;
 - (xii) water level management systems; but
- (c) does not include a hot water boiler

boiler piping—

- (a) means piping forming part of a boiler and extending to the isolating device for the boiler; and
- (b) includes blowdown piping, feed water piping, fuel supply piping, safety device discharge piping, steam piping, and the supports of boiler piping

certificate of competence has the meaning given to it by regulation 35(1)

certificate of design verification means a certificate issued under regulation 30 that complies with regulation 31

certificate of inspection means a certificate issued or renewed under regulation 32 that complies with regulation 33. In the case of an in-house inspection body, the certificate may take the form of a computer record created by that body on the recommendation of the equipment inspector

crane—

- (a) means a powered device—
 - (i) that is equipped with mechanical means for raising or lowering loads suspended by means of a hook or other load-handling device; and
 - (ii) that can, by the movement of the whole device or of its boom, jib, trolley or other such part, reposition or move suspended loads both vertically and horizontally; and

- (b) includes all parts of the crane down to and including the hook or load-handling device, and all chains, rails, ropes, wires, or other devices used to move the hook or load-handling device; but
- (c) does not include lifting gear that is not an integral part of the crane

current means for the time being in force; and **currently** has a corresponding meaning

cylinder has the meaning given to it by regulation 3(1) of the Health and Safety at Work (Hazardous Substances) Regulations 2017

design includes redesign

design verification means verification that the following comply, in every respect related to safety, with the requirements of the appropriate design standards and contain every safety feature that is relevant, whether or not referred to in those standards:

- (a) designs of equipment, and
- (b) alterations to designs, affecting the structural strength or safety of equipment, made in the course of manufacture; and
- (c) designs of a repair or alteration affecting the operational safety of the equipment repaired or altered or any other equipment; and
- (d) the fabrication inspection requirements specified by the designer

design verifier means a person who—

- (a) is employed or engaged by an inspection body to carry out the functions referred to in regulation 26, and
- (b) is the holder of a relevant certificate of competence

designer means a designer of equipment that could reasonably be expected to be operated in a place of work

equipment inspection means an inspection carried out by an equipment inspector that—

- (a) is carried out to determine whether equipment is safe and is likely to remain safe; and
- (b) takes place in 1 or more of the following periods:
 - (i) the period in which the equipment, or its component parts, is manufactured;
 - (ii) the period after the manufacture and before the commissioning of equipment;
 - (iii) the period after the commissioning of equipment;
 - (iv) the period after a repair or alteration to which regulation 11 applies;
 - (v) the period after maintenance, or an adjustment, alteration, or repair, to which regulation 13 applies

equipment inspector means a person who—

- (a) is employed or engaged by an inspection body to carry out the functions referred to in regulation 27, and
- (b) is the holder of a relevant certificate of competence

fabrication inspection means inspection of equipment during the process by which it, or its component parts, is manufactured

fired heater—

- (a) means a device, not including a boiler or hot water boiler,—
 - (i) most of which is an arrangement of pressure containment parts; and
 - (ii) which heats gases or liquids at pressures exceeding 50 kPag—
 - (A) by the use of a directly applied combustion process; or
 - (B) by the application of heated gases; and
- (b) includes any of the following that is necessary to ensure the pressure integrity of the device or its safe operation:
 - (i) circulation pumps:
 - (ii) combustion equipment:
 - (iii) combustion management systems:
 - (iv) controls:
 - (v) fans:
 - (vi) piping:
 - (vii) pressure fittings:
 - (viii) supports

gas—

- (a) includes—
 - (i) air:
 - (ii) hydrocarbon vapour:
 - (iii) a substance that is a gas at standard ambient conditions, but that is for the time being in solid or liquid form while being processed, stored, transported, or used:
 - (iv) a substance that is a gas when not dissolved in a liquid solvent, but that is for the time being dissolved in a liquid solvent:
 - (v) a mixture of gases (whether or not the gases or the mixture also includes steam); but
- (b) does not include steam (except in a mixture of gases)

hazard level, in relation to equipment, means the hazard level determined by the designer

hot water boiler—

- (a) means a device—
 - (i) most of which is an arrangement of pressure containment parts; and
 - (ii) that does not produce or contain steam; and
 - (iii) the purpose of which is to heat water at pressures exceeding 200 kPag and temperatures exceeding 100°C—
 - (A) by the use of a directly applied combustion process; or
 - (B) by the application of heated gases; and
- (b) includes any of the following that is necessary to ensure the pressure integrity of the device or its safe operation:
 - (i) boiler piping;
 - (ii) combustion equipment;
 - (iii) combustion management systems;
 - (iv) controls;
 - (v) controls for water temperature and flow;
 - (vi) fans;
 - (vii) pressure fittings;
 - (viii) pumps;
 - (ix) supports; but
- (c) does not include a device of a kind that could reasonably be expected to be used only for domestic water heating

in-house inspection body means an inspection body that—

- (a) is part of an organisation that designs, manufactures, or controls equipment; and
- (b) has a separate identity within the organisation; and
- (c) has a reporting path that ensures adequate segregation of responsibilities and accountabilities in the provision of inspection services

inspection body means—

- (a) an organisation currently recognised under regulation 25; and
- (b) in relation to a design verifier or equipment inspector, the inspection body by which the design verifier or equipment inspector is employed or engaged

lifting gear, in relation to a crane,—

- (a) means a device used—
 - (i) to attach the load to the hook or load-handling device; or
 - (ii) to control the load independently of the hook or load-handling device; or
 - (iii) as a container for the load; and

- (b) includes lifting beams, lifting frames, spreaders, or similar devices that are not an integral part of the crane

limited attendance boiler means a boiler that—

- (a) may be started up or shut down automatically or under manual control; and
- (b) when operating, is checked at regular intervals by the holder of a relevant certificate of competence, who is on site and within range of the boiler's audible or visual alarms at all times; and
- (c) may be brought at any time under the direct control of a holder of a relevant certificate of competence

liquid means a substance that is normally a liquid at atmospheric pressure and 20°C

load-handling device, in relation to a crane,—

- (a) means a device—
 - (i) that is an integral part of the crane; and
 - (ii) that may substitute for the hook; and
- (b) includes lifting beams, lifting frames, and spreaders or similar devices, and associated chains, pins, pulley blocks, pulley frames, ropes, shackles, twist locks, and wires

maintenance includes servicing

manufacture means to manufacture equipment that could reasonably be expected to be operated in a workplace, and **manufacture** as a noun has a corresponding meaning

manufacturer means a manufacturer of equipment that could reasonably be expected to be operated in a workplace

operate, in relation to equipment,—

- (a) means to use the equipment; and
- (b) includes making the equipment available for use, whether by hiring or otherwise;—

and **operation** has a corresponding meaning

passenger ropeway means a cableway or ropeway—

- (a) to which the motion of machinery is transmitted; and
- (b) that is or could be used for conveying in a horizontal or inclined plane persons who are—
 - (i) on skis; or
 - (ii) supported by chairs; or
 - (iii) in enclosed cars that are—
 - (A) attached to or supported by a moving cable or rope; or
 - (B) attached to a moving cable or rope but supported by a standing cable or rope or some other overhead structure

pipeline—

- (a) means—
- (i) a pipeline authorised under the Petroleum Act 1937; or
 - (ii) a pipeline or proposed pipeline likely to be permanent and used or intended to be used for the conveyance of a geothermal fluid, mineral, natural gas, petroleum, or any other fluid that, at ambient conditions, has inherent properties that may create a significant hazard; and
- (b) includes part of a pipeline or proposed pipeline, including—
- (i) a directly associated fitting, pig launcher, or receiver; and
 - (ii) a pressure vessel and its associated appurtenances, including a coalescer, compressor, filter, separator, or pulsation bottle; and
 - (iii) a natural gas cooler associated with a pipeline compressor, pump, or tank; and
 - (iv) an appurtenance required for the conveyance of the product or material in the pipeline or for its safe operation

pipng components means—

- (a) bolting, fittings, flanges, gaskets, pipes, supports, tubing, and valves:
- (b) mechanical elements that are or could be assembled or joined to form pressure piping systems:
- (c) dryers, expansion joints, flexible joints, pressure hoses, strainers, traps, or similar devices—
- (i) that are associated with a kind of pressure equipment the purpose of which is to contain all or any of the following:
 - (A) gases at pressures exceeding 50 kPag; or
 - (B) liquids at pressures exceeding 50 kPag; or
 - (C) steam; and
 - (ii) including all items and safety devices that are necessary to maintain the safety of the kind of pressure equipment, whether the kind of pressure equipment stands alone or is part of an operating system

pressure means pressure above the atmospheric pressure

pressure containment parts includes coils, drums, interconnecting parts, tubes, and vessels

pressure equipment means a boiler, boiler piping, compressor, fired heater, gas turbine, hot water boiler, piping component, pressure fittings, pressure piping, pressure vessel, pump, steam engine, or steam turbine

pressure fittings—

- (a) means fittings that are associated with a kind of pressure equipment the purpose of which is to contain all or any of the following:

- (i) gases at pressures exceeding 50 kPag; or
 - (ii) liquids at pressures exceeding 50 kPag; or
 - (iii) steam; and
- (b) includes all mountings, pressure gauges, safety devices, valves, and other articles necessary to maintain the safety of the pressure equipment, whether the pressure equipment stands alone or is part of an operating system

pressure piping—

- (a) means an assembly of piping components the purpose of which is to convey fluid, or transmit a fluid pressure, for any of the following or any combination of them:
- (i) gases at pressures exceeding 50 kPag; or
 - (ii) liquids at pressures exceeding 50 kPag; or
 - (iii) steam; and
- (b) includes all pressure relief discharge piping up to the point of release; and
- (c) includes all supports for pressure piping necessary to maintain the safety of the pressure equipment, whether the pressure equipment stands alone or is part of an operating system

pressure relief means the controlled and automatic relief of pressure to a safe disposal location or system by the operation of a safety device

pressure vessel—

- (a) means an unfired vessel the purpose of which is to hold, process store, transport, or use all or any of the following:
- (i) gases at pressures exceeding 50 kPag;
 - (ii) liquids at pressures exceeding 50 kPag;
 - (iii) steam; and
- (b) includes all fittings, mountings, piping, and supports necessary to maintain the safety of the pressure vessel, whether the pressure vessel stands alone or is part of an operating system; and
- (c) includes vessels heated by electricity or heated by a hot gas or liquid; but
- (d) does not include fixed roofed or floating roofed storage tanks

qualification issuing agency means an agency currently recognised under regulation 29(2)

quality management system means a system to which regulation 28(1) applies

redesign means—

- (a) to make an alteration to a design, affecting the structural strength or safety of equipment, in the course of manufacture; or
- (b) to design a repair or alteration affecting the operational safety of the equipment repaired or altered or any other equipment;—

and **redesign** as a noun has a corresponding meaning

repair—

- (a) means restoring equipment to a safe operating condition; but
- (b) does not include alterations, replacements, or routine maintenance

safety device—

- (a) means any kind of device, item, or system—
 - (i) that is used in or on equipment; and
 - (ii) that controls or monitors an aspect of the safety of the equipment; and
- (b) includes a bursting disc, pressure relief device, safety valve, or other similar device

specified activity, in relation to equipment, means any of the following:

- (a) design verification:
- (b) equipment inspection:
- (c) operation of an attended or limited attendance boiler

steam means water vapour at a pressure equal to or greater than atmospheric pressure and a temperature equal to or greater than 100°C

supplier—

- (a) means a person who supplies or imports equipment that could reasonably be expected to be operated in a workplace; and
- (b) includes a person who sells or hires, or offers for sale or hire, equipment that could reasonably be expected to be operated in a workplace

third party inspection body means an inspection body independent of the designer, manufacturer, or controller for whom design verification or equipment inspection is carried out

type fault means a fault inherent in a particular kind of equipment, resulting from deficiencies in the design or manufacturing process, that may cause the equipment to cause serious harm to a person

unattended boiler means a boiler that can start up, operate, and shut down only under—

- (a) the control of the boiler management system; and
- (b) the monitoring of the safety system

water capacity has the meaning given to it by regulation 15.1 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

Schedule 1 **Act**: replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 1 **aerosol**: inserted, on 16 October 2008, by regulation 4 of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314).

Schedule 1 **aerosol**: amended, on 1 December 2017, by regulation 4(1) of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2017 (LI 2017/223).

Schedule 1 **aerosol dispenser**: inserted, on 16 October 2008, by regulation 4 of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314).

Schedule 1 **aerosol dispenser**: amended, on 1 December 2017, by regulation 4(1) of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2017 (LI 2017/223).

Schedule 1 **cylinder**: inserted, on 16 October 2008, by regulation 4 of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314).

Schedule 1 **cylinder**: amended, on 1 December 2017, by regulation 4(2) of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2017 (LI 2017/223).

Schedule 1 **manufacture**: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 1 **manufacturer**: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 1 **supplier** paragraph (a): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 1 **supplier** paragraph (b): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 1 **water capacity**: added, on 16 October 2008, by regulation 4 of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314).

Schedule 1 **water capacity**: amended, on 1 December 2017, by regulation 4(1) of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2017 (LI 2017/223).

Schedule 2

Equipment excluded from regulations

r 4

Air-conditioning systems in vehicles

Aircraft—equipment on

Compressed air hand tools

Cranes used solely for lifting and towing damaged or broken-down motor vehicles

Cylinders

Distribution systems within the meaning of the Gas Act 1992

Earth-moving and forestry equipment, not including such equipment being use as a crane

Fire extinguishing systems that consist of—

- (a) fixed flooding systems:
- (b) portable extinguishers

Gas appliances or gas installations within the meaning of the Gas Act 1992, but boilers, fired heaters, gas turbines, hot water boilers, and pressure vessels that are within that Act are not excluded and anything listed in an Order in Council made under section 3(2)(b) or (c) of that Act is not excluded

Geothermal wells—equipment used in drilling, repair, or testing

Hydraulic systems not related to cranes, passenger ropeways, or pressure equipment

Internal combustion engines and their cooling systems

Low hazard pressure containers—equipment excluded is—

- (a) aerosol dispensers; and
- (b) aerosol containers with a water capacity of less than 50 ml or for which the absolute pressure developed at 20°C is less than 170 kPa; and
- (c) cartridges with a water capacity of less than 170 ml; and
- (d) non-refillable containers with a water capacity of less than 100 ml; and
- (e) cylinders with a water capacity of less than 120 ml if the contents are a liquefied gas with flammable properties; and
- (f) cylinders with a water capacity of less than 500 ml if the contents are not a liquefied gas with flammable properties

Machinery that is driven solely by manual or animal power

Military equipment—equipment designed to military specifications and manufactured and deployed specifically for operational military purposes

Mining or quarrying operations—equipment excluded is—

- (a) machinery used by mining operations to raise or convey people or materials, and

(b) plant (mobile or stationary) used by mining or quarrying operations to excavate, process, or transport materials taken from the earth by those operations; and

(c) pumping machinery used by mining or quarrying operations

Offshore petroleum installations—equipment on

Petroleum wells—equipment used in drilling, repair, or testing

Pipelines authorised by the Petroleum Act 1937 and pipelines to which the Gas Act 1992 applies

Pressure vessels used in connection with compressors that compress natural gas or biogas for transmission

Refrigeration systems on vehicles or transport containers

Refrigerators intended for domestic or retail use

Ships—equipment on

Side-loading or end-loading transporters used to handle freight containers, logs, pallets, rubbish skips, or timber

Tubes, tyres, and similar inflatable devices

Vehicles—equipment excluded is—

(a) braking systems; and

(b) fuel tanks; and

(c) refrigeration systems

Schedule 2: amended, on 16 October 2008, by regulation 5(a) of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314).

Schedule 2: amended, on 16 October 2008, by regulation 5(b) of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314).

Marie Shroff,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2017 (LI 2017/223)

Standards and Accreditation Act 2015 (2015 No 91): section 45(2)

Health and Safety at Work Act 2015 (2015 No 70): section 232

WorkSafe New Zealand Act 2013 (2013 No 94): section 22

Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Amendment Regulations 2008 (SR 2008/314)

Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17): section 76