



Health and Safety at Work (Hazardous Substances) Amendment Regulations 2025

Cindy Kiro, Governor-General

Order in Council

At Wellington this 15th day of September 2025

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 211, 212, and 218 of the Health and Safety at Work Act 2015—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after complying with section 217 of that Act.

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Regulations

1 Title

These regulations are the Health and Safety at Work (Hazardous Substances) Amendment Regulations 2025.

2 Commencement

These regulations come into force on 20 October 2025.

3 Principal regulations

These regulations amend the Health and Safety at Work (Hazardous Substances) Regulations 2017.

4 Regulation 11.32 amended (Storage of class 3.1 substances in retail shops)

In regulation 11.32(1)(a)(ii), after “10 L”, insert “, except that paint may be opened briefly for tinting”.

5 Regulation 11.33 amended (Storage of class 3.1B and 3.1C flammable liquids in retail shops)

After regulation 11.33(1), insert:

- (1A) In subclause (1)(d), the reference to a protected place that is external to the retail shop does not include an external place (for example, a garden centre, a timber yard, a sales yard, or a café) that is—
- (a) situated on the same retail site as the retail shop; and
 - (b) an integral part of the business or undertaking of the retail shop.
- (1B) In subclause (1)(e), the reference to another building that shares a common wall with the retail shop does not include a building (for example, a garden centre, a timber yard, a sales yard, or a café) that is—
- (a) situated on the same retail site as the retail shop; and
 - (b) an integral part of the business or undertaking of the retail shop.
- (1C) For the purposes of subclauses (1A)(a) and (1B)(a), an external place or a building is treated as being situated on the same retail site as the retail shop regardless of whether the external place or other building is under a roof or outdoors.
- (1D) For the purposes of subclauses (1A)(b) and (1B)(b), an external place or a building is treated as being an integral part of the business or undertaking of the retail shop regardless of whether—
- (a) the external place or other building is under the management or control of the same PCBU as the retail shop or a different PCBU; or

- (b) the business or undertaking conducted in the external place or other building is conducted by the same PCBU as the business or undertaking in the retail shop or a different PCBU.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

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

These amendment regulations, which come into force on 20 October 2025, make technical amendments to the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the **principal regulations**) to ensure the effective application of requirements for separation distances in the retail sale of flammable liquids.

Regulation 4 amends regulation 11.32 of the principal regulations. The effect of the amendment is that packages of class 3.1 substances that are exempt from separation distance requirements may, if the substance is paint, be briefly opened for the purpose of tinting. This amendment makes the provision more workable in practice and consistent with regulation 11.33(2)(a).

Regulation 5 amends regulation 11.33 of the principal regulations by inserting new subclauses that provide that the external protected place referred to in regulation 11.33(1)(d) and the adjoining building referred to in regulation 11.33(1)(e) do not include an external place or an adjoining building that is on the same retail site as the retail shop and is an integral part of the business or undertaking conducted in the retail shop. The effect of this amendment is that no separation or fire-resistant wall is required between a retail shop building storing class 3.1B and 3.1C flammable liquids (for example, a large retail hardware store) and an external place or adjoining building of that kind (for example, a garden centre, a timber yard, or a café). This effect applies regardless of whether the external place or the adjoining building is roofed and regardless of whether it, or the business or undertaking that is conducted in it, involves the same person conducting a business or undertaking (**PCBU**) as the retail shop building or a different PCBU.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 18 September 2025.

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