

Reprint  
as at 1 December 2017



## Hazardous Substances (Tank Wagons and Transportable Containers) Amendment Regulations 2012

(SR 2012/285)

Hazardous Substances (Tank Wagons and Transportable Containers) Amendment Regulations 2012: revoked, on 1 December 2017, pursuant to regulation 4(1) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

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 sections 76(1) and 140(1)(c) of the Hazardous Substances and New Organisms Act 1996, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 141(1) of that Act.

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#### 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.

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## Regulations

### 1 Title

These regulations are the Hazardous Substances (Tank Wagons and Transportable Containers) Amendment Regulations 2012.

### 2 Commencement

These regulations come into force on 1 November 2012.

### 3 Principal regulations

These regulations amend the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 (the **principal regulations**).

#### **4 Regulation 3 amended (Interpretation)**

- (1) In regulation 3, insert in their appropriate alphabetical order:

**compressed gas** has the same meaning as in regulation 3 of the Hazardous Substances (Compressed Gases) Regulations 2004

**low-hazard hazardous substance** means a hazardous substance with a hazard classification other than class 1, 2.1.1A, 3.1A, 3.1B, 3.1C, 4, 5.1.1A, 5.1.1B, 5.1.1C, 5.1.2A, 5.2, 6.1A, 6.1B, 6.1C, 8.2A, 8.2B, 8.2C, or 9.1A

- (2) In regulation 3, definition of **maximum obtainable pressure**, delete “a pressure that is not more than”.
- (3) In regulation 3, replace the definition of **UN Model Regulations** with:

**UN Model Regulations**—

- (a) means the 17th revised edition of the *UN Recommendations on the Transport of Dangerous Goods—Model Regulations* (2011); and
- (b) includes any amendment to, or replacement of, material in the model regulations that has legal effect as part of these regulations under section 141B of the Act; but
- (c) does not include any material that ceases to have legal effect as part of these regulations under section 141D of the Act.

#### **5 Regulation 4 amended (Application of regulations)**

In regulation 4(5), delete “7(5),”.

#### **6 Regulation 7 amended (Marking)**

Revoke regulation 7(4) and (5).

#### **7 Regulation 8 amended (Application of Part 3)**

- (1) In regulation 8, after “tank wagon”, insert “that”.
- (2) In regulation 8(a), delete “that”.

#### **8 Regulation 10 amended (Pressure resistance)**

Replace regulation 10(2)(b) with:

- (b) ensure that each part of the tank and fittings is designed so that, if the part contains a liquid hazardous substance, it is capable of operation at a pressure at least as great as the maximum obtainable pressure for the part.

#### **9 Regulation 11 amended (Fatigue resistance)**

- (1) Replace regulation 11(2)(a) and (b) with:

- (a) for a road tank wagon, by 5 000 000 pressure cycles from –7 kPa to the recommended operating pressure:

- (b) for a rail tank wagon, by 500 000 pressure cycles from  $-7$  kPa to the recommended operating pressure:
- (2) In regulation 11(3), replace “ $5 \times 10$  pressure” with “5 000 000”.
- (3) In regulation 11(4)(a), replace “kg/m” with “kg/m<sup>3</sup>”.
- (4) After regulation 11(5), insert:
- (6) Subclause (2) does not apply to a tank that contains a liquid hazardous substance at atmospheric pressure.

**10 Regulation 13 amended (Tank impact resistance)**

- (1) Replace regulation 13(1) with:
  - (1) A tank must be designed and constructed to ensure that, if the empty tank is struck from any direction by a 20 kg smooth, hard, spherical object with a radius of 85 mm at a speed of 5 m/s, and the tank later contains a liquid hazardous substance, the loss of the liquid hazardous substance from the tank is not more than 0.1 ℓ per day.
- (2) Revoke regulation 13(3).

**11 Regulation 14A amended (Maximum compartment size)**

In regulation 14A(2), after “tank wagon”, insert “, other than a compartment that contains a gaseous hazardous substance,”.

**12 Regulation 15 amended (Emergency preparedness)**

- (1) In regulation 15(1), replace “construed” with “constructed”.
- (2) In regulation 15(1) and (2), replace “person operating” with “driver of”.
- (3) In regulation 15(1) and (2), delete “from 80% of the heat emitted from the fire”.
- (4) Revoke regulation 15(3).

**13 Regulation 25 amended (Application of Part 5)**

- (1) In regulation 25, after “trailer”, insert “that”.
- (2) In regulation 25(a), delete “that”.

**14 Regulation 30 replaced (Application of Part 6)**

Replace regulation 30 with:

**30 Application of Part 6**

This Part applies to any transportable container that carries—

- (a) a hazardous substance of any hazard classification; or
- (b) a compressed gas.

**15 Regulation 31 replaced (Requirements for UN approved containers)**

Replace regulation 31 with:

**31 Requirements for UN approved containers**

- (1) A transportable container that complies with chapter 6.5 (intermediate bulk containers) of the UN Model Regulations may be used for the transport of a hazardous substance, but,—
  - (a) for a container manufactured in New Zealand, only if the container has the design test certificate required by Part 7 of these regulations; and
  - (b) where a hazardous substance other than a low-hazard hazardous substance is transported, and the hazardous substance is to be transferred to or from the container while the container remains attached to the deck of the vehicle, only if regulations 40, 41, 42, and 43 are complied with.
- (2) A transportable container that complies with chapter 6.7 (portable tanks and multiple-element gas containers) of the UN Model Regulations may be used for the transport of a hazardous substance or compressed gas if,—
  - (a) for a container manufactured in New Zealand, the container has the design test certificate required by Part 7 of these regulations; and
  - (b) the attachment of the container to the deck of the vehicle is able to resist the forces specified in Schedule 1 of these regulations; and
  - (c) 1 or both of the following apply:
    - (i) the container is transported when empty or when filled to the maximum recommended filling capacity;
    - (ii) the vehicle transporting the container complies with regulation 21; and
  - (d) where a hazardous substance other than a low-hazard hazardous substance is transported, and the hazardous substance is to be transferred to or from the container while the container remains attached to the deck of the vehicle, regulations 14, 15, 16, 18, 20, 23, 24, 40, 41, 42, and 43 are complied with.
- (3) The regulations referred to in subclauses (1)(b) and (2)(c)(ii) and (d) apply as if the vehicle were a road tank wagon and the transportable container were a tank.

**16 Regulation 32 amended (Requirements for issue of design test certificates)**

(1) Replace regulation 32(1) with:

- (1) A person designing a tank wagon or part of a tank wagon must obtain a design test certificate to certify that the tank wagon or part complies with the design requirements of these regulations.
- (1A) However, a design test certificate is not required for a tank wagon with a tank capacity of less than 450 ℓ that carries a low-hazard hazardous substance.

- (1B) A person designing a transportable container for manufacture and use in New Zealand must obtain a design test certificate to certify that the container complies with chapter 6.5 (intermediate bulk containers) or 6.7 (portable tanks and multiple-element gas containers) of the UN Model Regulations.
- (2) In regulation 32(2), after “subclause (1)”, insert “or (1B)”.
- (3) In regulation 32(3)(b), after “wagon”, insert “; or”.
- (4) After regulation 32(3)(b), insert:
- (c) each design component set out in chapter 6.5 (intermediate bulk containers) or 6.7 (portable tanks and multiple-element gas containers) of the UN Model Regulations if the certification is for a transportable container.
- (5) In regulation 32(4), after “certificate of design”, insert “verification” in each place.

**17 Regulation 35 amended (Requirements for issue of pre-commissioning test certificates)**

- (1) After regulation 35(1), insert:
- (1A) However, a pre-commissioning test certificate is not required for a tank wagon—
- (a) with a tank capacity of less than 450 ℓ that carries a low-hazard hazardous substance; or
- (b) with a tank capacity of less than 2 000 ℓ that is manufactured by an approved fabricator in accordance with the terms and conditions of the fabricator’s approval.
- (2) After regulation 35(3), insert:
- (4) The Authority may, upon written application by a person, give written notice to the person—
- (a) approving the person as an approved fabricator; and
- (b) specifying the terms and conditions of the approval, including the 1 or more tank wagon designs that the person is approved to manufacture.
- (5) The Authority may, at any time, give written notice to an approved fabricator—
- (a) revoking the approval; or
- (b) changing the terms and conditions of the approval.

**18 Regulation 36 amended (Requirements for issue and renewal of in-service test certificates)**

- (1) Replace regulation 36(1)(a) with:
- (a) either—
- (i) the date of the pre-commissioning test certificate issued under regulation 35 for the tank wagon; or

- (ii) the date of manufacture of the tank wagon, if the tank wagon did not require a pre-commissioning test certificate; or
- (2) After regulation 36(1), insert:
  - (1A) However, an in-service test certificate is not required for a tank wagon with a tank capacity of less than 2 000 ℓ that carries a low-hazard hazardous substance.
- (3) Replace regulation 36(2) with:
  - (2) An in-service test certificate may be issued by a test certifier for a tank wagon if the test certifier, after completing an external visual inspection of the tank's compartments, is satisfied that the tank and tank wagon comply with whichever of regulations 12, 16, 23, and 24 apply to them.
- (4) In regulation 36(5), replace “that subclause” with “subclause (1)”.
- (5) In regulation 36(6), replace “clause (5)” with “subclause (5)”.

**19 Regulation 41 amended (Supervision of tank wagons)**

- (1) In regulation 41(1), replace “regulation 56” with “regulations 56, 89, and 107”.
- (2) In regulation 41(1), after “hazard classification”, insert “to which those regulations apply”.
- (3) Replace regulation 41(1)(a) and (b) with:
  - (a) in a transit depot; or
  - (b) in a hazardous substance location in compliance with the current test certificate required by the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 for that hazard classification; or
  - (c) on a road or elsewhere for up to 5 minutes if the tank wagon is—
    - (i) at least 30 m away from all areas of high intensity land use other than roads; and
    - (ii) at least 8 m away from all areas of low intensity land use other than roads.
- (4) After regulation 41(1), insert:
  - (1A) To avoid doubt, a tank wagon contains a hazardous substance for the purposes of subclause (1) if, after being emptied, it retains any of the hazardous substance as a flammable vapour.

**20 Schedule 1 amended**

In the Schedule 1 heading, replace “31(1)(b)” with “31(2)(b)”.

**21 Schedule 2 replaced**

Replace Schedule 2 with the Schedule 2 set out in the Schedule of these regulations.

**Schedule  
Schedule 2 replaced**

r 21

**Schedule 2  
Requirements for design, pre-commissioning, and in-service test  
certification**

rr 32(3)(a) and (b), 35(2)(a), 36(3)

<b>Regulation</b>	<b>Provision/component</b>	<b>Rail</b>	<b>Road (≥2 000 t)</b>	<b>Road (&lt;2 000 t)</b>
6(1) and (2)	Compatibility	D, PC	D, PC	D, PC
7	Marking	D, PC	D, PC, IS	D, PC, IS
9(1)(a)	Ability to withstand stress of load	D, PC, IS	D, PC, IS	D, PC, IS
9(1)(b)	Ability to withstand stress of load	D, PC	D, PC	D, PC
10(5) and (6)	Pressure resistance	D, PC	D, PC	D, PC
11	Fatigue resistance	D, PC	D, PC	
12	Corrosion resistance	D, PC, IS	D, PC, IS	D, PC, IS
13	Tank impact resistance	D, PC	D, PC	
14	Fittings impact resistance	D, PC	D, PC	
15(1) and (2)	Emergency preparedness		D, PC, IS	
16	Transfer of liquids or gases	D, PC, IS	D, PC, IS	
17	Attachment of tank to chassis	D, PC	D, PC	D, PC
18	Minimising risk of possible ignition		D, PC, IS	D, PC, IS
20	Vehicle fuel tank requirements		D, PC, IS	
21	Stability and manoeuvrability		D, PC	D, PC
22	Longitudinal surging		D, PC	
23	Rear end collision protection		D, PC, IS	D, PC, IS
24	Rear run-under by small vehicles		D, PC, IS	
28	Fittings impact resistance			D, PC
29	Rear run-under			D, PC, IS
35(3)	Tank compartment pressure test	PC	PC	PC

D = design test certification

IS = in-service test certification

PC = pre-commissioning test certification

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 amend the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 (the **principal regulations**).

The main amendments—

- remove the requirement to meet certain standards when marking a tank wagon:
- exclude a fatigue resistance test from applying to a tank that contains a liquid hazardous substance at atmospheric pressure:
- exclude the maximum compartment size of 10 000 ℓ from applying to a tank wagon compartment that contains a gaseous hazardous substance:
- simplify the requirement for the driver of a tank wagon to be protected from fire:
- extend Part 6 of the principal regulations to apply to a transportable container that carries a compressed gas:
- require a design test certificate for a transportable container only for a container manufactured in New Zealand:
- apply certain requirements only to transportable containers that comply with chapter 6.7 (not chapter 6.5) of the UN Model Regulations:
- apply certain regulations relating to tank wagons where a hazardous substance (other than a low-hazard hazardous substance) is to be transferred to or from a transportable container while the container remains attached to the deck of a vehicle:
- remove the requirement for a design test certificate or pre-commissioning test certificate for a tank wagon with a tank capacity of less than 450 ℓ that carries a low-hazard hazardous substance:
- remove the requirement for a pre-commissioning test certificate for a tank wagon with a tank capacity of less than 2 000 ℓ that is manufactured by an approved fabricator in accordance with the terms and conditions of the fabricator's approval:
- remove the requirement for an in-service test certificate for a tank wagon with a tank capacity of less than 2 000 ℓ that carries a low-hazard hazardous substance:
- require only an external (not internal) visual inspection of a tank's compartments in order for an in-service test certificate to be issued under regulation 36(2) of the principal regulations:
- add further circumstances in which a tank wagon that contains a liquid or gaseous hazardous substance may be left unattended.

The regulations make other minor amendments, including updates, corrections, and clarifications.

**Hazardous Substances (Tank Wagons and  
Transportable Containers) Amendment Regulations  
2012**

Explanatory note

Reprinted as at  
1 December 2017

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The regulations come into force on 1 November 2012.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 27 September 2012.

## **Reprints notes**

### **1    *General***

This is a reprint of the Hazardous Substances (Tank Wagons and Transportable Containers) Amendment Regulations 2012 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***

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