

Safe Appliance Scheme contacts list

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SAFE APPLIANCE

**Safe Appliance Scheme
administered by the
Liquefied Petroleum Gas
Safety Association
of Southern Africa**

1. Introduction

This booklet has been prepared in order to assist manufacturers, importers, distributors and retailers of appliances to understand the details of the Safe Appliance Scheme as it applies to appliances, regulators and hoses manufactured in and/or imported into South Africa. The scheme is built around three South African Bureau of Standards specifications namely:

- SANS 1539 for LPGas appliances
- SANS 1237 for LPGas regulators
- SANS 1156-2 for LPGas hoses

As it is explained within the text of this booklet, it is mandatory for all appliances, regulators and hoses, falling within the scope of the relevant specification to comply with the requirements of those specifications and the mandatory aspects are detailed within the Occupational Health and Safety Act of 1993.

The Liquefied Petroleum Gas Safety Association of Southern Africa is committed to ensuring that all LPGas appliances sold in South Africa are proven to comply with the aforementioned requirements and, as required by the Department of Labour, have established the Safe Appliance Scheme in furtherance of this. The scheme has been operational since April 2001.

Please feel free to contact the Association's support staff directly should there be any aspects of the scheme on which you require further information. Contact details are listed on the back cover.

R Townsend.
General Manager
Liquefied Petroleum Gas Safety Association
of Southern Africa

Notes:

1. The word "appliance" where used in this booklet shall mean "LPGas appliance"
2. The references in this booklet to SANS 1539 shall also be taken to apply to SANS 1237 and SANS 1156-2

A record is kept of all Permits issued, the expiry date or review period and the method of confirming ongoing compliance. All Permits are shown on the LPGSASA website

The system is policed by the LPGSASA Inspector and field staff in the four major centres and by 'whistle blowing' where non-compliant appliances are brought to the attention of the LPGSASA Inspector by other suppliers that have compliant appliances in the market.

If after an investigation an appliance is found to be non-compliant, the supplier will be notified and warned by the LPGSASA that they may not sell the appliance and must withdraw the appliance or equipment from the market as they are in contravention of the law.

Should the supplier choose to ignore the warning, the LPGSASA will obtain proof of non-compliance and evidence of the sale of the non-compliant appliance and, by means of an affidavit, will provide information to the DoL. The LPGSASA will then act as an assistant to the DoL Inspector who will issue a Prohibition Notice to the supplier. A number of successful Prohibition Notices have been issued.

OHS Act Section 29 (2)(b) - Function of Inspectors

For the purpose of this Act an Inspector's assistant shall, while he acts under the instruction of an Inspector, be deemed to be an Inspector.

Should the supplier choose to ignore the prohibition notice, the DoL will then prosecute a criminal case without the option of an admission of guilt fine. The CEO of the company will have to appear in court and the LPGSASA will act as an expert witness on behalf of the state

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6.11 DoL(LPGSASA) - Permit

The issuing of a permit can be viewed by the supplier as a form of "insurance policy" as far as the OHS Act is concerned

In the case of an accident involving an appliance not verified as being compliant with SANS 1539, the LPGSASA will act as an expert witness for the state in the criminal case as well as a hostile expert witness for an insurance company in the case of a civil claim.

OHS Act Section 39 - Proof of Certain Facts

(5a) Whenever, at the trial of any person charged with contravention n 22, it is proved that the accused sold or marketed any article, substance, machinery or health and safety equipment contemplated in that section, it shall be presumed, until the contrary is proved, that such article, substance, plant machinery or health and safety equipment did not at the time of the sale or marketing thereof comply with the said requirements.

In the case of an accident involving an appliance that has been issued with a Permit verifying compliance with SANS 1539, it becomes *prima facie* evidence of compliance, which the LPGSASA will support as an expert witness in the supplier's defence, provided the affected appliance is in fact still compliant and has not been fraudulently altered.

3. The Safe Appliance Scheme

3.1. Terms of Reference

3.1.1 Authority

By agreement and authorisation of the LPGSASA Board of Directors, the LPGSASA has formed a Safe Appliance Acceptance Committee (hereinafter referred to as the "committee")

The responsibility of the committee is to:

Verify the test reports of appliances for acceptance and filing;

Introduce and confirm a system of ongoing appliance control;

Issue verification permits;

Investigate cases of failure or complaint;

Consider appropriate warnings regarding unsafe appliances that must be removed from the market place, including, when relevant, the withdrawal of the LPGSASA Safe Appliance Mark;

The committee will be obliged to introduce appropriate control actions where appliances fail to further comply or, where the manufacturer or dealer fails to cooperate with the committee in respect of any agreements reached at the time of initial acceptance. If such actions are not successful, the matter shall be reported to the Department of Labour;

Create and maintain a list of accepted appliances. This list will show all existing appliances and the names of appliances that have been declared unsafe. The LPGSASA Safe Appliance Mark holders will be on the website www.lpgasa.co.za;

Act as mediator and/or arbitrator in the case of complaints from users, manufacturers or importers;

Maintain a close relationship with the relevant and responsible appliance testing authorities in respect of cost, test duration and extent of testing;

Maintain a close relationship with the specification development division of the SABS to ensure that the requirements of the applicable standards are updated as and when required.

3.1.2 Functions and Responsibility of the Safe Appliance Acceptance Committee

The committee shall be appointed by the Board of Directors of the LPGSASA in writing every year. A quorum will comprise of at least five members.

The committee will consist of:

- One member from the Department of Labour
- At least five members of the LPGSASA (of which one member shall be the Chairman.
- The Chairman shall be a Director of the LPGSASA)
- The Managing Director of the LPGSASA
- One member from the SABS
- One member from each approved Test House
- Co-opted specialists (non-voting)
- Two additional members (when so required)

The committee will meet at regular predetermined intervals (but not less than once per quarter) to deal with all such conditions as detailed in 3.1 above.

because the user has the responsibility to ensure that it remains in a safe working condition by regular maintenance and testing, which he will not be able to do if it is not ensured to be compliant when originally purchased.

6.7 OHS Act - Vessels Under Pressure Regulation section 15 - Maintenance

No user shall use, cause or permit a vessel under pressure or gas fuel system, including all automatic controls, indicators and appurtenances, to be used unless it is at all times maintained in a safe working condition and efficiency thereof is proved by regular testing.

The Supplier has a duty to inform and the instruction booklet and markings that the standard requires to be supplied with every appliance, are a minimum requirement for providing information to the user.

The supplier must ensure that the user is made conversant with the hazards to his health and safety, as well as with the precautionary measures required in respect to those hazards. The appliance instruction booklet is required to provide this information. The booklet and markings are as much for the safety of the user as to cover the OHS Act requirement and protect the supplier in his duty to inform.

6.8 OHS Act Section 13 - Duty to Inform

The Supplier's Role

The supplier of any appliance, regulator and hose must ensure that the products he sells meet the minimum requirements of the standard incorporated in the Act, which is SANS 1539 (and its complementary referenced standards of SANS 1237 for regulators and SANS 1156-2 for hose.)

OHS Act Section 22 - Sale of Certain Articles Prohibited

Subject to the provision of 10(4), if any requirement (including any health and safety standard) in respect of any article, substance, plant, machinery or health and safety equipment or for the use or application thereof has been prescribed, no person shall sell or market in any manner whatsoever such an article, substance, plant, machinery or health and safety equipment unless it complies with that requirement.

The supplier has three choices:

1. He voluntarily obtains a Permit.

In order to ensure compliance the supplier needs to acquire a Permit that verifies compliance.

To do this the supplier voluntarily has his appliance tested by an accredited and recognised test house that is qualified to test to SANS 1539, and submits a Test Report as proof of compliance to the Safe Appliance Acceptance Committee for verification.

If the sample is compliant a numbered Permit is issued free of charge by the Safe Appliance Acceptance Committee as evidence of compliance.

2. By means of a Memorandum of Understanding.

The supplier may pass the responsibility for compliance onto an intermediary or onto the user by written agreement.

This would primarily be useful in the case of a once off special order appliance or a custom built appliance. It is not an option for standard appliances manufactured or imported for general sale.

SABS Mark

A mark registered, issued and controlled by the South African Bureau of Standards that may be applied to an appliance and indicates a system of ongoing and regular quality and production control.

Note: details regarding the application of the SABS mark can be obtained from the SABS.

Verify

Appliances checked, qualified and accepted by the Safe Appliance Acceptance Committee in respect of a test report of compliance issued in terms of SANS 1539 by an approved testing authority.

Approved Test House

A Test House approved by the LPGSASA to test and inspect appliances for compliance with SANS 1539

3.2.2 Safe Appliance Acceptance Committee

By agreement and authorisation of its Board of Directors, the LPGSASA has formed a Safe Appliance Acceptance Committee (hereinafter referred to as the "committee") comprising members of the Association (including manufacturers, importers and end users), SABS, Test Authorities and co-opted members (see "Terms of Reference"). The duty and responsibility of this committee will be to:

Verify the test report relating to the appliance for identification and acceptance of the appliance and then the numbering and filing of the test report;

Issue a permit of verification which shall include an agreed system of applicable ongoing control of the appliance;

Investigate cases of failure or complaint;

Consider appropriate penalizing actions in respect of first off or consistent failure;

Create and maintain a list of accepted appliances. This list will show all existing acceptances and names of appliances that have been declared compliant. The LPGSASA Safe Appliance Mark holders will be included on the website www.lpgsas.co.za

3.2.3 Testing for compliance:

To ensure that all appliances, whether locally manufactured or imported, comply with SANS 1539, one sample of every type or model of a particular appliance shall be presented for evaluation and testing to an approved testing authority. The manufacturer (or dealer as relevant) shall deal with the Test House directly and such undertaking will incorporate all the necessary negotiations in respect of the discussion, inspection, testing and, if relevant, rectification and re-testing of the sample. The cost of testing shall be in accordance with a list of prices agreed between the testing authority and the committee and will be for the manufacturer's or importer's account.

Unless otherwise agreed upon, the Approved Test House is required to have the test results available within four weeks of the official receipt of the appliance at the Test House.

3.2.4 Report of compliance:

The manufacturer/importer shall obtain a test report of full compliance for each sample of appliance tested. The test report shall include a detailed description of the particular appliance in a manner that shall ensure future clear identification of the appliance.

The advantage of this option is that the levy and excise duty costs associated with a compulsory regulation are eliminated and the once off Test House costs can be amortised over the number of units stocked and sold over the permit period after which the permit is reviewed.

If an acceptable Quality Management System is installed to ensure ongoing compliance, this review period can be rolled over and amortisation of the original test costs can be therefore extended indefinitely over all future volumes.

The disadvantage of this appliance control method is that as there is no import control by customs which means that non-compliant products can be easily imported into RSA.

Should imports of non compliant products become unmanageable, the only option will be to request the DTI to make SANS 1539 a compulsory specification. Whilst this would mean considerably less work and cost for the LPGSASA it would add costs to our industry and the consumer.

Department of Labour (DoL) - Government Gazette

In considering its options and as a result of major amendments to SANS 1539, the Minister of Labour re-incorporated the SANS 1539 Safety Standard into the regulations under the Occupational Health and Safety Act in terms of section 44 of the Act.

OHS Act - Section 44

Incorporation of Health and Safety Standards in the Regulations. In terms of this section the Minister of Labour, issued a **Government Gazette No 17468 on 04/10/96** incorporating SANS 1539 "Appliances operating on LPGas - Portable and mobile appliances - Safety Aspects" into the OHS Act, Vessels Under Pressure Regulation 12 as a Safety Standard.

By reference, SANS 1539 became a legal requirement to which all appliances must comply. The sale of appliances that are non-compliant with SANS 1539 is a criminal offence.

6.4 LPGSASA's Mandate

As the DoL had neither the expertise nor the manpower to control the process of verification, the LPGSASA, an OHS Act recognised body, offered to manage the verification function for and on behalf of the DoL.

A letter of authority, signed by the Chief Inspector of the DoL on 25/10/00, mandates the LPGSASA to verify appliances as being compliant with the standard as called up in the OHS Act.

The Safe Appliance Acceptance Committee consists of representatives from manufacturers, importers, DoL, SABS Standards, SABS Test House, dealers, distributors and Fire Departments.

The LPGSASA reserves its right to charge an administration fee for its services, but has endeavoured wherever possible to absorb all the operational and administration costs. The verification services of the Safe Appliance Acceptance Committee, the administration, salaries of inspectors, the issuing of the permit and the insertion of permit details on the website are all offered free of charge to all applicants, both members and non-members of the LPGSASA.

A voluntary Safe Appliance Mark has, however, been made available from the LPGSASA at a cost to all permit holders, which cost will be waived on an annual basis for paid up LPGSASA Hardware Members wishing to use it.

3.3. Ongoing conformance procedure:

3.3.1 Basic requirement

It is a requirement of the Safe Appliance Scheme that permit holders present evidence of the implementation and currency of an acceptable Quality Management System (QMS). It is preferable that such evidence be presented at the time of applying for the permit.

The definition of an acceptable QMS is any one of the following:

- ISO 9000
- A UL Listing
- A documented in house system that has been audited by the LPGSASA

Other forms of QMS are not necessarily excluded but would be examined on a case by case basis. It should be noted that for imported products, a QMS other than ISO 9000 or a UL listing will require a full motivation by the supplier or his principal. If such a QMS is not regularly audited by an recognised inspection authority then it is unlikely that such a system will be acceptable.

This is a slightly different approach to that taken in the case of local manufacturers due only to the difficulties and costs associated with the audit process of overseas manufacturing facilities, if managed from this country.

The procedural process is as documented below:

3.3.2. Manufacturers with an acceptable QMS

Where the manufacturer presents evidence of a current ISO 9000 QMS or UL listing or other acceptable QMS at the time of application for a permit then, subject to a satisfactory Test report, a permit will be issued with a review date 3 years after the issue date. At the conclusion of the 3 year period the manufacturer will be required to present evidence of the continued currency of the previously accepted QMS. Acceptable evidence shall be a revised certificate and/or audit report from an acceptable externally based inspection authority.

Failure to provide evidence of continued currency of the QMS either at the expiry of the QMS certification period or at the review date on the permit will result in the need for a re-test of the products for which permits have been issued unless the supplier produces the required documentation within 4 weeks of being requested to do so.

3.3.3 Manufacturers without an acceptable QMS

Where the manufacturer does not present evidence of a current ISO 9000 QMS or UL listing at the time of application for a permit then, subject to a satisfactory Test report a Permit will be issued with an expiry date 1 year after the issue date. At the conclusion of the 1 year period the manufacturer will be required to present evidence of the implementation and use of a acceptable QMS. Failure to provide this may result in a re-test of the appliance being called for to ensure continuance or renewal of the Permit.

Where a re-test is called for permits will be withdrawn if the affected products are not submitted for re-test within 4 weeks of the request to do so. Where permits are reissued following a re-test, the above conditions re a QMS shall continue to apply. All re-test costs are for the supplier's account.

3.3.4 Local manufacturers with an in house QMS

3.3.4.1 An In house QMS needs to be audited by the LPGSASA before it can be accepted by the Safe Appliance Acceptance Committee. It is acknowledged that those companies that install an in house QMS may be doing so in order to comply with the ongoing conformance requirements required in terms of the Safe Appliance Scheme.

The SABS Mark

- it is a voluntary mark (with respect to appliances)
- it is a Quality Assurance Corporate mark ensuring that all the appliances manufactured in the factory are to the agreed standard.
- it is also a Safety Mark that can be displayed on the appliance
- It is guaranteed by its underlying ongoing SABS audit and quality assurance process ensuring continued compliance with SANS 1539

LPGSASA Hardware Members whose appliances carry the SABS Mark will automatically qualify for the LPGSASA Safe Appliance Mark on those appliances.

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6. Underlying supporting legal structure

The Liquefied Petroleum Gas Safety Association of Southern Africa's (LPGSASA) legal status has been questioned and challenged on many occasions. It was decided that an explanatory document was needed that would clarify the LPGSASA's relationship with the Occupational, Health and Safety Act (OHS) Act and the Department of Labour (DoL). This guide has been produced in an attempt to save a lot of energy, legal expense and time wasted every time there is a challenge to the LPGSASA's bona fides.

6.1 General Background

The USA standards are unfriendly to any imports of appliances and no untested appliances are allowed into the USA. Ten years ago Australia rigidly enforced their appliance standard to stop the flood of cheap, unsafe and non-compliant appliances entering Australia. Europe then became the dumping ground for these appliances and they then clamped down on their standard and now will not tolerate even the slightest deviation from their standard.

The LPGSASA and the DoL were concerned that RSA was being targeted as a country for the dumping of cheap, unsafe appliances and other unsafe LPGas equipment, and jointly decided that proactive action was needed and that we would not wait for deaths or injuries to reach a crisis proportion before we react.

In 1996 the DoL decided that action should be taken and that the dormant SANS 1539 standard needed to be enforced to stop the influx of dangerous goods that were growing, without concern for the safety of the people who buy them.

SABS standards are written by the industry (not by the LPGSASA). There are technical committees and working groups that have representatives from the manufacturers, importers, users, government departments, various associations, unions etc. The names of the people representing the interest groups are either printed in the standard or more recently on the SABS website.

Due process is controlled by the SABS and has to be adhered to by the standards writer.

In addition a SABS Approvals Committee is required to assess and approve this process.

The development of SANS 1539 followed due process and was approved by the SABS Approvals Committee.

4. Frequently asked questions on how the scheme works

This section deals with the Compulsory Verification Permit issued by the LPGSASA. In order to sell appliances you are required to have such appliances verified by the LPGSASA as being in compliance with SANS 1539

1. Question:
Why must my LP Gas appliance comply with SANS 1539 ?

Answer:
SANS 1539 has been a legal requirement since 1975. It is a requirement of the Occupational Health and Safety Act (OHS Act), which holds the Responsible Person or the Managing Director of the manufacturer/importer/dealer company, personally liable for any injury or death that occurs as a result of a non-compliant appliance.

It is in your best interest to sell only appliances that are verified as complying with the Standard. By being able to prove that you have taken the necessary reasonable precautions to protect the public, by having your appliance verified as complying with SANS 1539, you will have a defence that may mitigate any action by the Department of Labour.

You are required to have a Safe Appliance Verification Permit and Permit number that verifies compliance with SANS 1539 for all the appliances you sell.

2. Question:

How do I have my LPGas Appliance tested so as to ensure compliance with SANS 1539?

Answer:

You must contact an approved Test House directly (for contact details see the back cover of this booklet) and make your own arrangements directly with them for a quotation for the cost of the test and a commitment to a completion date for the testing of your appliance. You must deliver your appliance to an approved Test House. The Test House will test the appliance, and you must deal directly with them until the test has been satisfactorily completed and you are in possession of two original Test Reports. (Please note that the test report is not a permit)

3. Question:

What will the test cost, and whom do I pay?

Answer:

An approved Test House will quote you on both cost and delivery. The cost varies depending on the extent of the work that the test on your particular appliance will require. The chosen Test House will invoice you for the cost of testing and you must settle this directly with the Test House as all testing costs are for your account.

4. Question:

Do I get a discount if I have many models of appliance for testing ?

Answer:

This is a matter of negotiation between the manufacturer/importer and the selected Test House.

5. Question:

Will the Test House visit me to discuss the testing of my product range where I have many similar models. I would hope that it would not be necessary to test every one ?

Answer:

It has been the practice for the Test House to select the models for testing in the case where a manufacturer/importer has a range of similar models. This may require a visit to the premises of the manufacturer/importer.

The LPGSASA Marketing Department will promote and advertise the symbolic meaning of the LPGSASA Safe Appliance Mark to the general public, and the benefits of buying products carrying the LPGSASA Safe Appliance Mark.

Marked appliances will be promoted on the LPGSASA website as recommended verified products with a hyperlink to the Permit Holder's own web sites.

3. Question:
Is it compulsory to have the LPGSASA Safe Appliance Mark on my appliance?

Answer:
There are no OHS Act requirements attached to the use of the LPGSASA Safety Mark, it is an entirely voluntary activity. By becoming a member of the LPGSASA you will obtain access to the use of the LPGSASA Safe Appliance Mark.

Your legal responsibility ended when you received a Permit number that registers your appliance, and you have displayed this number, in the manner already described. Refer also to the section about ongoing compliance.

The LPGSASA Appliance Verification Permit is a prerequisite for the awarding of the use of the Mark, in that the Mark shall not be used on any appliance that is not covered by a Permit number.

4. Question:
As a Safe Appliance Verification Permit holder, can I use the LPGSASA Safe Appliance Mark?

Answer:
Although the Safe Appliance Verification Permit is a prerequisite, it does not allow or give you an automatic right to the use of or reference to the LPGSASA's Safety Appliance Mark.

These rights of use are reserved for Permit Holders that are paid up Hardware Members of the LPGSASA. Non-members who are Permit Holders can purchase this right at an annual fee per permit or, of course, become a member to secure that right.

However the Permit number shall be displayed on the packaging, information/safety instructions leaflet or directly onto the appliance itself, whether the LPGSASA Safety Appliance Mark is applied or not.

5. Question:
What will the LPGSASA Safe Appliance Mark cost?

Answer:
The LPGSASA Safe Appliance Mark is available at an annual fee of R1000,00 per permit for anyone wishing to use this Mark.

As an additional benefit to the LPGSASA Hardware Members, the LPGSASA Executive will, on receipt of the annual subscription, waive the Safe Appliance Mark fees for that year of membership.

Besides all the existing benefits of the LPGSASA, there is a huge financial saving for Permit Holders, of more than one Permit, to be a Hardware Member of the LPGSASA.

The non-member Permit Holder not wishing to become members or existing members not wishing to retain their full Hardware membership, may purchase the rights to the use of the Mark and its associated benefits by paying the annual Mark fee and by renewing that right on invoice from the LPGSASA in November of each year. The fee will remain due and payable every year for as long as there are marked appliances for sale in the field.

11. Question:
Why must I provide proof of ongoing control of my LPG Gas Appliance?

Answer:
It is absolutely essential that the LPGSASA is ensured that the future appliances that are being supplied into the market continue to comply to the SANS 1539 and that later supplies are not of inferior quality to the sample tested.

The LPG Gas Appliance Verification Permit will not be granted until the LPGSASA is satisfied that the continued compliance can be properly controlled.

Suppliers with ISO 9000 status or those that carry the SABS Mark will have sufficient proof of control as their manufacturing processes are monitored regularly providing quality assurance for continued compliance. Other manufacturers and importers will have to satisfy the LPGSASA that their method of quality control is satisfactory. (see Form E, point 6)

12. Question:
How soon will the Verification Permit be issued?

Answer:
It can be issued immediately on receipt of the three original documents (as in the answer to question 9 above). The LPGSASA will open a database file for your appliance and it will assess the Test Report. If the Test Report clearly indicates that the specific appliance fully complies with the SANS 1539 standard, and the method of ongoing control is acceptable to the LPGSASA, the appliance will be verified as being compliant by the Managing Director of the LPGSASA.

It may take up to three (3) months if the Test Report has any qualifications or the method of control is not absolutely clear. Such qualifications or method of control will be referred to the full LPGSASA Safe Appliance Acceptance Committee for a decision on its verification. The committee meets four times per year.

When verified, and the Test Report and your duly signed Application for a LPG Gas Appliance Permit (Form B) are in the possession of the LPGSASA, a Permit Number will be allocated for the specific appliance, and the detail entered onto the Data Base for reporting purposes for that specific appliance to the Department of Labour.

A Safe Appliance Verification Permit indicating its Permit Number, will be sent to you for your safe keeping.

13. Question:
What will the Permit cost?

Answer:
A nominal administration fee may be charged by the LPGSASA for issuing the Safe Appliance Verification Permit.

The LPGSASA provides the issuing of the permit as a service to the industry at its own cost. The administration fee, where charged, is simply to assist in covering the costs of administering the scheme.

14. Question:
How many Permits do I require for all my appliances?

Answer:
An individual Permit is generally issued for each of the appliances you sell. There are occasions however where it is possible to combine similar products into a single permit. The LPGSASA will advise you on this issue.