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## Validity of compliance certificate for stationary container system

**Regulation 17.92(1) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HS Regulations) prescribes the validity period for a stationary container system compliance certificate.**

The regulation incorporates by reference the following document types, which specify the validity period(s):

1. International standards including *API 653*, *NZS/BS 2654*, *AS 1940*. Some standards may set an inspection frequency, which should be used as the validity period
2. Safe Work Instruments, including the Health and Safety at Work (Hazardous Substance) – Validity Periods of Compliance Certificates for Stationary Container Systems Safe Work Instrument 2018
3. Certification of inspection issued under HSE (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999.

WorkSafe New Zealand may increase the validity period on a case-by-case basis, and within prescribed limits, on application by the PCBU.

If a stationary container system is not covered by one of the above document types, or WorkSafe has not increased the validity period, then the validity period must be 1 year.

Regulation 6.23(3) does not provide a compliance certifier with discretion to extend or shorten a prescribed validity period.

There is also no provision in Part 17 of the HS Regulations for a conditional certificate for a stationary container system. This means that if a stationary container system does not meet the prescribed requirements, and the certifier is not satisfied that any potential adverse effect from the relevant requirement not being met has been satisfactorily avoided, a compliance certifier cannot issue a certificate for a reduced period to that prescribed. The certifier must refuse to issue a certificate and notify the PCBU and WorkSafe under regulation 6.23(2).