



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

## **Electrical Safety Supervisory Criteria Document (Version 3.0)**

**CER/16/001**

**22 April 2016**

## **TABLE OF CONTENTS**

<b>Overview</b> .....	<b>2</b>
<b>Section A</b> Introduction and Interpretation.....	<b>4</b>
<b>Section B</b> The Body .....	<b>20</b>
<b>Section C</b> The Registered Electrical Contractor.....	<b>57</b>
<b>Section D</b> Disciplinary Process .....	<b>90</b>
<b>Section E</b> Appeals Process .....	<b>107</b>
<b>Section F</b> Authorised Officer .....	<b>112</b>
<b>Section G</b> Electrical Investigation Officer .....	<b>117</b>
<b>Common Procedure No.1</b> Certification .....	<b>123</b>
<b>Common Procedure No.2</b> Third Party Inspection .....	<b>143</b>
<b>Common Procedure No.3</b> Application for Change of Contractor.....	<b>150</b>
<b>Common Procedure No.4</b> Transfer of Registration .....	<b>155</b>
<b>Common Procedure No.5</b> Enforcement.....	<b>161</b>
<b>Common Procedure No.6</b> Modifications .....	<b>172</b>

# OVERVIEW

## ***Overall Structure of the Criteria Document***

The Criteria Document comprises of several distinct sections. These may be broadly categorised as being either (1) Sections of the Criteria Document or (2) Common Procedures.

### *Sections of the Criteria Document*

Each of these sections deals with a specific area of the regulatory model. These are as follows:

- Section A: Introduction and Interpretation – this presents the overall operation of the regulatory framework and establishes the legal basis for the Criteria Document. This section also presents information relating to the purpose, structure and interpretation of the Criteria Document and the definition of terms used throughout the document;
- Section B: The Body – this presents the regulatory requirements placed on the Body, as designated by the Commission as an Electrical Safety Supervisory Body;
- Section C: The Registered Electrical Contractor – this presents the regulatory requirements placed on any parties registered with the Body;
- Section D: Disciplinary Process – this presents the requirements with respect to disciplinary procedures to be operated by the Body and to which the REC may be subject;
- Section E: Appeals Process – this presents the requirements with respect to Appeals Procedures in such circumstances where the decision of the Body to suspend or revoke the registration of an REC is appealed to the Commission by the REC subject to such sanction;
- Section F: Authorised Officer – this presents the provisions with respect to the appointment of personnel of the Body as Authorised Officers, as provided for in the Act; and,
- Section G: Electrical Investigation Officer – this presents the provisions with respect to the appointment of the Electrical Investigation Officer, as provided for in the Act.

### ***Common Procedures***

In addition to the above sections, the Criteria Document comprises of a number of **Common Procedures**. These set out further, more detailed rules and obligations with respect to the operation of certain procedures under the regulatory model.

The Commission has identified the following core Common Procedures for inclusion in the Criteria Document:

- Common Procedure No. 1: Certification;
- Common Procedure No. 2: Third Party Inspection;
- Common Procedure No. 3: Application for Change of Contractor;
- Common Procedure No. 4: Transfer of Registration;
- Common Procedure No. 5: Enforcement; and,
- Common Procedure No. 6: Modifications.

# **Section A**

## ***Introduction and Interpretation***

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## SECTION A - TABLE OF CONTENTS

PREAMBLE.....	6
<u>1</u> OBJECTIVE OF CRITERIA DOCUMENT.....	7
<u>2</u> COMMON PROCEDURES.....	7
<u>3</u> SCOPE.....	7
<u>4</u> PROVISIONS.....	8
<u>5</u> DEFINITIONS.....	10

## **PREAMBLE**

*On the 24<sup>th</sup> December 2006, the Energy (Miscellaneous Provisions) Act 2006 (“the Act”) was signed into law. Section 4 of the Act amended the Electricity Regulation Act 1999 (“1999 Act”) by inserting new sections with respect to the regulation of electrical contractors and the functions of the Commission in that regard (Sections 9C, 9D and 9E).*

*Section 9D(5)(a) provides that the Commission shall publish criteria relating to:*

- electrical safety supervision;*
- the safety standards to be achieved and maintained by electrical contractors;*
- and,*
- the procedures to be operated by a person appointed as a designated body.*

*Further to the requirements of the legislation, the Commission set about developing this Criteria (“this Criteria Document”).*

*This Criteria Document sets out the detailed rules, procedures and requirements in relation to fulfilling the obligations and functions of the new regulatory system by Registered Electrical Contractors (“RECs”) and any body or bodies designated by the Commission as an Electrical Safety Supervisory Body (“the Body”).*

# 1 OBJECTIVE OF CRITERIA DOCUMENT

The Commission's regulatory objective<sup>1</sup> with regard to the implementation and operation of its function with respect to electrical contractors is:

*To protect the safety interests of customers with respect to electrical installation activities through creating a suitable regulatory system which provides for electrical works to be carried out, tested and certified in compliance with the appropriate technical rules/standards.*

The aim of this Criteria Document is to facilitate the achievement of the above and a stable and robust regulatory system that sets out clear and transparent rules.

It will achieve this through setting out the detailed rules for the operation of the regulatory system to which all RECs and the Body will be bound. In doing so, it will provide clarification of the roles and responsibilities of the parties and will provide for the harmonisation of standards/procedures operated in so far as such harmonisation/standardisation is appropriate for the purposes of the regulatory model.

The Commission may amend this Criteria Document from time to time as the Commission may deem appropriate. Any amendment may be further to such consultation, as the Commission may decide is appropriate, with the parties bound by and/or affected by this Criteria Document.

# 2 COMMON PROCEDURES

In addition to the rules and requirements as set out in this Criteria Document, there will be put in place a number of Common Procedures.

The Common Procedures set out, in detail, the procedures to be followed by relevant parties in performing certain obligations and functions under this Criteria Document.

The Common Procedures (as amended or modified from time-to-time) shall be construed as being part of this Criteria Document.

# 3 SCOPE

Where electrical works are carried out in any premises, responsibility for that installation resides with the contractor who carries out the work. It is important, from a public safety viewpoint, that such a contractor is technically competent and that they are registered with a Body. In order to ensure that any electrical contractors who are registered (i.e. RECs) meet the requirements with respect to the appropriate standards and competencies, the Body will have in place through its Rules of Registration, the relevant provisions relating to the enforcement of the requirements set further to this Criteria Document.

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<sup>1</sup> Please refer to the Commission's "Vision for the Regulation of Electrical Contractors with respect to Safety – A Decision Document" (reference: CER/07/203, dated 8<sup>th</sup> November 2007)

Furthermore, the Body will have powers of inspection to ensure that the installation is in compliance with the Technical Rules (as defined in the “Definitions” section).

This Criteria Document sets out the criteria to be met by a REC to maintain registration with a Body. The Body must ensure any REC registered with it adheres to and complies with the criteria set out in this Criteria Document. It also sets out the requirements placed on the Body itself.

## **4 PROVISIONS**

### ***General:***

The policies and procedures under which the Body shall operate shall be non-discriminatory and shall be administered in a non-discriminatory manner. The Body’s procedures shall not be used to impede or inhibit access by applicants for Registration or for certification of installations, other than as provided for in the criteria for Registration or the Technical Rules or such other rules as approved/specified by the Commission.

The Body shall make its services accessible to all RECs and applicants whose activities fall within its declared field of operation. There shall not be undue financial or other conditions imposed on any party seeking or obtaining Registration, other than as provided for in this Criteria Document.

### ***Legal and Governance:***

This Criteria Document shall be interpreted, construed and governed in accordance with the Laws of Ireland. The Irish Courts will have exclusive jurisdiction in relation to any proceedings arising out of or in any way connected to this Criteria Document.

### ***Priority:***

In the event of any conflict between any Party’s obligations pursuant to any legal requirements of this Criteria Document, such conflict shall be resolved according to the following order of priority:

1. Requirements under the applicable primary and secondary legislation;
2. Any applicable requirement, direction, determination, decision instruction or rule of the Commission;
3. The Designation Conditions governing the appointment of the Body (in so far as applicable to the situation); and,
4. The detailed criteria including the Rules of Registration as set out in this Criteria Document.

### ***Interpretation:***

In this Criteria Document, the following interpretations shall apply unless the context requires otherwise:

- The Table of Contents, any Preambles, Indexes, Footnotes and Headings in this Criteria Document are for ease of reference only and do not form part of the contents of this Criteria Document and do not and shall not affect its interpretation;
- Any reference to legislation, primary or secondary, in this Criteria Document includes statutory interpretation, amendment, modification, re-enactment or

consolidation of any such legislation and any regulations or orders made thereunder.

***Data Protection:***

Without prejudice to the generality of any other provision of this Criteria Document, each Party bound by this Criteria Document shall comply with the applicable requirements of Data Protection Legislation in respect of any Personal Data which it processes in the course of its activities in connection with this Criteria Document.

***Freedom of Information Acts:***

All Parties bound by this Criteria Document confirm and acknowledge that although they may inform the Body, any other Body or the Commission in writing that specific information pursuant to this Criteria Document may be classified as Confidential Information, it may be subject to disclosure in accordance with the provisions of the Freedom of Information Act 1997 and 2003.

***Publication of this Criteria Document:***

The Commission shall publish this Criteria Document and the published version of this Criteria Document shall be amended to reflect any changes as soon as such changes take effect.

The date of publication of the complete amended version of this Criteria Document shall not affect the date of coming into effect of the relevant change.

The Commission shall make available a list of pending changes which have been approved (if any) but have not yet come into effect.

***Subcontracting:***

The Body shall not sub-contract work related to its Core Activities to any other party unless it is further to the **prior and express** approval of the Commission.

*Note: This would not preclude the Body from employing inspectors on a sub-contract basis, subject to the Commission's approval of same.*

***Term:***

This Criteria Document shall commence on the Commencement Date and shall have no fixed duration.

***Version:***

This Criteria Document is Version 3.0 of the Criteria Document.

## 5 DEFINITIONS

Act	means the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto);
1999 Act	means the Electricity Regulation Act 1999 (as amended by the Act);
Annual Inspection and Audit Programme Performance Report	means the report produced by the Body under and in terms of Section B.3.5 of this Criteria Document;
Audit	means an audit by the Body in relation to RECs and pursuant to Section B.3 of this Criteria Document;
Audit and Inspection Procedure	means the procedure for Audit and Inspection drafted by the Body pursuant to Section B.3 of this Criteria Document;
Appeals Officer	means an officer who has been appointed under Section 9D(8)(a) of the 1999 Act to prepare a report to be furnished to the Commission;
Application	means an application by any party seeking registration with the Body which meets the requirements for application as set out in the Rules of Registration and Section B.2 of this Criteria Document;
Application Procedure	means the procedure for Applications drafted by the Body pursuant to Section B.1.4 and B.2.1 of this Criteria Document;
Applicant	means the electrical contractor applying to become an REC;
Authorised Officer	means an officer who has been appointed by the Commission under Section 9D(21) of the 1999 Act;
Body	means any person or persons appointed by the Commission, pursuant to the Act, to act as an Electrical Safety Supervisory Body;

Brand	means the name, logo and associated promotional materials/activities, associated with the Regulatory System, and as specified by the Commission;
Building Regulations	means those regulations made pursuant to the Building Control Acts 1990 to 2007;
Business Documentation	relates to all business cards, promotional documentation, quotation, invoice and receipt documentation issued by the REC;
Certificate of Appointment	means the certificate issued by the Commission to an Authorised Officer, confirming their appointment, functions, duties and powers and the terms and conditions associated with such appointment, including the period of validity of the appointment, and which must be presented, on request, by the Authorised Officer to any person affected when exercising a power conferred by that appointment;
Certificate of Registration	means the certificate issued by the Body to an REC as evidence of their registered status pursuant to Section 2.4.3 of this Criteria Document;
Certificates	means those certificates specified by the Commission for the purposes of the Certification System and which shall include those Certificates further to Section 9D(18) of the Act;
Certification	means the certification of electrical works further to “Common Procedure No.1 – Certification”;
Certification System	means the system for the certification of electrical works as prescribed by the Commission further to “Common Procedure No.1 – Certification”;
Commencement Date	means <i>[Date to be specified by the Commission]</i> ;

Commission	means the Commission for Energy Regulation as established further to the 1999 Act;
Common Procedure(s)	means those procedures set out under this Criteria Document and approved by the Commission, which shall be interpreted as being part of this Criteria Document and which may be amended from time to time;
Controlled Work	means any electrical works deemed to be Specified Works as defined and published by the Commission in accordance with the requirements of the Act and which, accordingly, require a Completion Certificate;
Core Activities	means those activities prescribed by the Commission, in accordance with the Act, and pursuant to Section B of this Criteria Document, which must be undertaken by the Body and carried out in accordance with the requirements specified by the Commission;
Criteria Document	means this Criteria Document which is specified and published by the Commission pursuant to the Act and as may be amended from time to time;
Customer	means, as the case may be, a customer of an REC, a Third Party or a customer of the DSO;
Customer Charter	means the charter published by the Body further to the requirements of Section B.5;

Data Protection Legislation	the Data Protection Act 1988 (as amended by the Data Protection Act 2003) , the Data Protection Directive (95/46/EC), the Electronic Communications Data Protection Directive (2002/58/EC) and all applicable laws and regulations relating to the processing of personal data and privacy as may be applicable from time to time;
De-Designation	means the loss of designation of the Body, or any other Body as the case may be, as an Electrical Safety Supervisory Body, further to a determination or direction by the Commission;
De-Registration	means, as the context so requires, the suspension or revocation of an REC's Registration with the Body;
Designated Work	means those class of works designated as such by the Commission under and in terms of Section 9E of the Act, also known as Restricted Work;
Designation Conditions	means those conditions prescribed by the Commission in designating a Body and to which the designation of a Body is subject (and which may also be called "Terms and Conditions of Appointment");
Disciplinary Process	means the process and procedures applied by the Body and/or the Commission pursuant to Section D of this Criteria Document;
DSO or Distribution System Operator	means any person holding the licence granted under Section 14(1)(g) of the 1999 Act;
Electrical Safety Supervisory Body	has the meaning set out in Section 4 of the Act;

Electrical works	means the design, construction, inspection, testing, verification and/or certification of electrical installations;
Entitlement to Self-Certify	means the entitlement granted by the Body to the REC which allows a Qualified Certifier of the REC to certify, on behalf of the REC, works carried out by the REC in accordance with the requirements of this Criteria Document;
Evaluation Criteria	means the criteria for Registration drafted by the Body pursuant to Section B.2.3 of this Criteria Document;
Emergency Works Notice	means the notice issued by the Body pursuant to Section B.3.4.26 of this Criteria Document;
ETCI	means the Electro-Technical Council of Ireland;
FETAC	means the Further Education and Training Awards Council;
Hazard Notice	means the notice issued by the Body pursuant to Section B.3.4.21 of this Criteria Document;
Health and Safety legislation	those laws which are in force from time to time in relation to health and safety, which shall include but not limited to the Safety, Health and Welfare at Work Acts 1989 and 2005 and any regulations made thereunder;
Inspection	means the inspection by a Body upon an REC under and in terms of Section B.3 of this Criteria Document;
Inspection and Audit Programme	means the programme of Inspection and Audit produced by the Body under and in terms of Section B.3.5 of this Criteria Document;
Inspection and Audit Report	means the report produced by the Body under and in terms of Section B.3.4.17 of this Criteria Document;

Inspection Procedure	means the procedure for Inspections drafted by the Body pursuant to Section B.1.4 of this Criteria Document;
Named Qualified Certifier	means that Qualified Certifier named on the Application as further specified in Section B.1.2.7 of this Criteria Document;
National Craft Certificate	means the National Craft Certificate awarded by FETAC as part of the National Framework of Qualifications;
Non-Conformance Notice	means the notice issued by the Body pursuant to Section B.3.4.19 of this Criteria Document;
National Framework of Qualifications	means the framework for qualifications established, and recognised, by the National Qualification Authority of Ireland
Non-Registered Electrical Contractor or Non-REC	means an electrical contractor who is not registered with a Body but who meets the requirements to qualify for a Third Party Inspection in accordance with the “Common Procedure No. 2 – Third Party Inspection”;
Notice of Appeal	means a notice, as set out under, and in accordance with the requirements of the Act, and Section E of this Criteria Document, submitted by an REC appealing the decision of the Body to suspend or revoke the registration of the REC further to the conclusion of a Disciplinary Process as set out and further defined in Section D of this Criteria Document;
Performance Marking Scheme	means the scheme established and operated by the Body further to the requirements of Section B.3.4

Permitted Activities	means those activities which, in addition to the Core Activities, may be undertaken by the Body further to the requirements of Section B of this Criteria Document, subject to the prior and express approval of the Commission, and which must be carried out in accordance with any requirements specified by the Commission;
Personal Data	has the meaning set out in the Data Protection Act 1988 (as amended);
Principal Duty Holder	means the person appointed by the REC to the role of Principal Duty Holder as set out in Section C.1 of this Criteria Document and as approved by the Body further to that Section and the procedure produced pursuant to that Section;
Publish	means the release, making available and distribution to the industry and the general public of documentation and information in the form approved by the Commission, which shall include the presentation of the documentation and information through the website of the Body and the email distribution list (and/or postal distribution list) of all RECs registered with the Body;
Qualified Certifier	means the person(s) assigned the role of Qualified Certifier by the REC as set out in Section C.1 of this Criteria Document and in accordance with the requirements pursuant to that Section;
Quality Management System	means the system established and operated by the Body further to the requirements of Section B.1.6 and approved by the Commission
Register	means the Register of RECs published by the Body in accordance with Section B.5.2 of this Criteria Document;
Registered Associate	means a party who meets the criteria for Registration as specified by the Body further to Section B but who does not carry out electrical installation works on a commercial basis for any other party;

Registered Electrical Contractor or REC	means any party who is registered by the Body pursuant to the Act and who has not had their Registration suspended or revoked by the Body;
Registered Specialist Contractor	means a party who is competent to construct or install, test and certify specialised sub-system installations for connection to the main electrical installation;
Registration	means the confirming of a Party's registration further to the completion of the Application procedure (specified in Section B of this Criteria Document) and the associated entitlements arising from same;
Registration Decision Appeal	means an appeal by an electrical contractor to the Body's decision to reject the Application for Registration;
Registration Decision Appeal Procedure	means the procedure for appeals to the Body's Registration decisions drafted by the Body pursuant to Section B.1.4 and B.2.3.12 of this Criteria Document;
Registration Renewal Procedure	means the procedure for Registration renewals drafted by the Body pursuant to Section B.1.4 of this Criteria Document;
Registration Number	means the unique number issued by the Body to an REC upon the granting of Registration to the REC and shall be in accordance with any requirements specified by the Commission with respect to its format;
Regulated Work	means any electrical work which is either a Controlled Work or a Restricted Work, as defined and published by the Commission further to the requirements of the Act;

Regulatory Arrangements	means the requirements set out in, or arising further to the Act, this Criteria Document, the Designation Conditions and any directions/determinations made by the Commission or such other requirements pertaining to these as may be specified by the Commission from time to time, insofar as applicable to the context;
Regulatory System	means the system for the regulation of electrical contractors with respect to safety established by the Commission pursuant to the powers and provisions of Section 4 of the Act and this Criteria Document;
Restricted Work	means any electrical work which is deemed to be a Designated Work in accordance with the requirements of the Act and as defined and published by the Commission;
Revocation of Registration	means the permanent withdrawal by the Body of an REC's Registration;
Risk Monitoring System	means the system established and operated by the Body further to the requirements of Section B.3.2 and approved by the Commission
Rules of Registration	means those Rules of Registration as specified by the Body and approved by the Commission further to the provisions of Section B.2.6 of this Criteria Document;
Safe Pass and Manual Handling Courses	means those courses run by, or accredited, with FÁS (the National Training and Employment Authority);
Specified Works	means those class of works designated as such by the Commission under and in terms of Section 9D(27) of the Act;
Subsystem Certificate	means those certificates specified by the Commission for the purposes of the Certification System;

Suspension of Registration	means the withdrawal by the Body of an REC's Registration for a period of time specified by the Body;
Suspension and Revocation Procedure	means the procedure for Suspension and Revocation drafted by the Body pursuant to Section B.1.4 of this Criteria Document;
Technical Rules	means the ETCI "National Wiring Rules" and other applicable standards currently in force, for the electrical works being undertaken and any other technical rules or standards as may otherwise be specified by the Commission in consultation with the ETCI and any such other parties as may be determined by the Commission;
Test Record Sheets	means Test Record Sheets as required by the Technical Rules (and, specifically, the ETCI National Wiring Rules) and further to the "Common Procedure No.1 – Certification"; and
Verification and Certification Course	Means the course specified by the Commission further to consultation with the ETCI.

**NOTE:** *Additional definitions relating to the Disciplinary Process are presented in Section D of this Criteria Document (see Section D.2).*

## **Section B**

### **The Body**

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## **SECTION B - TABLE OF CONTENTS**

PREAMBLE.....	22
1     STRUCTURE AND ORGANISATION OF THE BODY .....	24
2     FUNCTIONS RELATING TO RECS .....	32
3     INSPECTION AND AUDIT .....	38
4     CHANGES TO REGISTRATION STATUS OF AN REC.....	48
5     FUNCTIONS RELATING TO THE PUBLIC .....	50
6     OTHER OBLIGATIONS .....	54
7     REPORTING OBLIGATIONS.....	56
8     DE-DESIGNATION OF THE BODY .....	57

## PREAMBLE

*This Section B sets out all of the obligations placed on any party designated by the Commission as being an Electrical Safety Supervisory Body (i.e. the Body).*

*The following are the key areas covered by this Section B:*

- *Structure and Organisation of the Body*
  - *The requirements to be imposed with respect to the organisation structure of the Body which will be specified further to the designation process;*
  - *The overall function of the Body and the activities permitted to be undertaken by the Body and those which may not be undertaken;*
  - *The legal obligations placed on the Body with respect to various pieces of legislation and also imposing an obligation on the Body to provide all reasonable assistance to the Commission in relation to the Commission's discharge of its function under the Act;*
  - *Requirements concerning the policies and procedures to be developed, operated and/or published by the Body;*
  - *Requirements concerning record-keeping and the storage of information by the Body;*
  - *Requirements with respect to systems to be operated by the Body and accreditation of same;*
  - *Requirements with respect to the financial, insurance and personnel obligations placed on the Body, together with requirements for compliance with Audit/Inspection of the Body by the Commission and the Commission's approval of its fees and charges;*
  - *The requirement to co-ordinate and co-operate with other Bodies designated by the Commission and to operate the Brand in accordance with the requirements of the Commission.*
  
- *Functions relating to RECs*
  - *The categories of Registration permitted;*
  - *The requirements for the Body's procedures for receiving applications for Registration, evaluating such applications and the granting of Registration and of the entitlement to self-Certification to the electrical contractor;*
  - *The requirements with respect to the Rules of Registration to be imposed by the Body on RECs;*
  - *Specifications concerning the role of the Body with respect to the monitoring of training and competence;*
  - *The requirements with respect to the Body carrying out Inspections and Audits, including the procedures and systems to be operated in that regard, the personnel to be engaged by the Body for such purposes and the overall approach to the Inspection and Audit of RECs, with respect to a risk-based approach to same.*
  
- *Changes of the Registration Status of an REC*
  - *The requirements on the Body with respect to changing the Registration status of an REC (further to suspension, revocation or resignation of an REC).*

- Functions relating to the Public
  - *The requirements on the Body with respect to dealing with the Public. Such requirements include the publication of a “Customer Service Charter”, the Publication of the Register of Electrical Contractors (“the Register”) and procedures relating to the handling of complaints;*
  - *This section also details the requirements of the Body with respect to raising public awareness of the new regulatory model (and electrical safety in general) and the release of information on Certification to relevant parties (including the general public).*
  
- Other Obligations placed on the Body
  - *This Section specifies requirements to be placed on the Body with respect to compliance with Common Procedures, Audits and/or Inspections carried out on the Body and co-operation with the procedures of the DSO and the ETCL.*

# **1 STRUCTURE AND ORGANISATION OF THE BODY**

## **1.1 Organisation Structure**

1.1.1 The Body shall be structured, organised and have in place corporate governance arrangements and arrangements with respect to the Brand such that they are in accordance with the Regulatory Arrangements.

## **1.2 Overall Function of the Body and Permitted Activities**

1.2.1 The Body's overall function shall be the regulation of the activities of electrical contractors with respect to safety and the requirements set out in this Criteria Document.

1.2.2 In discharging this function, the Body shall be obliged to operate in an effective and efficient manner.

1.2.3 The Commission shall specify the activities which the Body is required to undertake. Such activities shall be the Core Activities of the Body.

1.2.4 The Core Activities are those activities which the Body must undertake in order for it to comply with the requirements as set out through the Regulatory Arrangements, and include, but are not limited to the following:

- (i) Receipt, processing and evaluation of Applications for Registration;
- (ii) Registration of electrical contractors and publication of a Register of Electrical Contractors;
- (iii) Monitoring, Inspection and Audit of electrical contractors registered with the Body;
- (iv) Investigation of complaints received and the disciplining of electrical contractors registered with the Body;
- (v) Inspection of works of Third Parties (in accordance with the "Common Procedure No. 2 – Third Party Inspection");
- (vi) Management of the distribution, sale, recording, control and the validation of Certificates;
- (vii) Public and industry awareness activities;
- (viii) Interaction and co-ordination of activities with other Bodies and such other agencies, bodies, committees and Government Departments as the Commission may direct from time to time;

- (ix) Maintaining records of, and reporting on, the activities of the Body; and
  - (x) The operation, and use, of the Brand in accordance with the requirements specified by the Commission.
- 1.2.5 For the avoidance of doubt, the Core Activities shall be required to be carried out on a national basis by the Body.
- 1.2.6 In accordance with Clause 1.2.3, the Commission shall specify the Core Activities and the timeframe for the Body to commence operation of the Core Activities (with such operation to be in accordance with the requirements specified by the Commission and the Regulatory Arrangements, as the case may be).
- 1.2.7 The Commission may specify activities, in addition to its Core Activities, which the Body will be permitted to undertake. The Body shall be required to obtain the express approval of the Commission prior to undertaking any activities, which shall be subsequently undertaken in accordance with any requirements specified by the Commission. Such activities as approved by the Commission will be Permitted Activities.
- 1.2.8 The Permitted Activities will include, but are not limited to the following:
  - (i) Provision of training and support services to electrical contractors and other such parties as the Commission may direct.
- 1.2.9 The Commission may vary or amend the Core Activities and Permitted Activities from time to time and direct the Body with regard to its operation of these.
- 1.2.10 In carrying out its Core Activities and Permitted Activities, the Body shall at all times be bound by the requirements of the Regulatory Arrangements.
- 1.2.11 The Commission may also direct the Body to desist from undertaking certain activities, even those previously approved and including any of the Core Activities and/or Permitted Activities. The Body shall be required to comply with any such direction/requirement within such reasonable timeframe and notice as may be specified and/or provided by the Commission (such notice period may not apply in instances where the Commission determines that, in the interests of public safety and/or in the interests of protecting the credibility of the Regulatory System, immediate cessation of any such activities is considered appropriate).
- 1.2.12 The Body, in carrying out its Core Activities and Permitted Activities, shall be required to operate in a reasonable, fair, consistent, timely, efficient and effective manner.
- 1.2.13 The Body, pursuant to the Designation Conditions and the Act, shall not:
  - (i) act in the capacity of a trade association;

- (ii) perform any representative function on behalf of any persons working in the electrical industry;
- (iii) engage in electrical contracting or consultancy work; and/or,
- (iv) provide any other products or services, which could compromise the confidentiality, objectivity or impartiality of its Registration or Certification processes and decisions.

### **1.3 Legal Requirements and Confidentiality**

- 1.3.1 The Body shall adhere to and be compliant with all relevant legislation pertaining to its functions, activities and operations, insofar as applicable to it and its operations. Without prejudice to the generality of the foregoing, such legislation includes, inter alia:
- (i) The 1999 Act;
  - (ii) The Data Protection legislation;
- 1.3.2 The Body shall have adequate arrangements consistent with applicable laws to safeguard confidentiality of the information obtained in the course of it carrying out its Core Activities and Permitted Activities. Where the law requires information to be disclosed to a third-party, the party to whom the information concerned relates shall be informed of the information provided as permitted by the law.
- 1.3.3 For the avoidance of doubt, for the purposes of the Data Protection legislation, the Commission is “data controller” in relation to personal data relating to the Core Activities and the Body is “data processor” in that regard. The Body shall ensure that it gives legal effect to these arrangements in drafting and operating its procedures, policies, agreements, etc. and in soliciting, obtaining and storing information on its Core Activities.
- 1.3.4 For the avoidance of doubt, where required by the Commission to do so, the Body shall disclose to the Commission (or any other third party as the Commission may direct), such information relating to its Core Activities and the RECs registered with it as may be directed by the Commission.

### **1.4 Policies and Procedures of the Body**

- 1.4.1 The Body shall have statements of policy and procedures relating to all of its Core Activities and procedures pursuant to the Regulatory Arrangements and any other legal obligations arising from legislation.
- 1.4.2 The Body shall prepare the following documentation in accordance with the requirements specified in this Criteria Document and/or as may furthermore and otherwise be specified by the Commission:
- (i) Application Procedure;
  - (ii) Registration Decision procedure ;
  - (iii) Registration renewal procedure;
  - (iv) Rules of Registration;
  - (v) Risk Monitoring System;

- (vi) Performance Marking Scheme;
- (vii) Inspection Procedure;
- (viii) Audit Procedure;
- (ix) Disciplinary Process in accordance with Section D of this Criteria Document;
- (x) Suspension and Revocation Procedures;
- (xi) Customer Charter;
- (xii) the Register; and
- (xiii) Complaints Procedures.

These documents shall all be subject to the approval of the Commission and any changes to such documentation shall be subject to the approval of the Commission.

The Commission may direct the Body with regard to any changes to be made to this Criteria Documentation from time-to-time.

The Body may be Audited with respect to its compliance in operating with such approved documentation/procedures/policies.

1.4.3 In addition to the requirements of Clause 1.4.2 and Section 5, the Body shall make publicly available (through publications, electronic media or other means, including further to a direct request by any party), updated at regular intervals, the following:

- (i) information about the authority under which the Body operates;
- (ii) a documented statement of its systems for Registration, Certification, Inspection and Audit, monitoring and disciplining parties registered with it;
- (iii) a description of the means by which the organisation obtains financial support and general information on the fees charged to registered members for Registration or Certification services;
- (iv) a description of the rights and duties of RECs, including requirements, restrictions or limitations on the use of the Brand and on the ways of referring to the Registration granted; and,
- (v) information about procedures for handling complaints, appeals and disputes.

1.4.4 In the preparation of any documentation pursuant to this Criteria Document, the Body shall refer to the requirements concerning same as specified through the Regulatory Arrangements.

## **1.5 Record-keeping and Documentation**

1.5.1 The Body shall have an information management system in place to ensure that records are properly kept and maintained in relation to the requirements as set out through the Regulatory Arrangements. These would include, but are not limited to, the following:

- (i) a full record of each application for Registration received and processed;

- (ii) records of the REC's insurance cover, which shall show that it is both valid and does not breach the Regulatory Arrangements;
  - (iii) records of Inspections, Audits and non-compliance reports relating to RECs and follow-up actions;
  - (iv) all disciplinary matters relating to an REC; and
  - (v) Certificates received by the Body and validated.
- 1.5.2 The Body shall ensure that it has in place adequate systems for record keeping and documentation management and shall ensure that the database system for the recording of Certificates shall be fit for purpose and shall include search, query and report functions as part of its core functionality.
- 1.5.3 The database system shall, at a minimum, have the capability to track and report with respect to the operation of its Core Activities and Permitted Activities and, specifically, Certification on the basis of:
  - (i) the REC issuing the certificate; and
  - (ii) the meter point registration number (MPRN) associated with the Certification.and any other features or capabilities as specified by the Commission.
- 1.5.4 The Body shall establish and maintain procedures to control all documents and data that relate to its Core Activities. These documents shall be reviewed and approved for adequacy by the Commission prior to issuing any documents following initial development or any subsequent amendment or change being made.
- 1.5.5 A listing of all appropriate documents with the respective issue and/or amendment status identified shall be maintained.
- 1.5.6 The distribution of all such documents shall be controlled to ensure that the appropriate documentation is made available to personnel of the Body or RECs, as the case may be, when they are required to perform any function relating to the Body's Core Activities, Permitted Activities and/or the Regulatory Arrangements.

## **1.6 Systems and Accreditations**

- 1.6.1 The Body shall have in place a fit-for-purpose Quality Management System for facilitating it in meeting the requirements specified in Section 1.5 above and this Section.
- 1.6.2 The Body shall meet such other requirements relating to:
  - (i) accreditation and certification with external parties;
  - (ii) the adoption of best practice;
  - (iii) the adoption of and/or compliance with standards; and
  - (iv) other ancillary requirements.

as may be directed by the Commission from time to time.

- 1.6.3 The Body shall have in place suitable arrangements with respect to its IT and data control/storage facilities in order to ensure that these are reasonably robust, secure and that any data held by the Body further to it undertaking its Core Activities is reasonably protected from theft/loss/damage. Such arrangements shall have due regard for business continuity arrangements as considered appropriate by the Body or as may otherwise be specified by the Commission.

## **1.7 Financial and Insurance Requirements**

- 1.7.1 Any financial requirements of the Body will be confirmed through the Designation Conditions.
- 1.7.2 The Body shall have the financial stability and resources required for the operation of its Core Activities which shall be carried out in accordance with Clause 1.2.2.
- 1.7.3 The fees and charges imposed by the Body relating to its functions and services further to carrying out its Core Activities shall be subject to review and approval by the Commission.
- 1.7.4 For the avoidance of doubt, the treatment of the costs and revenues from the operation of its Core Activities shall not be used to subsidise any Permitted Activities undertaken by the Body and the financial aspects of its Permitted Activities shall be treated separately from those of its Core Activities.
- 1.7.5 The Body shall maintain insurance in accordance with the requirements specified by the Commission in the Designation Conditions.
- 1.7.6 The Body shall also prepare, maintain and present its accounts in accordance with the requirements specified by the Commission in the Designation Conditions.

## **1.8 Personnel**

- 1.8.1 The Body shall ensure that there are appropriate resources available and in place to carry out its functions as set out through the Regulatory Arrangements, including the approved Inspection and Audit Programme of the Body (required further to Section B.3.1).
- 1.8.2 The Body shall employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing Registration and Certification functions relating to the type, range and volume of work performed, under a responsible senior executive.

- 1.8.3 The personnel of the Body shall be competent for the functions they perform and shall meet the requirements specified through the Regulatory Arrangements.
- 1.8.4 Information on the relevant qualifications training and experience of each staff member of the Body involved in the Certification, Registration, Inspection, Audit and evaluation processes shall be maintained by the Body. Records of training and experience shall be kept up to date.
- 1.8.5 Clearly documented instructions shall be available to the personnel describing their duties and responsibilities. These instructions shall be maintained up to date.
- 1.8.6 The Body shall require its personnel to comply with the rules specified by the Body, which shall include appropriate provisions relating to confidentiality and shall include an obligation for parties engaged by the Body to be independent from commercial and other interests (including any party registered with the Body), unless as may otherwise be excepted/approved by the Commission.
- 1.8.7 Inspections of electrical installations which have been carried out by RECs, as outlined in this Section B, shall only be carried out by a person or persons engaged by the Body as an Inspector and who meet the requirements set out in Section B.3.3 of this Criteria Document.
- 1.8.8 Audits of RECs may be carried out independently of electrical installation Inspections and may be carried out by administrative staff of the Body.

## **1.9 Direction from the Commission and Audit/Inspection**

- 1.9.1 The Body shall comply with any directions or determinations made by the Commission pursuant to the Regulatory Arrangements.
- 1.9.2 The Body shall be Audited with respect to its compliance with the Regulatory Arrangements and shall comply with the requests of Auditors, Commission, Authorised Officers and Inspectors appointed by the Commission in that regard.

## **1.10 Co-Ordination and Co-Operation with Other Bodies**

- 1.10.1 The Body shall co-ordinate and co-operate with any other Bodies in carrying out its Core Activities and Permitted Activities and as may otherwise be directed by the Commission.

1.10.2 The Body shall comply with any requirements specified by the Commission, including the type and levels of interaction with other parties, in relation to the commencement of its Core Activities and Permitted Activities, receipt of data, records, system interfaces and other such requirements as specified.

## **2 FUNCTIONS RELATING TO RECS**

### **2.1 Categories of Registration**

2.1.1 The following are the categories of Registration with the Body:

- 1) Registered Electrical Contractor;
- 2) Registered Associate Contractor; and
- 3) Registered Specialist Contractor.

2.1.2 For the purposes of this Criteria Document, the terms “Registered Electrical Contractor” or “REC” shall be deemed to refer to all the categories of Registration referred to above, unless otherwise stated.

2.1.3 The Commission may provide for other categories of Registration as it sees fit and as may be required in order to support the initial operation of the Regulatory System.

### **2.2 Body’s Procedure for dealing with Applications for Registration**

2.2.1 The Body shall have a documented procedure covering the requirements for Registration, the processing of applications for Registration and specifying the Body’s evaluation criteria to be applied to the assessment of an Applicant and the process to be used when dealing with applications for the various categories of Registration (“Application Procedure”).

2.2.2 The Body shall ensure that this Application Procedure and the evaluation criteria shall comply with the requirements specified further to Section B.2.6 of this Criteria Document.

2.2.3 The Body may make separate provisions relating to an Application Procedure where such application involves the transfer of Registration from any other Body to it and this shall be in accordance with the “Common Procedure No. 4 – Transfer of Registration”.

2.2.4 The Application Procedure shall include the timeframe for reviewing and processing applications and shall include a schedule of fees for Registration.

2.2.5 The Body shall publish a “registration application form” and the associated procedure for applying for Registration.

2.2.6 The Body’s published documentation in this regard, and its Application Procedure shall also take account of the requirements set out in Section C of this Criteria Document.

## **2.3 Evaluation and Decision on Registration**

- 2.3.1 The Body shall evaluate each Application in accordance with the Application Procedure.
- 2.3.2 In making its decision on whether or not to grant Registration to an Applicant, the Body shall remain fair and impartial at all times.
- 2.3.3 The Body shall, when evaluating an Application, take cognisance of any information relating to the Applicant's previous experience in the electrical contracting industry.
- 2.3.4 As part of its evaluation process, the Body shall consult with any other Body concerning the Applicant.
- 2.3.5 The Body shall not register the Applicant if that Applicant is registered with another Body, notwithstanding the requirements of the "Common Procedure No. 4 – Transfer of Registration".
- 2.3.6 The Body shall consider the disciplinary record/history of an Applicant who has been previously registered with it, or any other Body, when evaluating the Application for Registration.
- 2.3.7 The Body shall not register an Applicant who is undergoing a disciplinary process with any other Body.
- 2.3.8 The Body shall not register an Applicant, who has had its Registration with that Body, or another Body, revoked, or whose Registration is currently suspended, without the prior approval of the Commission.
- 2.3.9 The Body shall provide a written response to each Applicant informing them of the decision made within 7 calendar days of the making of its decision on the Application.
- 2.3.10 The Body shall not refuse Registration to an Applicant who meets the evaluation criteria as specified by the Body and as set out through the Regulatory Arrangements.
- 2.3.11 In the event that an Application is rejected because of failure to meet any of the Evaluation Criteria, the Body shall include in its written response to the Applicant an explanation setting out the grounds for the rejection.
- 2.3.12 The Body shall have in place a procedure for the making of an appeal (of the decision of the Body to reject the Application) to the Body in the first instance ("Registration Decision Appeal Procedure").
- 2.3.13 The Body, in making its determination on the Registration Decision Appeal, and where the original decision to reject the application for Registration is upheld by the Body, shall inform the Applicant that the Body's decision on the Registration Decision Appeal may be appealed to the Commission.

2.3.14 Such appeals shall be in accordance with the procedure to be specified by the Commission and the Commission's determination on this matter shall be final and the Body and the Applicant shall be bound by same.

## **2.4 Granting of Registration**

2.4.1 Where the Body decides to grant Registration to the Applicant, in confirming that Applicant as an REC, the Body shall issue it with a Registration Number. The numbering schemes with respect to this Clause 2.4.1 shall be in accordance with any requirements specified by the Commission.

2.4.2 The Body shall update its Register accordingly.

2.4.3 In granting Registration, the Body shall provide the REC with documentation to act as confirmation of its registered status. The Body shall provide, to each REC, formal Registration documents such as a letter, identification card or a Certificate of Registration. These formal Registration documents shall permit identification of the following:

- (i) the name and address of the REC;
- (ii) the Registration class granted;
- (iii) the effective date of Registration; and,
- (iv) if applicable, the term of Registration.

2.4.4 The Body shall arrange for Inspections and Audits in relation to the newly registered REC in accordance with the requirements of Section 3.1 of this Criteria Document (Inspection and Audit Programme).

2.4.5 In the event that the Body grants Registration to an Applicant who was previously registered with any other Body, then that REC's previous record (which may include decisions or determinations in relation to disciplinary matters and the Risk Monitoring and Performance Marking Schemes, further to the requirements of this Section B of this Criteria Document) shall transfer to, and shall stand with, the Body with whom the REC is being registered.

2.4.6 The Body shall have a procedure for the renewal of Registration of RECs on an annual basis (Registration Renewal Procedure).

2.4.7 The Registration Renewal Procedure shall include, but shall not be limited to, requirements to be placed upon the REC seeking to renew its Registration with regard to:

- (i) The payment of a fee for renewal of Registration;
- (ii) The provision of evidence relating to compliance with the insurance requirements imposed further to Section C of this Criteria Document;
- (iii) The provision of any updated material information upon which the original Registration of the REC was granted; and,
- (iv) The provision of a declaration with regard to an undertaking to be bound by the Body's Rules of Registration.

2.4.8 The Registration Renewal Procedure shall be subject to the approval of the Commission.

## **2.5 Grant of Entitlement to Self-certify**

- 2.5.1 In granting Registration, the Body shall arrange that its Inspection and Audit Programme, as required under Section 3.3, takes into account the requirements as specified under that section, relating to the Inspection of newly registered RECs.
- 2.5.2 The Body may, following the Registration of an REC and following evaluation of the REC further to the Inspections as set out in Section 3, grant the REC the entitlement to self-certify electrical works.
- 2.5.3 The Body shall only grant such entitlement once it is satisfied that the REC has, in the Body's opinion, adequately demonstrated its capabilities and is a responsible party who should be entitled to self-certify electrical works. The criteria for be used for the purposes of this Clause 2.5.3 shall be specified by the Body and shall be subject to the approval of the Commission.
- 2.5.4 In granting the entitlement to self-certify, the Body shall recognise that each Qualified Certifier engaged by the REC, in compliance with the requirements specified further to the Criteria Document, shall be entitled to certify electrical works on behalf of the REC in accordance with the requirements of the Criteria Document and the Technical Rules.
- 2.5.5 Where granted by the Body, the entitlement to self-certify is an entitlement which is granted at the discretion of the Body and may be withdrawn by the Body. In such instances, the Body shall notify the REC of its decision and the reason for its decision.

## **2.6 Rules of Registration**

- 2.6.1 The Body shall develop its own Rules of Registration. These Rules of Registration shall be subject to the approval of the Commission. These Rules of Registration shall be subject to revision from time-to-time, as deemed appropriate by the Body or the Commission, and any changes to same shall be subject to the approval of the Commission.
- 2.6.2 The Rules of Registration shall be those rules that the Body imposes upon an REC upon the commencement of, and for the duration of, their Registration.
- 2.6.3 These Rules shall be supplemental to, and consistent with, the requirements set out in this Criteria Document.

- 2.6.4 The Body shall make it a condition of Application that the Applicant expressly agrees, in applying for Registration, should they be Registered, to be bound by the Body's current Rules of Registration and that this is a condition for maintaining their Registration. This shall be indicated clearly in the Application form and the Body's current Rules of Registration shall form an appendix to the Application form.
- 2.6.5 Compliance with the most recently published version of the Rules of Registration shall be a condition of an REC's Registration.
- 2.6.6 The Rules of Registration shall include a requirement for the REC to comply with the Regulatory Arrangements in so far as they are applicable to it.
- 2.6.7 In particular, the Rules of Registration shall provide that an electrical contractor applying to be registered with the Body is, by signing its application, providing its consent to the disclosure by the Body of all data collected in relation to its application and subsequent membership with the Body to the Commission and to such other third parties as the Commission may direct.
- 2.6.8 The Body shall publish its Rules of Registration and shall make a copy of these available to any party requesting same.
- 2.6.9 The Body shall provide its Rules of Registration to any party seeking Registration as an appendix to the Application Form.
- 2.6.10 Where a party becomes an REC, the Body shall furnish the REC with a copy of its Rules of Registration.
- 2.6.11 The Body shall take all reasonable measures to inform the REC and any other parties of the obligations placed on an REC further to the Rules of Registration and the Regulatory Arrangements and shall take all such reasonable measures to inform any affected party of any changes to same in a timely manner.

## **2.7 Training and Competence**

- 2.7.1 The Body shall have an appropriate system in place to monitor, on an on-going basis, the compliance of RECs with the requirements of Section B.1.2 of this Criteria Document regarding the requisite levels of training and competence for a Qualified Certifier and any other parties engaged by the REC for electrical installation works on its behalf.
- 2.7.2 This system shall be documented and subject to approval and Audit by the Commission.
- 2.7.3 The Body shall have in place a system for providing training to RECs (and other relevant parties) in order that they are kept up to date with installation and testing procedures, with changes in the Technical Rules, and to meet such other training requirements as may be deemed appropriate by the Body and approved by the Commission. This shall be a Permitted Activity of the Body (further to Section B.1.2).
- 2.7.4 In the provision of such training, the Body shall ensure that the training courses and trainers are in compliance with any requirements specified by the Commission.

### **3 INSPECTION AND AUDIT**

#### **3.1 Annual Inspection and Audit Programme**

- 3.1.1 The Body shall present to the Commission, for its approval, an Audit and Inspection Programme (“the Programme”).
- 3.1.2 This Programme shall be submitted in accordance with the timeframe specified by the Commission.
- 3.1.3 This Programme shall detail the Body’s plan with respect to the number of Inspections and Audits to be carried out by the Body and the basis (risk-based) for determining the frequency with which an REC shall be Audited and inspected and shall be informed by the requirements of Section 3.2 (Risk Monitoring System for RECs).
- 3.1.4 In submitting the Programme for the approval of the Commission, the Body shall present its justification on its proposed risk-based approach and demonstrate it has the capacity for resourcing the Programme and that such resources will be deployed in an effective and efficient manner.
- 3.1.5 The Programme shall give details of the Body’s planned Audit and Inspection programme of RECs for the upcoming 12-month period, or such other period as may otherwise be specified by the Commission.
- 3.1.6 The Programme must demonstrate that it:
  - (i) covers a reasonably representative cross-section of the various categories of REC;
  - (ii) covers a representative range of installation types;
  - (iii) was developed using a risk-based approach;
  - (iv) meets any targets determined by the Commission; and
  - (v) represents an effective and efficient use of the Body’s Inspection resources.
- 3.1.7 The Commission will assess the Programme and may request any changes it deems necessary to be made.
- 3.1.8 The Programme should include provisions for planned Audits and/or Inspections as a result of complaints or other information, and re-visits to check on corrective actions as a result of previous Inspections and/or Audits.
- 3.1.9 The Programme shall provide for additional unannounced Inspections to be carried out on RECs.

3.1.10 The Audit and Inspection frequency as set out in the Programme shall be further to the Risk-Monitoring System required by Section 3.2. However, at a minimum, the Programme shall provide for the following with respect to the different categories of REC (unless otherwise approved/determined by the Commission):

- *For full RECs* – at a minimum, one (1) Inspection per annum of their work in carrying out a Regulated Work;
- *For new RECs<sup>2</sup>:*
  - *Where such party has not been previously registered with the Body* - at a minimum, one (1) Inspection in the first six months shall be carried out. The Body shall not authorise that a new REC may commence to certify works (i.e. have self certification rights) unless it has first successfully passed one inspection and complied with any requirements specified further to that inspection. In the event that a new REC passes their first inspection, he/she shall then be subject to an additional inspection by the SSB, within six months of the first inspection.
  - *Where such party has been previously registered with the Body and/or has the requisite prior experience (as determined by the Body)* the Body may grant the entitlement to self-certify but shall ensure that, at a minimum, one (1) Inspection is carried out within the first six months of Registration with that Body, subject to the Risk-Monitoring System of the Body (see Section 3.2) and the application of same in light of the RECs previous disciplinary record (see Section 2.4.5).

## 3.2 Risk Monitoring System for RECs

- 3.2.1 The Body shall put in place a system to provide for a risk-based approach to its Audit and Inspection Plan.
- 3.2.2 The assessment of risk will be based primarily on the performance of an REC as determined further to Audit and Inspection.
- 3.2.3 The Body shall consider the record of an REC with respect to the outcome of previous Inspections and Audits.

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<sup>2</sup> For example: an organisation that is newly registered with the Body and which has not been previously granted the entitlement to self-certify.

- 3.2.4 This system will be common to all Bodies designated by the Commission and shall be based around the “Performance Marking Scheme” as specified in Section 3.4.
- 3.2.5 This system shall conform to any requirements specified by the Commission.
- 3.2.6 The Body may impose higher Registration fees or direct Inspection fees/charges on RECs which require a higher level of monitoring (Inspection/Audit) on the basis of the increased costs associated with such higher levels of monitoring. This shall be subject to the approval of the Commission in accordance with the requirements of Section B.1.7 of this Criteria Document.

### **3.3 Inspection and Audit Personnel**

- 3.3.1 Further to the requirements specified in Section 1.8 (Personnel) and Section 3.1 (Annual Inspection and Audit Programme), the Body shall engage a sufficient number of individuals for the purposes of carrying out Inspections and Audits as required by this Criteria Document, the approved Inspection and Audit Programme and in accordance with such other requirements as may be specified by the Commission.
- 3.3.2 The Body shall have a procedure for selecting Inspectors and Audit personnel and this procedure shall select such parties on the basis of their competence, training, qualifications and experience (further to the requirements of Clause 3.3.5 below).
- 3.3.3 Inspections of electrical installations which have been installed by RECs, as outlined in this section, may only be carried out by a person engaged by the Body as an Inspector and who meet the requirements set out in this Criteria Document.
- 3.3.4 Audits of RECs may be carried out independently of electrical installation Inspections and may be carried out by administrative staff of the Body.
- 3.3.5 The qualifications required for appointment as an Inspector shall be documented by the Body and should include:
  - (i) Technical qualifications not less than those of an electrician. (e.g. National Craft Certificate recognised by FETAC or equivalent plus recognised apprenticeship as an electrician);
  - (ii) Experience of or responsibility for electrical installation work for not less than five years;
  - (iii) Fully conversant with:
    - a. the Technical Rules;
    - b. the Building Regulations;
    - c. Health and Safety legislation as appropriate;

- d. the DSO's "National Code of Practice for Customer Interface"; and,
  - e. any such other relevant legislation, standards and documentation as may be specified by the Body or the Commission.
- (iv) Successful completion of a Safe Pass and Manual Handling Courses (and renewals as required);
  - (v) is required to have successfully completed a recognised course in "Verification, Testing, and Certification" of Electrical Installations to 'The National Wiring Rules' in the previous number of years. If the recognised course that was completed was accredited the period is 5 years. If the recognised course that was completed was not accredited this period is 3 years;<sup>3</sup>;
  - (vi) such other qualifications/accreditations, as the Commission may determine, within such timeframe as may be specified; and,
  - (vii) Successful completion of auditing training such as Lead Auditor Training.

3.3.6 With respect to parties carrying out Audits on behalf of the Body, such personnel should have completed an Audit course run by a suitable accrediting body.

### **3.4 Procedure for Inspection and/or Audit**

- 3.4.1 The Body shall produce, in accordance with the requirements of this Section and this Criteria Document, procedures for Inspection and Audit.
- 3.4.2 The Body or its Inspector or Auditor shall, if so requested by an REC at the time of an Inspection or Audit, make available its published procedures for the carrying out of Inspections and Audits, further to the requirements of this Section 3.4.

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<sup>3</sup> Unaccredited courses completed from 1<sup>st</sup> July 2013 will not be recognised. However if somebody successfully completed a recognised unaccredited course prior to 1<sup>st</sup> July 2013 it will still remain valid for 3 years (even if 3 year period ends post 1<sup>st</sup> July 2013).

- 3.4.3 In the event that an Inspector is denied access to any site for the purposes of implementing the Body's Inspection and Audit Programme, or as may otherwise be required by the Body or the Commission (further to the review of a Complaint or the operation of a Disciplinary Process), the Body will have the opportunity to request the Commission to appoint an Authorised Officer and/or an Electrical Investigation Officer in order to support the Body/Inspector in gaining access to the site and the carrying out of the Inspection/Audit. Any such actions in that regard shall be further to the provisions of Section F and G of this Criteria Document and pursuant to the requirements of the Act.

### ***Inspection Procedure***

- 3.4.4 At a minimum, the Inspection Procedure shall provide for the Inspection of electrical installation work carried out by the REC or any other party engaged by the REC, as well as tools and equipment, and shall include, at a minimum, scrutiny/consideration of the following:
- (i) the type of tests and/or Inspections that an inspector could carry out/witness;
  - (ii) expected results and/or level of conformance required for each type of test/ Inspection;
  - (iii) means by which these results would be recorded (e.g. test record sheet), standardised Inspection report form, etc.;
  - (iv) type of data which the inspector must record in his report;
  - (v) the competency of parties engaged by the REC for the purposes of carrying out electrical works;
  - (vi) "Performance Marking Scheme" for determining an appropriate corrective action and the timeframe for its completion in the case of non-conformances identified. This Performance Marking Scheme shall be in accordance with the requirements of the Commission and shall be common to all Bodies; and
  - (vii) reporting procedures concerning the Inspection.
- 3.4.5 The Inspection shall be sufficient to establish that the installation, and the REC, complies with the Technical Rules and the Regulatory Arrangements.

### ***Audit Procedure***

- 3.4.6 At a minimum, the Audit Procedure shall provide for the review and assessment of records and/or documentation required to be held under Section C of this Criteria Document, or that specified by the Commission or the Body from time to time.
- 3.4.7 The Audit Procedure shall include, but shall be not limited to, a review of the following records and documentation of the REC:

- (i) the qualifications and training records of Qualified Certifiers engaged by the REC;
  - (ii) copies of issued Certificates and other Certification/declaration documentation and the associated Subsystem Certificates and Test Record Sheets with any such Certification/documentation;
  - (iii) the calibration records for test equipment;
  - (iv) Insurance certificates; and
  - (v) the records of all complaints received and corrective and follow up action taken in relation to the complaint.
- 3.4.8 The Audit Procedure shall furthermore include a “Performance Marking Scheme” for determining an appropriate corrective action and the timeframe for its completion in the case of non-conformances identified. This Performance Marking Scheme shall be in accordance with the requirements (further to Section B.3.2 of this Criteria Document (Risk-Monitoring System for RECs) and shall be common to all Bodies.
- 3.4.9 The Audit shall be sufficient to establish that the REC complies with the Technical Rules and the Regulatory Arrangements.

***Notice of Inspection and/or Audit***

- 3.4.10 In the case where an Audit is being carried out, this may be done in conjunction with an Inspection visit or independently.
- 3.4.11 The Body has the entitlement to carry out an announced or unannounced Inspection.
- 3.4.12 Where the Body is carrying out an announced Inspection and/or Audit, it shall provide at least 7 working days written notice to the REC of the requirement to submit to an Inspection of work and/or Audit. The Notice shall specify the time, date and location of the Inspection and/or Audit.
- 3.4.13 Unless the REC responds to the Body to re-arrange the Inspection and/or Audit within the timeframe specified within that Notice, then the Inspection and/or Audit shall take place as provided for in the notice.
- 3.4.14 Where an Audit is being carried out, the notice may include a list of all requested documentation which shall be made available for the purposes of the Audit.
- 3.4.15 In the case of an unannounced Inspection under Clause 3.4.11, the Body reserves the right to carry out an Inspection without any prior notice.
- 3.4.16 The Body shall provide a copy of the Inspection Procedure or Audit Procedure when requested by the REC.

### ***Inspection and Audit Reports***

- 3.4.17 There shall be a standard report form for keeping a record of observations and results from individual Inspection and/or Audit activities (“Inspection and Audit Report”).
- 3.4.18 The Inspection Procedure and Audit Procedure shall ensure that an Inspection and Audit Report is completed for each Inspection and/or Audit carried out on an REC.
- 3.4.19 The Inspection Procedure and Audit Procedure shall require that the REC is made aware in writing of the result of that Inspection/Audit and of any corrective actions that they must carry out as a consequence (“Non-Conformance Notice”).
- 3.4.20 The Non-Conformance Notice must also set out the timeframe for the completion of any actions and the notification of the same to the Body/Inspector.

### ***Notice of Unsafe Works***

- 3.4.21 Where the Inspector, further to the Inspection of work, discovers what he/she considers to be an unsafe installation that Inspector shall inform the customer or the person responsible for the premises/installation and the REC, by immediately issuing a “Notice of Potential Hazard”.
- 3.4.22 The Inspector shall provide a copy of the Notice of Potential Hazard to the customer and the REC.
- 3.4.23 The Inspector shall also affix the reference number of the Notice of Potential Hazard including a name and contact number upon the unsafe installation together with a clearly visible warning sign.
- 3.4.24 The Notice of Potential Hazard shall specify the following:
  - (i) the reason that the Notice of Potential Hazard has been issued;
  - (ii) the nature of the unsafe works/installation/situation including the wiring rule breached;
  - (iii) advice that the installation should not be touched by persons other than a REC;
    - (i) whether it is a domestic or non-domestic installation; and,
    - (ii) advice that the customer should contact a REC as soon as possible in order to ensure that the necessary remedial actions are undertaken.

- 3.4.25 The Inspector shall inform the Body of any such circumstances immediately and the Body shall advise the DSO of the relevant details of the situation if necessary.
- 3.4.26 In addition to a Notice of Potential Hazard, as referred to above, where the Inspector is of the view that, having encountered or being presented with direct evidence that an electrical installation or part thereof could reasonably give rise to an immediate and serious threat to health and safety should it be, or remain to be, energised, he/she shall issue an “Emergency Works Notice”.
- 3.4.27 The Inspector shall issue an Emergency Works Notice to the customer and the REC and, in so doing, shall arrange for the de-energisation of the installation concerned in accordance with Common Procedure No.5. The Emergency Works Notice shall specify the following:
- (i) that, in the view of the Inspector, the works poses an immediate danger to health and safety and the reasons therefor;
  - (ii) that the installation has been de-energised in the interests of health and safety and the Inspector is authorised to do so;
  - (iii) that an REC should be instructed to carry out emergency remedial works;
  - (iv) that the installation should not be re-energised until such time as remedial works have been carried out by an REC and, further to same and the requirement of Common Procedure No. 1 – Certification, the installation is certified as being in compliance with the Technical Rules;
  - (v) that to re-energise the installation against the advice listed above may result in injury or death; and
  - (vi) that the DSO is to be immediately notified of the details pertaining to the present situation.
- 3.4.28 The form of the “Notice of Potential Hazard” and “Emergency Works Notice” shall be common to any Bodies designated and shall be subject to the approval of the Commission. These Notices shall also include statements protecting the Inspector, the Body and the Commission from any liability arising from the unsafe situations for which they are issued.
- 3.4.29 With respect to the above, the Inspector shall at all times act reasonably and prudently in order to protect health and safety with respect to electrical installations inspected by them in the course of their duties whilst having due regard to the consequences of any action to de-energise an installation.
- 3.4.30 Any such actions with regard to this Section shall be further to, and in accordance with, the “Common Procedure No. 5 - Enforcement”.

- 3.4.31 In the event that the Body, further to an Inspection carried out, discovers material breaches of the Technical Rules or the Regulatory Arrangements, the Body shall, in addition to taking appropriate actions relating to the particular installation concerned and the REC who carried out such works, take reasonable measures, as deemed necessary to ascertain the safety of any previous works that were carried out by that REC.

### **Inspection of installations**

- 3.4.32 In the case of an inspection of an installation due to safety concerns the Body shall issue the resulting report to the owner/occupier no later than 4 weeks after the date of inspection.
- 3.4.33 There shall be a standardised inspection report form for keeping a record of observations and results following an inspection by the Body on an installation in respect of any reported electrical safety concerns or complaints received of relevant sub-standard workmanship by a REC. This inspection report form shall be in accordance with the requirements of the Commission and shall be common to all Bodies.

## **3.5 Reports on Inspection and Audit Programme to the Commission**

- 3.5.1 The Body shall maintain a full record of all Inspections and Audits carried out by it.
- 3.5.2 The Body shall report to the Commission on a quarterly basis (or as otherwise specified by the Commission) on its progress against the approved Inspection and Audit Programme and the results of same.
- 3.5.3 In addition, the Body shall submit an “Annual Inspection and Audit Programme Performance Report” to the Commission.
- 3.5.4 The report required further to this Section 3.5 shall include details of the number of Inspections and Audits, the frequency of same and an analysis of the problems found, follow up actions taken and trends with respect to the performance of RECs. These reports shall be in the form specified by the Commission.
- 3.5.5 The Body’s experience with respect to the operation of its Inspection and Audit Programme, and the Annual Inspection and Audit Programme Performance Report shall inform the “risk-based” approach for the Inspection and Audit Programme for the following year. The Body shall also take into account the views of the Commission and information provided by any other Body with regard to its Inspection and Audit Programme in determining this “risk-based” approach.

### **3.6 Other Reports**

- 3.6.1 The Body shall, in considering the outcomes of the Inspections and Audits carried out on its behalf, advise its RECs, the Commission and other such relevant parties as to any identified safety concerns relating to the standards of installation work, type of installation, installation materials and equipment (quality and use) and such other matters which are deemed relevant in the interests of safe electrical installation work.
  
- 3.6.2 This report further to Section B.3.6.1 above shall relate to the functions and duties of the Body under Section B.5.4 of this Criteria Document (Public Awareness) and the Body shall take such other measures with respect to publicising such matters as may be agreed with the Commission.

## **4 CHANGES TO REGISTRATION STATUS OF AN REC**

### **4.1 Suspension or Revocation of Registration**

4.1.1 Further to the definition provided in Section A Part 5 of the Criteria Document, for the purposes of this section and for the avoidance of doubt:

- (i) “Suspension” refers to the suspension of the Registration status of an REC. Such suspension will include the removal of the REC’s details from the Register (put in place by the Body further to Section 5.2) and the withdrawal of that REC’s entitlement to self-certify electrical works for the period of time specified by the Body and, for the avoidance of doubt, the REC shall have the entitlement for its details to be reinstated by the Body upon its Register within five (5) days of the expiry of that period of time specified; and
- (ii) “Revocation” refers to the Revocation of Registration of the REC, the loss of all benefits associated with the status of REC and the removal of that contractor’s details from the Register on a permanent basis.

4.1.2 The Body shall, in accordance with Section D of this Criteria Document (Disciplinary Process), have documented procedures for Suspension of Registration and Revocation of Registration and/or for the withdrawal of self-Certification privileges (Suspension and Revocation Procedures), which shall include specifying the reasons for, and notice of, the Suspension of Registration or Revocation of Registration and, in the case of Suspension of Registration, the duration of any such Suspension of Registration.

4.1.3 These Suspension and Revocation Procedures shall also specify the procedures of the Body to be operated with respect to the voluntary Suspension of Registration or De-registration of an REC (i.e. further to the request of an REC).

4.1.4 These Suspension and Revocation Procedures shall be subject to approval by the Commission and shall be made available on the Body’s website and shall be issued by the Body to any REC subject to any such procedure.

### **4.2 Notification and Other Requirements – Withdrawal of Self-Certification Entitlement of an REC**

4.2.1 In circumstances where the Body withdraws the entitlement to self-Certification from an REC, the Body is required to:

- (i) notify the REC of the fact it is no longer entitled to self-certify electrical works, and that any and all Qualified Certifiers, who

- at the time are carrying out the work of the REC, are no longer entitled to self-certify works;
- (ii) confirm the above in writing to the REC concerned (by registered letter or equivalent) and specify the consequences of same;
  - (iii) notify, without delay, the Commission, other Bodies and the DSO of the details of the REC concerned; and
  - (iv) in so far as is practicable, ensure that:
    - 1) all unused Certificates are recovered from the REC; and,
    - 2) provide that such Certificates issued after the date from which the REC's entitlement to self-Certification ceases shall be deemed to be invalid and rejected.

4.2.2 Where the entitlement to self-Certification has been restored, the other Bodies, the Commission and the DSO shall be advised without delay.

### **4.3 Notification and Other Requirements – Suspension or Revocation of the Registration of an REC**

4.3.1 In circumstances where the Body de-registers a REC (i.e. removes a REC's details from the Register), further to the Suspension of Registration or Revocation of Registration of the REC, the Body shall:

- (i) confirm the above in writing to the REC concerned (by registered letter or equivalent) and specify the consequences of same;
- (ii) notify, without delay, the Commission, other Bodies and the DSO of the de-registered contractor's details and the reason for De-Registration;
- (iii) remove, without delay, the details of that party from the Register;
- (iv) in so far as is practicable, ensure that:
  - 1) the REC's identification card is returned;
  - 2) all unused Certificates are recovered from the REC; and
  - 3) provide that any Certificates, as issued after the date from which the REC's De-Registration becomes effective, will be deemed to be invalid and rejected; and
- (v) comply with requirements set out in Section B.5 of this Criteria Document (Functions Relating to the Public).

## **5 FUNCTIONS RELATING TO THE PUBLIC**

### **5.1 Customer Charter**

- 5.1.1 The Body shall, in a form approved by the Commission, develop, publish, make available, adhere to and keep up to date a Customer Charter, in respect of:
- (i) RECs;
  - (ii) Customers;
  - (iii) Third Parties; and,
  - (iv) the general public.
- 5.1.2 The Customer Charter shall set out statements regarding the level of service each of the above parties can expect from the Body and that such services shall be delivered in a fair, consistent and timely manner.
- 5.1.3 The content of the Customer Charter shall be reviewed by the Body at least annually and shall be approved by the Commission.
- 5.1.4 The Body shall report to the Commission annually on the levels of service achieved in accordance with the requirements for such reports as specified by the Commission.

### **5.2 Publication of a Register of Electrical Contractors**

- 5.2.1 The Body shall publish and maintain the Register on its website and through any other such website/publication and in such manner as may be directed by the Commission from time to time.
- 5.2.2 The form and type of information published by the Body in its Register shall be subject to approval by the Commission. The Commission may issue directions as to the form and format of the Register, form/means of its publication and the details published on the Register.
- 5.2.3 The Body is required to ensure that the Register is updated and amended as soon as practicable following any changes to the list of the Body's RECs.
- 5.2.4 The Body shall make available a printed copy, or excerpt from or part thereof (as appropriate), of the up-to-date Register to any party requesting same.
- 5.2.5 This printed copy shall include statements relating to the accuracy of the information as at a specified point in time and other such relevant information as may be determined by the Body or the Commission.
- 5.2.6 The Body shall publish, in accordance with the requirements specified by the Commission, the details concerning RECs who have been de-registered further to disciplinary actions taken against them by the Body.

## 5.3 Complaints

- 5.3.1 The Body shall deal with all complaints received from RECs concerning matters associated with Registration and Certification and other such matters relating to the functions of the Body.
- 5.3.2 Any such complaints shall be dealt with by the Body in a fair, timely and consistent manner.
- 5.3.3 The Body shall have a documented procedure (“Complaints Procedures”) for processing, investigating and resolving complaints from each of the parties listed in Clause 5.1.1.
- 5.3.4 The Body shall only be required to deal with complaints in so far as they relate to:
- (i) aspects relating to the regulation of RECs by the Body;
  - (ii) the safety of the electrical installation works carried out by an REC; and
  - (iii) the operations of the Body.
- 5.3.5 The Body shall not be entitled to consider Complaints which fall outside of the circumstances described in paragraph 5.3.4, unless as may otherwise be approved by the Commission.
- 5.3.6 Where the Body receives a Complaint which falls outside the scope of paragraph 5.3.4 (in full or in part), the Body shall advise the Complainant of its role and the scope of its role with respect to the Complaint and the fact that it is not legally entitled to deal with any such Complaint or part thereof which falls outside that scope. In such cases, the Body is also required to, insofar as is reasonable, advise the Complainant of any other relevant parties who may be in a position to assist the Complainant with respect to their Complaint.
- 5.3.7 The Body shall publish a “Complaints Form” for parties making Complaints.
- 5.3.8 The Complaints Procedure shall include the timeframe for dealing with Complaints.
- 5.3.9 Any Complaints which are to be investigated shall be required to be fully documented on this Complaints Form by the Complainant. Any Complaint which may result in the commencement of a Disciplinary Procedure shall be required to be fully documented on the Complaints Form by the Complainant.
- 5.3.10 The Body shall investigate all Complaints received, subject to Clause 5.3.4 above.

- 5.3.11 The Body shall not be responsible for dealing with any Complaints relating to works of an REC registered with it where such works were carried out before the REC was registered with the Body.
- 5.3.12 In the event that the REC has registered with another Body, that Body shall be required to fully co-operate and shall assist where necessary with the Body investigating the Complaint.
- 5.3.13 Where the complaint relates to the work of an REC registered with it but to work carried out by the REC when it was registered with another Body, the Body shall notify that other Body of the Complaint and shall co-operate with that other Body in that regard.
- 5.3.14 Where the Complaint relates to an REC who is no longer registered with it, but relates to work the REC carried out whilst registered with the Body, the Body shall deal with the Complaint and shall co-operate with any other Body that the REC is subsequently registered with.
- 5.3.15 The Body's published documentation in this regard, and its Complaints Procedure, shall be subject to approval by the Commission and shall be published in conjunction with its Customer Charter.
- 5.3.16 The Body shall carry out any required inspections subject to Clauses 3.4.32 and 3.4.33.

## **5.4 Public Awareness**

- 5.4.1 The Body shall establish and maintain a website for the purposes of presenting information relating to its operation of its Core Activities to RECs and the general public. This website shall present such information, and be in such a format, as may be specified by the Commission.
- 5.4.2 The Body shall be obliged to carry out such activities relating to raising public awareness of the regulatory system, RECs and such other issues relating to the safety of electrical installations, as may be directed by the Commission from time-to-time.
- 5.4.3 The Body shall establish and maintain a website providing information to the public on its operation, functions, and the regulation of electrical contractors and other such relevant information or as may otherwise be directed by the Commission. The information published on this website may be subject to the approval of the Commission.
- 5.4.4 The Body shall be responsible for providing information to the public on the operation of the Regulatory System and dealing with enquiries from the public on electrical safety related matters.

- 5.4.5 The Body shall be required to co-operate and interact with such other parties with regard to such activities as may be determined/directed by the Commission. These may include, among others, any other Body/Bodies, the DSO and the ETCI.
- 5.4.6 The Body shall publish technical bulletins on its website and through its newsletters/reports notifying the public and the industry of any safety issues or trends identified in the course of its work.

## **5.5 Certificates as Documents of Public Record**

- 5.5.1 The Body shall ensure that it has a system in place to provide appropriate details in order to confirm the forms of Certification associated with a particular installation to any such party requesting same. This system shall be subject to the approval of the Commission and shall be in accordance with any legislative requirements placed on the Body in the handling, publication and release of information.

## **6 OTHER OBLIGATIONS**

### **6.1 Change of Contractor**

6.1.1 The Body shall comply with the requirements as set out under the “Common Procedure No. 3 - Change of Contractor”.

### **6.2 Certification Process**

6.2.1 The Body shall comply with the requirements for the Certification process as set out under the “Common Procedure No. 1 – Certification”.

### **6.3 Third Party Inspections and Certification**

6.3.1 The Body shall comply with the requirements for the Third Party Inspection and Certification process as set out under the “Common Procedure No.2 - Third Party Inspection”.

### **6.4 Audit by/ on behalf of CER**

6.4.1 The Body shall comply with all reasonable requirements relating to the Audit of the Body and its operations by the Commission and parties acting on behalf of the Commission.

### **6.5 Co-Operation with the DSO and ETCI**

6.5.1 The Body shall co-operate with the procedures of the DSO in respect of matters relating to:

- (i) Certification;
- (ii) Public awareness; and
- (iii) any other matters

in so far as required for the purposes of this Criteria Document or as may be directed by the Commission further to the functions and provisions of the Act.

6.5.2 The Body shall comply with any requirements specified by the Commission relating to the Body’s dealings with, and interaction with, the ETCI.

### **6.6 Authorised Officers**

6.6.1 The Body shall comply with all reasonable requirements/requests of an Authorised Officer appointed by the Commission further to the Act, or any other party acting on behalf of the Commission.

## **6.7 Appeals Officers**

- 6.7.1 The Body shall comply with all reasonable requirements/requests of an Appeals Officer appointed by the Commission further to the Act and acting on behalf of the Commission.

## **6.8 Prosecution of Offences**

- 6.8.1 The Body shall comply with any requirements specified by the Commission with respect to the prosecution of offences committed by any party under the Act.

## **6.9 Customer Protection Bond System**

- 6.9.1 The Body shall operate and be responsible for the administration of any system with respect to protecting the interests of customers who engage RECs as may be required to be established further to the direction of the Commission. This system shall relate to the provision of support to parties who have been subject to loss/damage as a result of the activities of an REC, and specifically where an REC refuses or fails to correct faults identified with their work.

## **7 REPORTING OBLIGATIONS**

### **7.1 Reporting to the Commission**

7.1.1 The Body shall be required to prepare and present reports to the Commission, including, but not limited to, the following areas:

- (i) operational performance;
- (ii) financial performance;
- (iii) annual performance;
- (iv) any activity/activities undertaken further to this Criteria Document or the Act; and/or,
- (v) the proposed strategy/recommended actions for the Body for next 12 months,

as may be directed by the Commission from time to time.

7.1.2 In the preparation and presentation of such reports, the Body shall comply with all reasonable requirements of the Commission which may be specified, the scope and content of such reports and the timeline for the preparation and presentation of same.

7.1.3 The Commission may direct the Body to publish any such reports and such reports shall only be published further to the approval of the Commission.

## **8 DE-DESIGNATION OF THE BODY**

- 8.1.1 The Body shall comply with the requirements of the Designation Conditions with respect to the process of De-Designation.
- 8.1.2 For the avoidance of doubt, the Body shall ensure that, in conducting its affairs and retaining information on its operations and information relating to RECs, there shall be full legal entitlement to pass any such information to the Commission and that such information can be released to any other Body designated by the Commission.

## **Section C**

# **The Registered Electrical Contractor**

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## SECTION C - TABLE OF CONTENTS

PREAMBLE.....	60
1 CONDITIONS FOR REGISTRATION.....	62
2 REGISTRATION AND MAINTENANCE OF REGISTRATION .....	69
3 RECORDS .....	73
4 RESPONSIBILITIES IN RELATION TO CARRYING OUT ELECTRICAL WORKS.....	74
5 INSPECTION AND AUDIT .....	79
6 COMPLIANCE AND CO-OPERATION ON THE PART OF THE REC.....	83
7 RESPONSIBILITIES TOWARDS THE BODY, THE CUSTOMER AND THE PUBLIC.....	85
8 COMPLAINTS ON THE PERFORMANCE OF THE BODY .....	87

## PREAMBLE

*This Section C sets out all of the obligations placed on any party registered with the Body i.e. a Registered Electrical Contractor or REC.*

*The Body, in its operations further to the requirements of Section B, is to be bound by the requirements of Section C insofar as they are applicable to its operations.*

*It is important to note that through this Criteria Document, the REC's activities will be regulated as follows:*

- 1) the REC shall only be registered once it meets the requirements specified through this Criteria Document and by the Body;*
- 2) by specifying that Regulated Works require a Certificate and under what conditions such a Certificate can issue (compliance with the Technical Rules), the Commission and the Body will therefore regulate the activities of electrical contractors through that Certification process – this controlled Certification process acts as the “check” in the process to ensure that the activities of the electrical contractor have been carried out in accordance with the prescribed requirements;*
- 3) this Criteria Document and the Body will specify the requirements for the entitlement of an REC to self-certify. These requirements will relate to, among other things, the training, competence and activities of the individual employee carrying out the Certification on behalf of the REC (to be known as the Qualified Certifier); and*
- 4) this Criteria Document also imposes a requirement to ensure that any parties that are engaged by the REC (electricians, apprentices, contractors, etc.) are competent with respect to the type and range of electrical installation work which they are carrying out in order that it is carried out in a safe manner and in accordance with, and meets the requirements of, the Technical Rules.*

*Thus, by imposing:*

- 1. the requirements concerning the qualification, training and competency of the Qualified Certifier;*
- 2. the requirements for, and grounds on which, a Qualified Certifier may certify an installation; and*
- 3. the obligation for the REC to engage competent parties.*

*the Commission is satisfied that electrical works will be carried out in a competent fashion (i.e. in accordance with the Technical Rules) and certified by a competent party and that this therefore forms an adequate mechanism for regulating the activities of electrical contractors.*

*Section C sets out the following with respect to the REC:*

- Conditions for Registration
  - *The broad requirements and obligations with respect to a party's Application for Registration;*

- *This Criteria against which an Application for Registration must be assessed/evaluated; and*
- *These criteria include the specific requirements placed on any party seeking to be registered with respect to its personnel (roles of certain personnel and competence/qualification of such personnel), and other requirements placed on the electrical contractor with respect to equipment, insurance and the availability of technical reference documentation.*
- *Registration and Maintenance of Registration*
  - *The effect of Registration and the entitlements arising from registration;*
  - *The Requirements/conditions placed on the REC with respect to maintaining Registration, notifying the Body of changes in the details of the REC and De-Registration;*
  - *The requirements with respect to the records of personnel, their training and qualifications, their work and Certification;*
  - *The obligations with respect to the carrying out of electrical works by the REC, with respect to conformance with the technical rules, and the safety of works-in-progress;*
  - *The requirements with respect to the right of the REC, and obligation, to certify all electrical works carried out by them and only those carried out under their supervision/control; and*
  - *Further requirements with respect to the Certification of installations and the release of Certification to those parties on whose behalf the work has been carried out and the overall obligations with respect to the control of Certificates.*
- *Inspection and Audit*
  - *The requirements and obligations with respect to the RECs participation with, and compliance with, the requirements of the Body's Audit and Inspection Plan, Procedures and Inspectors/Auditors acting on behalf of the Body; and*
  - *Such requirements include obligations with respect to corrective actions to be taken in circumstances where the REC is discovered to have behaved in a way which breaches the requirements of this Criteria Document and such other requirements further to this Criteria Document and Common Procedures.*
- *Compliance and Co-Operation by the REC*
  - *The requirements for compliance and co-operation with respect to requirements specified by Authorised Officers, Appeals Officers, Disciplinary Proceedings, the DSO.*
- *Responsibilities of the REC towards the Body, the Customer and the Public*
  - *This section specifies the obligations placed on the REC with respect to informing the Body and the Customer on certain matters, particularly those relating to safety-concerns with respect to an electrical installation; and*
  - *This section also places an obligation on the REC to support public awareness with respect to the new regulatory model in so far as applicable to the role, activities and interactions of the REC.*
- *Complaints on the Performance of the Body*
  - *This section confirms the right of the REC to make complaints on the operation of the Body to the Commission where such complaints remain unresolved.*

# 1 CONDITIONS FOR REGISTRATION

## 1.1 Application for Registration

- 1.1.1 For any Application for Registration with the Body to be valid, it must be made, and completed, in accordance with the Application Procedure published by the Body.
- 1.1.2 The Applicant is required to ensure that all information provided is accurate and correct as at the time of submission of the application and is required to provide a declaration to that effect.
- 1.1.3 The Applicant is required to declare any interests or involvement with any personnel of the Body.
- 1.1.4 Any (material) changes to the accuracy of the information submitted as part of the application are required to be notified to the Body immediately.
- 1.1.5 Any material information provided that is subsequently discovered to be false or misleading will result in the cancellation of the Application, or where Registration has taken place on the basis of such false or misleading information, cancellation of Registration will take place with immediate effect.
- 1.1.6 The Body has the right to inspect and/or seek evidence of compliance with all of its requirements for Registration, as specified in this Criteria Document, its Application Procedure and/or Rules of Registration, as part of the assessment for Registration.
- 1.1.7 The Applicant is required to comply with the procedure for appealing the decision of the Body with respect to the rejection of the Application.
- 1.1.8 Where the original decision to reject the Application is upheld by the Body upon appeal, the Applicant may appeal the decision to the Commission.
- 1.1.9 Such appeals are to be in accordance with the procedure to be specified by the Commission and the Commission's determination on this matter will be final and the Body and Applicant are to be bound by same.

## 1.2 Criteria for Eligibility

### ***Overall Personnel Requirements***

- 1.2.1 Each Applicant must propose, as part of its Application, the following:
  - (i) a person to act as a Principal Duty Holder; and,

- (ii) the person/persons whom the Applicant proposes to fulfil the role(s) of Named Qualified Certifier on its behalf (and which must be at least one person as per the requirements of Clause 1.2.8).
- 1.2.2 The roles and responsibilities of these parties and the role of the REC in relation to same are described in Section C.1.2.5 (Principal Duty Holder) and Section C.1.2.7 (Qualified Certifier of this Criteria Document).
- 1.2.3 In proposing and/or appointing a person or persons to act in the capacity of Principal Duty Holder and/or Qualified Certifier, the Applicant, or REC, as the case may be, is required to ensure that any such persons have the capacity and capability to perform the roles in accordance with the requirements specified in this Criteria Document. Such persons will also be required to meet the criteria specified by the Body in the Rules of Registration.
- 1.2.4 For the avoidance of doubt, any duties/responsibilities specified in this Criteria Document that are required to apply to the Principal Duty Holder and to the Qualified Certifier roles are required to also apply to the REC. The REC will ensure that these duties/responsibilities are discharged accordingly by relevant personnel, who act on behalf of the REC and operate under its control.

***Requirements for Principal Duty Holder***

- 1.2.5 A Principal Duty Holder will:
- (i) have responsibility for all matters relating to Registration and be the primary point of contact with the Body;
  - (ii) have an understanding of, and responsibility for, the safety conditions relating to the range of electrical work undertaken by the business;
  - (iii) have responsibility for the maintenance of the overall standard and quality of the electrical work carried out or managed by the enterprise and for ensuring that there are systems in place **whereby all electrical work undertaken is carried out by competent persons** who are adequately and appropriately supervised; and
  - (iv) be responsible for ensuring that the REC is in compliance with the conditions of this Criteria Document and anything further to this Criteria Document. This will include (but is not limited to) activities relating to the following:
    - (a) ensuring any person acting as a Qualified Certifier meets the conditions outlined in Clause 1.2.7 (Qualified Certifier);
    - (b) ensuring that the necessary records of all Qualified Certifiers are maintained and are kept up to date. Such records must be able to demonstrate the competency, qualifications and training of each Qualified Certifier;
    - (c) ensuring that any material changes to the details of its Named Qualified Certifier(s) are communicated immediately to the Body;

- (d) ensuring that only persons who comply with the conditions laid down in this Criteria Document for a Qualified Certifier issue Certificates on behalf of the REC;
- (e) ensuring that the appropriate Certificates and other documentation are issued and recorded for **all** completed electrical work in accordance with the requirements of this Criteria Document;
- (f) safeguarding any unused Certificates which have been issued to the REC in order to prevent loss, theft and/or unauthorised use;
- (g) ensuring that the REC holds the appropriate level of insurance cover as specified by this Criteria Document/the Body;
- (h) ensuring that all records required to be held by the REC as part of the Rules of Registration are maintained and kept up to date; and,
- (i) complying with the requirements of the Body concerning Audit and Inspection.

1.2.6 A Principal Duty Holder may also be a Qualified Certifier.

### ***Requirements for Qualified Certifier***

1.2.7 A Qualified Certifier will:

- (i) be a principal or employee of the REC who is available on a full-time basis;
- (ii) be an electrically-competent person, satisfying the criteria specified in Clauses 1.2.12 to 1.2.14 (Training and Competence of Qualified Certifier), responsible for, on a day-to-day basis, the safety, quality and certification of the electrical installation works of the REC with regard to the Technical Rules;
- (iii) be a party who may carry out Certification on behalf of the REC;
- (iv) be responsible for safeguarding unused Certificates in their possession against loss, theft and/or unauthorised use;
- (v) ensure that results of Inspection and testing are properly recorded on the appropriate prescribed forms of Certification and reporting, and reviews and confirms the results for compliance with the Technical Rules;
- (vi) complete up-to-date training courses as specified by the Body (failure to complete required training courses without reasonable cause may result in the person being in breach of the requirements of this section and, therefore, they shall not be entitled to act as Qualified Certifier); and
- (vii) is required to have successfully completed a recognised course in "Verification, Testing, and Certification" of Electrical Installations to 'The National Wiring Rules' in the previous number of years. If the recognised course that was completed was accredited the period

is 5 years. If the recognised course that was completed was not accredited this period is 3 years.<sup>4</sup>

- 1.2.8 The REC is required, in order to have its Application for Registration approved by the Body, to name at least one person whom they are proposing to act as a Qualified Certifier and must provide particulars including the signature of each such Qualified Certifier on submission of an Application for Registration and confirmation of his/her consent with respect to the recording of their details with the Body. Any such person is a Named Qualified Certifier.
- 1.2.9 The Body will assess the details of those parties whom the REC has nominated to act as a Named Qualified Certifier, and will, where appropriate, give its approval for those parties to act as Named Qualified Certifiers.
- 1.2.10 The REC is required to ensure that they engage a suitable number of Qualified Certifiers, considering the range, scale, geographical spread and category of electrical work undertaken by the REC.
- 1.2.11 The REC is required to maintain the Register of all of its Qualified Certifiers, together with evidence of each Qualified Certifier meeting the competency conditions as determined by the Body and this Criteria Document. This Register is to be subject to Inspection and Audit in accordance with the requirements of Section C.5 of this Criteria Document.

### ***Training and Competence of Qualified Certifier***

- 1.2.12 A Qualified Certifier is required to satisfy the basic requirement of having:
  - (i) served a recognised apprenticeship as an electrician and having been awarded a National Craft Certificate; or,
  - (ii) another suitable electrical award, equivalent to Level 6 or higher on the National Framework of Qualifications;and
  - (iii) is required to have successfully completed a recognised course in “Verification, Testing, and Certification” of Electrical Installations to ‘The National Wiring Rules’ in the previous number of years. If the recognised course that was completed was accredited the period

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<sup>4</sup> Unaccredited courses completed from 1<sup>st</sup> July 2013 will not be recognised. However if somebody successfully completed a recognised unaccredited course prior to 1<sup>st</sup> July 2013 it will still remain valid for 3 years (even if 3 year period ends post 1<sup>st</sup> July 2013).

is 5 years. If the recognised course that was completed was not accredited this period is 3 years.<sup>5</sup>

1.2.13 A Qualified Certifier is to also undertake any other course/training/instruction as specified by the Body (which may be deemed necessary in response to an Inspection, Audit, a change in the Technical Rules, etc.).

1.2.14 Each Qualified Certifier is to be conversant with the current edition of the Technical Rules for the range of electrical works being undertaken, including all published amendments to same, and any other relevant standard or publication as may be specified by the Body/the ETCl from time to time.

**Note 1:** *A person, proposed as a Qualified Certifier, who is not in possession of a National Craft Certificate but has been awarded a qualification in another country, is required to provide evidence to the Body demonstrating that the training they have undertaken and the type of award granted on completion of that training, is at least equivalent to the conditions specified by the Body. They will be informed by the Body whether this qualification satisfies the conditions set down above. If not, the Body is required to provide confirmation in writing as to the reasons why such person does not meet the conditions.*

#### **Minimum learning outcomes for accredited electrical Verification and Certification assessment**

1.2.15 On completion of this course, the participant will be able to:

- (i) Comply fully with Chapter 61 of ET101 in respect of initial Verification, Inspection and Testing; Carry out an inspection (incorporating vision and all the senses) of electrical installations in a safe manner and comply with the National Wiring Rules.
- (ii) Carry out Pre-connection testing in the correct sequence by implementation of the following tests:
  - Continuity of Protective and Bonding Conductors
  - Continuity of Ring Circuit Conductors
  - Resistance of Protective Conductors
  - Insulation Resistance
  - Detection of Erroneous Connections between Phase Conductors
  - Protection by Separation of Circuits
  - Polarity
- (iii) Carry out Post-connection testing in correct sequence the following tests:

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<sup>5</sup> Unaccredited courses completed from 1<sup>st</sup> July 2013 will not be recognised. However if somebody successfully completed a recognised unaccredited course prior to 1<sup>st</sup> July 2013 it will still remain valid for 3 years (even if 3 year period ends post 1<sup>st</sup> July 2013).

- Line to Earth Fault Loop Impedance
  - Verification of Correct Operation of RCDs
- (iv) Comply fully with Chapter 63 of ET101 in respect of Certification, Verify, record, report and certify the installation in compliance with the current edition of the National Wiring Rules and/or the requirements of CER.
- (v) Comply fully with Chapter 62 of ET101 in respect of Periodic Inspection Reporting; Be able to demonstrate an understanding of the consequences of electrical installations not conforming to any of the above requirements and display an ability to investigate further and recommend how to correct deficiencies in such electrical installations. This requires participants to have a working knowledge of the relevant sections of the ET 101 current edition and any subsequent revisions, and for them to understand how these rules apply in practical electrical installations and for the participants to display insight on how to deal with any problems arising in electrical installations.
- (vi) Understand the regulatory procedures for Certification of Controlled Electrical Works; be able to state what are Controlled Works, Restricted Works, and state the distribution procedure for the different completion certificates.

### ***Parties Carrying Out Electrical Works on behalf of the REC***

- 1.2.16 The REC is required to engage only competent persons to carry out electrical installation work on its behalf. These individuals are required to have the technical knowledge and experience to prevent danger and avoid injury and where they do not have sufficient expertise, the degree of supervision must be appropriate having regard to the nature of the work.
- 1.2.17 The REC is required to maintain up to date records of those employed in the carrying out of electrical installation works on its behalf.
- 1.2.18 These records must be able to demonstrate the qualifications, training and experience of such parties and the works carried out by them. These records are required to be available for Audit and Inspection by the Body on request.
- 1.2.19 The Body will have the entitlement to review the training and safety standards undertaken by an REC and all person[s] engaged in the carrying out of electrical works on behalf of the REC including those of a Qualified Certifier. The REC will, following a request by the Body in this regard, submit any relevant documentation as deemed appropriate by the Body.

### ***Test Equipment***

- 1.2.20 The REC must possess, in sufficient quantity for the amount and range of electrical work being carried out, and as may be specified or directed by the Body from time to time, appropriate test equipment to carry out the tests necessary for issuing a Certificate for an electrical installation, as required further to the requirements specified in the Technical Rules.
- 1.2.21 All test instruments are required to be calibrated at least annually and/or more often if required by the manufacturer or according to best practice.
- 1.2.22 The Principal Duty Holder is to ensure that records of all instrument calibrations are maintained.

### ***Reference Documents***

- 1.2.23 The REC is to ensure that there are adequate copies of all necessary technical reference documents available for reference to each work location.
- 1.2.24 Such reference documents include, but are not limited to, the latest version of the Technical Rules and any other documents as may be specified by the Body.

### ***Insurance***

- 1.2.25 The Applicant, or REC, as the case may be, is required to have in place and maintain insurance cover as may be specified by the Body/the Commission and which may include:
- (i) public liability insurance to a minimum level of indemnity specified by the Body and/or the Commission;
  - (ii) products liability insurance; and
  - (iii) appropriate employer's liability insurance (if applicable).
- 1.2.26 The onus to hold insurance cover over and above the specified minimum rests with the REC in such cases where it is appropriate to the work being carried out.
- 1.2.27 Such insurance policies will, as appropriate, indemnify (jointly and separately) the Body, the Commission, or any party acting on either's behalf.
- 1.2.28 The specified levels of insurance cover will be subject to review from time to time, as appropriate.

## **2 REGISTRATION AND MAINTENANCE OF REGISTRATION**

### **2.1 Effect of Registration**

- 2.1.1 Registration will take effect from the date confirmed in writing by the Body.
- 2.1.2 If Registration has been granted by the Body, the REC's name will be added to the Register.
- 2.1.3 Registration will entitle the REC to certify their works in accordance with the requirements of this Criteria Document, and any other such requirements specified by the Body or the Commission.
- 2.1.4 The REC will receive a Registration Number that they must quote on all Certificates issued for electrical installation works.
- 2.1.5 The REC is to provide evidence of its Registration with the Body upon request.

### **2.2 Entitlement to use title of "Registered Electrical Contractor", the Brand and Name/Logo/Brand of the Body**

- 2.2.1 Only RECs are entitled to use the title "Registered Electrical Contractor".
- 2.2.2 An REC is entitled to use the logo of the Body and the Brand on business documentation and/or vehicles.
- 2.2.3 An REC is required, at all times, to present/detail its Registration Number on Business Documentation where it presents itself as a Registered Electrical Contractor and/or uses the name and logo of the Body or the Brand.
- 2.2.4 An REC is required to furnish, to any party, confirmation of its Registration and Registration details upon the request of any such party. Such confirmation is to be in the form specified by the Body.

### **2.3 Requirements Further to Registration**

- 2.3.1 An REC is to comply with the Rules of Registration as set down by the Body.
- 2.3.2 Failure to comply with the Rules of Registration may result in disciplinary action and/or the suspension/revocation of Registration.

- 2.3.3 An REC will be eligible to renew its Registration by the Body, provided that the Rules of Registration continue to be met.
- 2.3.4 An REC will renew its Registration with the Body in accordance with the procedure of the Body for renewal of Registration (the Registration Renewal Procedure of the Body).
- 2.3.5 An REC may not be registered with more than one Body at any point in time (subject to the requirements of “Common Procedure No. 4 – Transfer of Registration”).

## **2.4 Change in Registration Details**

- 2.4.1 Any changes required to be notified to the Body shall be done in accordance with its procedure for notification of change in particulars of an REC and on the “Change in Particulars Notification Form” as published by the Body.
- 2.4.2 The REC is required to immediately inform the Body of changes to its trading name.
- 2.4.3 In the case where an REC ceases trading, the REC is required to inform the Body immediately and such notice will serve as direction to the Body to remove the particulars of that REC from the Register.
- 2.4.4 In the event that an REC changes any particulars upon which its original Application for Registration was approved, it is required to inform the Body immediately by way of written notice.
- 2.4.5 Such notice is required to be given within 10 working days of any such change becoming effective, unless otherwise specified.
- 2.4.6 The REC is required to, following a request from the Body, furnish all relevant information as deemed appropriate by the Body in relation to the notification of any change of Registration particulars.
- 2.4.7 Following any material change, continued Registration will be at the discretion of the Body, in accordance with its procedures for the evaluation of Applicants.

## **2.5 Change in Principal Duty Holder**

- 2.5.1 Where a Principal Duty Holder ceases to be employed in that capacity, the REC is required to advise the Body in writing without delay.
- 2.5.2 Another person must be appointed within 20 working days of the change and a declaration must be signed on the form prescribed by the Body to confirm that a suitable replacement has been appointed.

- 2.5.3 Suitable arrangements must be put in place by the REC in the intervening period to ensure that the duties of the Principal Duty Holder continue to be discharged.
- 2.5.4 Any extension to the time limit of 20 working days will be at the discretion of the Body. The Body may decide to suspend Registration of an REC until a replacement Principal Duty Holder has been nominated.

## **2.6 Change in Named Qualified Certifier**

- 2.6.1 An REC may at any time propose a person to act as a Named Qualified Certifier in accordance with the procedure specified by the Body and in accordance with the requirements of this Criteria Document.
- 2.6.2 Where a Named Qualified Certifier ceases to be engaged in that capacity, the REC is required to advise the Body in writing without delay.
- 2.6.3 In the case where there is no other Named Qualified Certifier employed by the REC, the REC's entitlement to self-certify will be withdrawn until such time as a new Named Qualified Certifier has been proposed and approved by the Body.

## **2.7 Ceasing/Lapse/Suspension of Insurance Cover**

- 2.7.1 Failure to maintain insurance as required under Section 1 and/or provide the Body with proof of such when requested to do so will result in automatic suspension of Registration<sup>6</sup>, and, for the avoidance of doubt, this will result in the automatic and immediate suspension of the entitlement to self-certify work.
- 2.7.2 Such suspension and withdrawal of the entitlement to self-certify work will continue in force until appropriate insurance cover is put in place, confirmed to the Body and same is acknowledged and the Body confirms suspension is lifted and full self-Certification rights are resumed.

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<sup>6</sup> "automatic suspension", for the avoidance of doubt, means that, with immediate effect from the point that the contractor's insurance ceases to be effective, the contractor no longer has the legal status of "Registered Electrical Contractor".

## **2.8 De-Registration**

- 2.8.1 Where the REC is de-registered, either voluntarily or further to a decision by the Body or the Commission, the REC is required to return all outstanding Certificates. For the avoidance of doubt, this will include those Certificates issued but not yet remitted to the Body.
- 2.8.2 The REC is required to also return the form of confirmation of Registration issued to it by the Body.

## **3 RECORDS**

### **3.1 Training and Qualification Records**

- 3.1.1 The Principal Duty Holder is to ensure that evidence of each Qualified Certifier's qualifications, as required by Section C.1 of this Criteria Document, are held by the REC at all times.
- 3.1.2 The Principal Duty Holder is required to ensure that records of training courses attended by each Qualified Certifier are kept up to date.
- 3.1.3 Such training records should include details of course name and course accreditation, training provider, dates attended, type of assessment, and, if appropriate, results achieved.
- 3.1.4 It is the responsibility of the Principal Duty Holder and the REC to store these records and make these available for Inspection and Audit by the Body or an Authorised Officer upon request.
- 3.1.5 It is the responsibility of the Principal Duty Holder to ensure that evidence of all parties carrying out electrical installation work on behalf the REC are maintained and available for Audit and Inspection or upon the request of the Body.

### **3.2 Certificates and Test Record Sheet Copies**

- 3.2.1 Qualified Certifiers are responsible for ensuring that:
  - (i) the relevant copies of all Certificates issued by them are properly filed;
  - (ii) they are in full compliance with the process for issuing Certificates as set out in the "Common Procedure No. 1 - Certification";
  - (iii) insofar as practicable and applicable to them, records for work that they are certifying are properly maintained and stored in accordance with the requirements of the Technical Rules; and
  - (iv) test record sheets for completed installations supervised and certified by them are properly maintained.
- 3.2.2 The Principal Duty Holder is to have the overall responsibility for ensuring that:
  - (i) a copy is properly recorded and maintained of each Certificate issued by the REC;
  - (ii) all such records are kept in an appropriate manner and available for Audit and Inspection by the Body; and
  - (iii) copies of all Certificates issued for Controlled Works are returned to the Body without delay.

## **4 RESPONSIBILITIES IN RELATION TO CARRYING OUT ELECTRICAL WORKS**

### **4.1 Conformance to Technical Rules**

- 4.1.1 All electrical works carried out by the REC are to be carried out in compliance with the Technical Rules in so far as these are applicable to the electrical works being undertaken.

### **4.2 Safety of Unfinished Works**

- 4.2.1 In the interests of safety, all RECs are required to ensure that electrical works which are in progress but not yet completed by them (unfinished works), are left in such a manner, so as to ensure they do not pose a danger to persons or property.
- 4.2.2 The REC is to take all reasonable steps to ensure that any unfinished works cannot inadvertently be made live by another party and, if they are made live, that they are safe.

### **4.3 Right and Obligation to Certify**

- 4.3.1 An REC is required to certify (as appropriate and in accordance with the requirements of "Common Procedure No.1 – Certification") all electrical works, or part thereof, carried out for which it is responsible.
- 4.3.2 Where an REC has had the entitlement to self-certify withdrawn, it will not issue any further Certificates without the permission of the Body.
- 4.3.3 An REC will only issue Certificates provided to it by the Body.
- 4.3.4 A Qualified Certifier, acting on behalf of the REC, is the only party entitled to certify an installation on behalf of the REC (where that REC has been granted the entitlement to self-certify).
- 4.3.5 A Qualified Certifier will not certify electrical works if:
- (i) their entitlement to self-certify has been suspended or withdrawn by the REC or the Body; and/or
  - (ii) the REC for whom they are employed has its entitlement to self-certify suspended or withdrawn.

- 4.3.6 The conditions for issuing a Certificate are outlined in the “Common Procedure No.1 – Certification”.
- 4.3.7 Failure to comply with these requirements in this section is automatically deemed to be a material breach of the Rules of Registration.
- 4.3.8 In the case where an REC has been requested by a Customer to finish and subsequently certify an installation that has been partially completed by another person, the REC is required to, before any work is done on the installation, ensure that it is in compliance with the requirements of the “Common Procedure No. 3 - Change of Contractor”.

#### **4.4 Requirements for Certification**

- 4.4.1 The Qualified Certifier may only certify an installation if the Certification is carried out in accordance with the “Common Procedure No. 1 - Certification” and:
- (i) the installation has been completed by employees or subcontractors of the REC by whom he is employed; or,
  - (i) he is certifying a previously disconnected premises for reconnection in accordance with the Technical Rules; or,
  - (iii) the REC has been given authorisation to complete and certify the installation in question by the Body. The REC, in doing so, is required to adhere to the conditions as set out in the “Common Procedure No. 3 - Change of Contractor”.
- 4.4.2 The Qualified Certifier is required to certify using a Certificate which has been provided to the REC by whom he is employed, and which has been issued to him for use in certifying an installation being tested and certified as directed by that REC.
- 4.4.3 The Qualified Certifier is required to always use and issue the appropriate type of Certificate for the type of installation being tested and certified.
- 4.4.4 The Qualified Certifier is required to only sign a Certificate once the required testing has been completed and verified in accordance with the Technical Rules and the “Common Procedure No. 1 - Certification”. For the avoidance of doubt, this is to include the holding of all necessary Subsystem Certificates for the installation in question.
- 4.4.5 All Certificates are to be completed and all required information included in accordance with the “Common Procedure No.1 – Certification” before they are submitted to the Body or furnished to the Customer.

## **4.5 Provision of Copies of Certification Documents to the Customer**

- 4.5.1 Once a Certificate has been issued for an installation, the person who requested the works to be carried out is to be furnished with the appropriate copy of the Certificate.
- 4.5.2 The appropriate copy of the Certificate is to be kept on record by the REC.

## **4.6 Control of a Certificate**

- 4.6.1 The REC, and therefore the Principal Duty Holder and all Qualified Certifiers in possession of Certificates, is responsible for ensuring that all Certificates are:
- (i) only used to certify installations in accordance with the requirements specified;
  - (ii) only signed and issued by the appropriate (and approved) personnel; and,
  - (iii) securely stored so as to prevent their loss, theft or misuse.
- 4.6.2 Any instances of destruction, loss or theft of Certificates must be reported to the Body immediately and the reference numbers of the Certificates in question quoted.

## **4.7 Notice of Unsafe Works**

- 4.7.1 Where the REC discovers what he/she considers to be an unsafe installation that REC shall inform the customer or the person responsible for the premises/installation and the SSB, by immediately issuing a “Notice of Potential Hazard” form.
- 4.7.2 The REC shall provide a copy of the Notice of Potential Hazard to the customer and the SSB.
- 4.7.3 The REC shall also affix the reference number of the Notice of Potential Hazard including a name and contact number upon the unsafe installation together with a clearly visible warning sign.
- 4.7.4 The Notice of Potential Hazard shall specify the following:
- i. the reason that the Notice of Potential Hazard has been issued;
  - ii. the nature of the unsafe works/installation/situation including the wiring rule breached;

- iii. advice that the installation should not be touched by persons other than an REC;
  - iv. whether it is a domestic or non-domestic installation; and,
  - v. advise that the customer should contact an REC as soon as possible in order to ensure that the necessary remedial actions are undertaken.
- 4.7.5 The REC shall inform the Body of any such circumstances immediately and the Body shall advise the DSO of the relevant details of the situation if necessary.
- 4.7.6 In addition to a Notice of Potential Hazard, as referred to above, where the REC is of the view that, having encountered or being presented with direct evidence that an electrical installation or part thereof could reasonably give rise to an immediate and serious threat to health and safety should it be, or remain to be, energised, he/she shall make the installation safe, and inform the Body immediately.
- 4.7.7 Following inspection of the electrical installation by the Body, if the inspector is of the view that the electrical installation/or part thereof could reasonably give rise to an immediate and serious threat to health and safety should it be, or remain to be, energised, he/she shall issue an “Emergency Works Notice”.
- 4.7.8 The inspector of the Body shall issue an Emergency Works Notice to the customer and the REC and, in so doing, shall arrange for the de-energisation of the installation/or part thereof concerned in accordance with Common Procedure No.5. The Emergency Works Notice shall specify the following:
  - i. that, in the view of the inspector, the works poses an immediate danger to health and safety and the reasons therefor;
  - ii. that the installation or circuit has been de-energised in the interests of health and safety;
  - iii. that a REC should be instructed to carry out emergency remedial works;
  - iv. that the installation or circuit should not be re-energised until such time as remedial works have been carried out by a REC and, further to same and the requirement of Common Procedure No. 1 – Certification, the installation is certified as being in compliance with the Technical Rules;
  - v. that to re-energise the installation or circuit against the advice listed above may result in injury or death; and
  - vi. that the DSO is to be immediately notified of the details pertaining to the present situation if necessary.

- 4.7.9 The form of the “Notice of Potential Hazard” and “Emergency Works Notice” shall be common to any Bodies designated and shall be subject to the approval of the Commission. These Notices shall also include statements protecting the Inspector, the Body and the Commission from any liability arising from the unsafe situations for which they are issued.
- 4.7.10 In the event that the Body, further to an inspection carried out, discovers material breaches of the Technical Rules or the Regulatory Arrangements, the Body shall, in addition to taking appropriate actions relating to the particular installation concerned and the REC who carried out such works, take reasonable measures, as deemed necessary to ascertain the safety of any previous works that were carried out by that REC.

## **5 INSPECTION AND AUDIT**

### ***Preamble***

*The Body is required to carry out a programme of Inspections and Audits on RECs.*

*These conditions are set out in Section B of this Criteria Document and this section of the document sets out the corresponding requirement for the REC with regard to Audits and Inspections. As set out in Section B, the Body can, where it deems appropriate, carry out an unannounced Inspection.*

*Notwithstanding the notice period for an announced Inspection, the following requirements apply to the REC in the case of either an announced or unannounced Inspection.*

### **5.1 Inspection of REC's Work by the Body**

#### ***Documented Procedure and Notice of Inspection and Audit***

- 5.1.1 The Body is obliged to provide a copy of its Inspection Procedure to any REC on request.
- 5.1.2 In the case of an announced Inspection, the REC is to be given prior notice of the Inspection and the timeframe for its occurrence.
- 5.1.3 In the case of an unannounced Inspection, the REC is to fully comply with the conditions of the Body with regard to the Inspection and/or Audit to be carried out.
- 5.1.4 For the avoidance of doubt, any work (which includes a work-in-progress) carried out by the REC, and therefore certifiable, is to be eligible for Inspection and/or Audit by the Body.

#### ***Co-operation with Inspector***

- 5.1.5 The REC is required to comply with any requirements of the Inspector during the carrying out of an Inspection and/or Audit.

- 5.1.6 This includes being present during an Inspection/Audit (as may reasonably be required), answering any questions posed by the Inspector relating to the work and/or the provision of relevant documentation and/or records, including (but not limited to) copies of Certificates, Subsystem Certificates, Test Record Sheets and technical information/drawings associated with the REC's work which is the subject of the Inspection/Audit.

### ***Inspection Report, Corrective Actions and Follow-up Inspection***

- 5.1.7 The REC is to be provided with a copy of the Inspection Report from the Body's Inspector once the Inspection has been carried out.
- 5.1.8 This Inspection Report will outline any non-conformances that have been identified and the corrective actions that may be required. The Inspection Report will also specify the timeframe in which these must be completed.
- 5.1.9 The REC is required to carry out all corrective actions that have been identified in the course of an Inspection by the Body and as outlined in the Inspection Report.
- 5.1.10 The Body may carry out a follow-up Inspection to ensure that corrective actions have been carried out.
- 5.1.11 The REC will be obliged to comply with the conditions for that Inspection as would be the case for any other Inspection.
- 5.1.12 Disciplinary action may result where serious breaches of the Technical Rules have been identified or where corrective actions have not been carried out in accordance with the requirements specified and within the specified timeframe.

## **5.2 Audit of REC by the Body**

*The Body is required to carry out a programme of Inspections and Audits on RECs. These conditions are set out in Section B of this Criteria Document and this section of the document sets out the corresponding requirement for the REC with regard to Audits and Inspections.*

### ***Documented Procedure and Notice of Audit***

- 5.2.1 The Audit relates to a review and assessment of records and/or documentation required to be held by the REC as required under this Criteria Document or as specified by the Commission or the Body from time to time and relates to the overall compliance of the REC with the requirements of this Criteria Document.
- 5.2.2 The Body is obliged to provide a copy of its Audit Procedure to any REC on request.
- 5.2.3 This includes, but is not limited to, a review of the following:
  - (i) Qualifications and Training Records of Qualified Certifiers and those parties carrying out electrical works on behalf of the REC;
  - (ii) Copies of issued Certificates and associated Subsystem Certificates and Test Record Sheets;
  - (iii) Calibration records for test equipment; and
  - (iv) Insurance Certificates.
- 5.2.4 An Audit may be carried out either in conjunction with an Inspection of work or be done independently.
- 5.2.5 The Body shall ensure reasonable notice of an Audit is given to the REC and such notice shall specify the timeframe for its occurrence.
- 5.2.6 For the avoidance of doubt, any documentation which relates to any work carried out by the REC is to be eligible for Audit by the Body.

### ***Co-operation with Auditor***

- 5.2.7 The REC is required to comply with any requirements of the Body in carrying out the Audit, including:
- (i) providing copies and/or originals, if appropriate, of requested documentation;
  - (ii) making an appropriate person from the organisation available to answer any questions in relation to the documentation; and,
  - (iii) giving details of third parties who may need to be contacted to verify relevant information.

### ***Audit Report, Corrective Actions and Follow-up Audit***

- 5.2.8 The REC is to be provided with an Audit Report from the Body's Auditor once the Audit has been carried out.
- 5.2.9 This report will outline any non-conformances that have been identified and the corrective actions that may be required. The Audit Report will also contain the timeframe in which these must be completed.
- 5.2.10 The REC is required to carry out all corrective actions that have been identified in the course of an Audit by the Body and as may be specified in the Audit Report.
- 5.2.11 The Body may carry out a follow-up Audit to ensure that all necessary corrective actions have been completed.
- 5.2.12 The REC will be obliged to comply with the conditions for that Audit as would be the case for any other Audit.
- 5.2.13 Disciplinary action may result where corrective actions have not been carried out within the specified timeframe.

## **6 COMPLIANCE AND CO-OPERATION ON THE PART OF THE REC**

### **6.1 Compliance with requirements of Authorised Officers and Appeals Officers**

6.1.1 An REC is required to give all reasonable assistance to an Authorised Officer in the exercise of his/her powers as prescribed under this Criteria Document (Section F) and/or pursuant to the provisions of the Act.

6.1.2 An REC is required to comply with any request from an Appeals Officer in accordance with the provisions set out under Section E of this Criteria Document and/or pursuant to the provisions of the Act.

### **6.2 Disciplinary Proceedings and Appeals**

6.2.1 An REC found to be in breach of any of the provisions/conditions of this Criteria Document may be subject to disciplinary proceedings by the Body under, and in accordance with, the provisions of the Disciplinary Procedure as set out in Section D of this Criteria Document.

6.2.2 The REC is to comply with the provisions of the Disciplinary Procedure as set out in Section D of this Criteria Document and any other ancillary procedures as may be prescribed by the Body.

6.2.3 The REC's obligations, rights and entitlements with respect to the Disciplinary Procedure are as set out in Section D of this Criteria Document.

### **6.3 Interaction with the DSO**

6.3.1 The REC is required to comply with any procedures of the DSO and/or any other requirements specified by the DSO pursuant to its procedures and policies.

### **6.4 Compliance with Legislation**

6.4.1 The REC is required to ensure that, in complying with the requirements of this Criteria Document and the Rules of Registration, it is in compliance with all relevant legislative requirements placed upon it.

6.4.2 For the avoidance of doubt, this is to include compliance with the requirements of Data Protection legislation with respect to the recording and distribution of information on individuals engaged by the REC (Principal Duty Holder, Qualified Certifier and other employees), including the release of information on such individuals to the Body.

## **7 RESPONSIBILITIES TOWARDS THE BODY, THE CUSTOMER AND THE PUBLIC**

### **7.1 Responsibilities with respect to the Body:**

7.1.1 In addition to such other requirements as set out in this Criteria Document, the REC is responsible for the following with respect to the Body:

- (i) informing the Body of any unsafe works encountered;
- (ii) informing the Body of any electrical safety issues;
- (iii) informing the Body of any activities by any other parties whereby Certificates are issued on an invalid basis; and
- (iv) informing the Body as soon as possible of any serious safety concerns relating to an electrical installation which may pose an **immediate** threat to the health, safety and well-being of any party.

7.1.2 For the avoidance of doubt, the duty to inform the Body under 7.1.1 above shall not affect any of the REC's other responsibilities relating to unsafe works

### **7.2 Responsibilities with respect to the Customer:**

7.2.1 In addition to such other requirements as set out in this Criteria Document, the REC is responsible for the following with respect to the Customer:

- (i) Providing confirmation of the status of the REC to the Customer, including providing their Registration Number and the details for the Customer to independently verify these with the Body;
- (ii) Providing copies of Certification for the works carried out by the REC to the Customer in accordance with the "Common Procedure No.1 – Certification";
- (iii) Informing the Customer of the contact details of the Body and the entitlement to pursue complaints against the REC with respect to the safety of the electrical installation work carried out by the REC and compliance with the requirements of this Criteria Document;
- (iv) Informing the Customer of any safety concerns discovered during the course of their work and advising them of the appropriate measures to be taken.

### **7.3 Responsibilities with respect to the Public:**

7.3.1 In addition to such other requirements as set out in this Criteria Document, the REC is responsible for the following with respect to the public:

- (i) Assist in raising public awareness with respect to electrical safety, the Brand and specific safety concerns/issues, the availability of the Register, the Regulatory System and such

other matters as may be requested by the Body or the Commission from time to time.

## **8 COMPLAINTS ON THE PERFORMANCE OF THE BODY**

- 8.1.1 The REC will have the right to refer any unresolved complaints between the REC and the Body to the Commission regarding any aspect of operation and/or performance of the Body;
- 8.1.2 Such complaints are required to be made in accordance with any requirements specified by the Commission for the making of such a complaint.

# ***Sections D-G***

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*Section D – Disciplinary Process*

*Section E – Appeals Process*

*Section F – Authorised Officer*

*Section G – Electrical Investigation Officer*

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**TABLE OF CONTENTS**

SECTION D – DISCIPLINARY PROCESS ..... 91

PREAMBLE ..... 92

1 GENERAL ..... 93

2 DEFINITIONS..... 93

3 DUTIES OF THE REC ..... 95

4 LIABILITY OF THE REC TO DISCIPLINARY ACTION ..... 96

5 ROLE OF THE COMPLAINTS OFFICER, THE INSPECTOR,  
THE DISCIPLINARY COMMITTEE AND THE APPEALS PANEL ..... 97

6 INVESTIGATION OF COMPLAINT BY THE COMPLAINTS  
OFFICER..... 98

7 CONSIDERATION OF THE REPORT OF THE COMPLAINTS  
OFFICER BY THE DISCIPLINARY COMMITTEE ..... 100

8 ADJUDICATION OF THE COMPLAINT BY THE DISCIPLINARY  
COMMITTEE ..... 101

9 FINDINGS AND ORDERS OF THE DISCIPLINARY  
COMMITTEE ..... 103

10 APPEALS TO THE APPEALS PANEL..... 104

11 APPEAL TO THE APPEALS COMMITTEE OF THE  
COMMISSION ..... 107

12 APPLICATION OF DISCIPLINARY SANCTIONS BY THE BODY ..... 107

SECTION E - APPEALS PROCESS ..... 108

PREAMBLE ..... 109

1 APPEAL BY THE REC ..... 110

2 COMMISSION APPEALS OFFICER AND PROCEDURES ..... 111

SECTION F - AUTHORISED OFFICER.....	113
PREAMBLE .....	114
1 AUTHORIZED OFFICER .....	115
2 INSPECTION CARRIED OUT BY AN AUTHORIZED OFFICER .....	116
3 AUTHORIZED OFFICER'S REPORT.....	117
SECTION G – ELECTRICAL INVESTIGATION OFFICER.....	1184
PREAMBLE .....	115
1 ELECTRICAL INVESTIGATION OFFICER.....	116
2 INSPECTION CARRIED OUT BY AN ELECTRICAL INVESTIGATION OFFICER.....	117
3 ELECTRICAL INVESTIGATION OFFICER'S REPORT .....	118

# **Section D – Disciplinary Process**

## **PREAMBLE**

*This Section D sets out the obligations of the Body and the REC with respect to any Disciplinary Process to be taken. Such a Disciplinary Process may be embarked upon, as appropriate, further to the REC being discovered to have breached any of the requirements of this Criteria Document.*

*The process set out in Section D comprises three stages – (1) the investigative stage, (2) the adjudicative stage and (3) the appeals stage.*

*This Disciplinary Process would commence further to:*

- Inspection and/or Audit;*
- a complaint received about the REC; and/or,*
- the Performance Marking System and the risk-based monitoring system to be implemented by the Body in accordance with the requirements of Section B.*

*Any sanction imposed by the Body further to the operation of the disciplinary process may be appealed by the REC to the Appeals Committee of the Body in the first instance.*

*The decision of the Appeals Committee shall be final except in instances where the sanction imposed includes Suspension of or Revocation of Registration. In such instances, the sanction may subsequently be appealed to the Commission in line with the requirements of the Act.*

*The requirements with respect to such Appeals are specified in Section E of this Criteria Document.*

*The operation of the disciplinary process shall be carried out in line with the procedure as specified in Section D of this Criteria Document.*

# 1 GENERAL

The Body shall ensure that its procedures with respect to disciplinary matters are in accordance with the requirements of this Section D.

# 2 DEFINITIONS

The definitions in this section and as set out below apply specifically to this Section D and Section E of this Criteria Document and shall be read in conjunction with, and are supplementary to, the definitions set out in Section A Part 5.

Appeal Committee of the Commission	means the Committee that has been appointed to hear an appeal in accordance with Section 9D(7)(b) of the 1999 Act;
Appeals Panel	means the panel formed by the Body, further to the direction of the Commission, and which may be in conjunction with any other Body, the purpose of which is to hear an appeal of an Order of the Disciplinary Committee by the Respondent. The constitution of any such Appeals Panel shall be in accordance with any directions issued by the Commission and which may include requirements relating to the representation on the Appeals Panel from the other specified parties;
Complaint	means any complaint, allegation, expression of concern, matter or event touching or apparently touching upon the conduct (whether by act or omission), behaviour, performance of any REC, employee, or agent thereof in respect of any matter as set out in Clause 4 hereof whether brought to the attention of the Body by a Complainant or otherwise coming to the attention of the Body;
Complainant	means a person who makes a Complaint to the Body concerning an REC and who may be an Inspector of the Body;
Complaints Officer	means the person appointed by the Body to investigate any Complaint;

Disciplinary Body	means the Complaints Officer, the Disciplinary Committee, the Appeals Panel, and the Appeals Committee of the Commission or any of them;
Disciplinary Committee	means the committee formed by the Body, further to the direction of the Commission, and which may be in conjunction with any other Body, the purpose of which is to adjudicate on and impose such disciplinary sanction as it shall decide to be imposed on the Respondent. The constitution of any such Disciplinary Committee shall be in accordance with any directions issued by the Commission and which may include requirements relating to the representation on the Disciplinary Committee from the other specified parties;
Disciplinary Process	means the process and procedures applied by the Body and/or the Commission pursuant to this Section D;
Inspector	means a person appointed by the Body (including, where relevant, an Authorised Officer) or the Complaints Officer to inspect the work carried out by an REC and to prepare and furnish a report for the Complaints Officer;
Order	means any order of a Disciplinary Body made pursuant to this Disciplinary Process; and
Respondent	means the REC subject to the Disciplinary Process.

### **3 DUTIES OF THE REC**

- 3.1** Any Respondent must cooperate fully with every phase of the Disciplinary Process. Every REC (including any REC who is not a Respondent) must provide such information, explanations, documents (electronic or otherwise) and other records as shall be required during every phase of the Disciplinary Process.
  
- 3.2** Where an Order is made pursuant to the Disciplinary Process that imposes the sanction of Suspension of Registration or Revocation of Registration, the Respondent shall return to the Body all unused Certificates and shall comply with the requirements imposed by the Disciplinary Body as a consequence of the Suspension of Registration or Revocation of Registration.

## **4 LIABILITY OF THE REC TO DISCIPLINARY ACTION**

**4.1** Any REC shall be liable to disciplinary action(s) in accordance with this Section D in any of the following circumstances:

- (i) Furnishing incorrect, misleading or fraudulent information or documentation in an Application for registration to a Body or at any subsequent renewal Application; or
- (ii) Any material breach of the Rules of Registration or any material breach of this Criteria Document, including, but not limited to, the following:
  - (a) any failure to furnish evidence of any mandatory policy of insurance within the period specified by the Body;
  - (b) any failure to carry out work or failure by its employees, servants or agents to carry out work in compliance with the requirements of this Criteria Document;
  - (c) any failure to respond adequately to or at all to correspondence or other communications from the Body, the Commission, an Inspector, a Complaints Officer or from any Disciplinary Body, or failure to cooperate fully with any inquiry or investigation being conducted by or on behalf of the Body;
  - (d) providing a Certificate in respect of a Controlled Work that has not been completed by the REC (except in circumstances so permitted by the Body); and,
  - (e) further to the Performance Marking Scheme (as approved by the Commission and further to the arrangements pursuant to Section B of this Criteria Document).

**4.2** If, following a Complaint being made to a Body, the Respondent resigns from that Body, or their Registration otherwise expires prior to the determination of the Complaint/Disciplinary Process the Body shall be entitled to pursue the Disciplinary Process (to which the Respondent would be subject) *in absentia*. The process of investigation, and any subsequent steps arising from that, as described in this Section D, shall be adhered to.

**4.3** The Body shall be entitled, where it considers it appropriate in the interests of safety, to suspend the respondent's Registration or to withdraw its entitlement to self-certify, where it undertakes a Disciplinary Process against an REC.

## **5 ROLE OF THE COMPLAINTS OFFICER, THE INSPECTOR, THE DISCIPLINARY COMMITTEE AND THE APPEALS PANEL**

**5.1** The Body shall, subject to Clause 5.4 below, appoint from time to time:

- (i) a Complaints Officer or Complaints Officers;
- (ii) a Disciplinary Committee; and,
- (iii) an Appeals Panel,

in order to carry out the duties and procedures as laid out within this Section D. An employee of the Body may be appointed for such purposes. However, no person shall be a member of the Disciplinary Committee and the Appeals Panel at the same time.

**5.2** The Body shall have the power to pay and meet the reasonable expenses of, the Inspector, the Complaints Officer, members of the Disciplinary Committee and members of the Appeals Panel.

**5.3** The Body, with respect to the activities and duties of the Complaints Officer, the Disciplinary Committee and the Appeals Panel, shall have the power to set out such rules/procedures as may be considered necessary for the proper performance of their respective functions under this Disciplinary Process.

**5.4** The Commission may direct the Body with regard to the establishment, constitution, operation and rules/procedures to be adhered to by the Complaints Officer, Disciplinary Committee and/or Appeals Panel in the performance of their respective functions under this Disciplinary Process.

## **6 INVESTIGATION OF COMPLAINT BY THE COMPLAINTS OFFICER**

- 6.1** When a Complaint has been conveyed to the Complaints Officer, he/she shall carry out an initial inquiry to establish if the Complaint is one which is legitimate, non-vexatious and within the remit of the Body to deal with and, if so, shall furthermore establish if the Complaint involves a matter specified relating to Clause 4 hereof. If so, then it shall be dealt with pursuant to the remainder of this Section D.
- 6.2** The Complaints Officer shall notify the Respondent of the Complaint in writing and shall confirm that the Complaint is being dealt with pursuant to this Disciplinary Process.
- 6.3** The Complaints Officer shall be obliged to investigate the Complaint and to provide a factual report within the period as may be specified by the Body.
- 6.4** In preparing such a report, the Complaints Officer shall have the power to engage any technical or special expert (including an Inspector and/or Authorised Officer of the Body) to assist or to give any advice to them, to procure legal advice or assistance or to authorise any such party to do all such things as they may consider reasonable and necessary/conducive to carrying out their inspection and preparing their report ("Complaint Report").
- 6.5** The Respondent is required to comply with any reasonable requests of the Complaints Officer (and such other party as may be engaged in assisting the Complaints Officer, as per Clause 6.4 above) in the preparation of their Complaint Report. This may include attendance at the site subject to Inspection, if deemed appropriate.
- 6.6** Where applicable, an Inspector shall indicate in their Complaint Report whether or not, in their opinion, the works carried out by the Respondent meet the standards and requirements of the Technical Rules and to the extent that they do not where, in their opinion, the deficiencies lie.
- 6.7** The Complaints Officer shall furnish the Respondent with a copy of the Complaint Report by registered post. The Respondent will then have the opportunity (but will not be obliged) to provide a written response to the Complaints Officer within 10 working days from receipt of the Complaint Report.
- 6.8** The Complaints Officer shall, having reviewed all relevant information pertinent to the investigation (including the submissions of the Respondent (if any) and any other party related to the investigation (including for the avoidance of doubt, the Inspector)) present a final Complaint Report to the Disciplinary Committee, setting out the facts and details of their investigation and stating that the Complaints Officer has established that the Complaint involves a matter specified or relating to Clause 4 hereof and any other such recommendation they may make.

**6.9** The Complaints Officer may, if they deem it necessary in the interest of safety, make a recommendation to the Body to withdraw the entitlement to self-certify of the Respondent or to suspend the Registration of the Respondent, pending the conclusion of the Disciplinary Process.

## **7 CONSIDERATION OF THE REPORT OF THE COMPLAINTS OFFICER BY THE DISCIPLINARY COMMITTEE**

**7.1** [Intentionally Deleted].

**7.2** [Intentionally Deleted].

**7.3** The Disciplinary Committee may, if it deems it necessary in the interest of safety, order that the self-certification facility of the Respondent be withdrawn.

**7.4** The Disciplinary Committee shall inform all Bodies that the Disciplinary Process has been commenced against the Respondent.

## **8 ADJUDICATION OF THE COMPLAINT BY THE DISCIPLINARY COMMITTEE**

**8.1** The Disciplinary Committee shall adjudicate on any Complaint referred to it, and shall send to the Respondent the following:

- (i) a copy of any written communication received by the Disciplinary Committee in respect of the Complaint;
- (ii) a summary of the material that was considered by the Complaints Officer and/or Inspector in preparing the Complaint Report;
- (iii) a copy of any written representation made by the Complainant;
- (iv) a copy of the Complaint Report prepared by the Complaints Officer;
- (v) a copy of any written representations made by the REC; and
- (vi) a copy of any other documentation which was provided, and which the Complaints Officer considered relevant to the decision that he made.

**8.2** The Disciplinary Committee shall hold a hearing. As soon as practicable after the Complaint is remitted to it, the Disciplinary Committee shall notify the Respondent, the Complaints Officer and any Complainant of the time and place fixed for the hearing. The Disciplinary Committee shall give the Respondent the opportunity of:

- (i) attending and being heard at the hearing;
- (ii) hearing the evidence against them;
- (iii) questioning, through the chairperson of the Disciplinary Committee, witnesses called by the person or persons presenting and prosecuting the Complaint;
- (iv) adducing documentary evidence;
- (v) calling witnesses to give evidence on their behalf; and
- (vi) making such submissions as they wish to the Disciplinary Committee.

**8.3** The Disciplinary Committee shall have the opportunity to provide for the following:

- (i) adducing the documentary evidence;
- (ii) calling witnesses (including the Complainant, Inspector and/or the Respondent) to give evidence; and,
- (iii) questioning witnesses called by the Respondent;

**8.4** The Complainant, as may be determined by the Disciplinary Committee, may be requested to attend the hearing and participate in the hearing as a witness but shall not have any right to otherwise participate in the hearing.

- 8.5** At least 15 working days in advance of the hearing, the Respondent will be furnished with a copy of any documents or materials the Disciplinary Committee intends to rely on and/or a list of any witnesses to be called at the hearing. The Respondent must produce to the Disciplinary Committee a copy of any documents or materials it may wish to rely upon in its defence together with a list of any witnesses it intends to call at least 7 days in advance of the hearing.
- 8.6** If any party seeks to rely on expert evidence, the report by such expert must be served on the other party at least 15 working days in advance of the hearing.
- 8.7** Further to Clause 4.2, if the Respondent does not attend the hearing on the appointed day and time, the Disciplinary Committee may in its absolute discretion:
- (i) sit and hear the Complaint provided it is satisfied that the notice of the hearing was given to the Respondent; or
  - (ii) adjourn the hearing to such other date, as it may in its absolute discretion, decide,

and the Disciplinary Committee shall give to the Respondent notice of its decision.

- 8.8** The Disciplinary Committee shall adjudicate upon the Complaint fairly and impartially and in accordance with the requirements of natural justice. A decision by the Disciplinary Committee shall be by majority vote.

## **9 FINDINGS AND ORDERS OF THE DISCIPLINARY COMMITTEE**

- 9.1** The Disciplinary Committee shall issue a written decision setting out its findings and setting out any Order to be made pursuant to its determination in respect of the Complaint.
- 9.2** The standard of proof applicable shall be proof “on the balance of probability”. If the Disciplinary Committee makes a finding that the Complaint has been proved or upheld in whole or in part, it may make any one or more of the following Orders as it considers appropriate:
- (i) that the Respondent be reprimanded by way of an oral warning;
  - (ii) that the Respondent be reprimanded by way of a written warning;
  - (iii) that the Respondent be required to give a written undertaking to the Body on the terms set out by the Disciplinary Committee;
  - (iv) suspension of the Respondent’s entitlement to self-certify for a defined period and the terms upon which the suspension shall be lifted;
  - (v) requirement that the Respondent and any employees undergo training or attend specified courses;
  - (vi) requirement that the Respondent be subject to a higher frequency of inspection and any resultant/consequent fees/charges associated with such additional inspections as the Body/Disciplinary Committee may determine;
  - (vii) suspension of the Respondent’s Registration for a defined period; and/or,
  - (viii) Revocation of the Respondent’s Registration with the Body.
- 9.3** Any other such Order that may be made upon such terms and conditions as decided by the Disciplinary Committee in its absolute discretion considers appropriate.
- 9.4** Such Order shall include specification by the Disciplinary Committee with respect to any further sanction or sanctions which may be imposed further to the failure of the Respondent to comply with the order and its terms and conditions.
- 9.5** A copy of the Order shall be given to the Respondent, the Complainant and to the Body as soon as practicable. In the case where the Order of the Disciplinary Committee is for Suspension of Registration or Revocation of Registration, that Order shall be required to have immediate effect and the Disciplinary Committee shall immediately notify the Commission of its Order.
- 9.6** The Body shall be obliged to implement and enforce the Order of the Disciplinary Committee in accordance with the provisions of such an Order.

## **10 APPEALS TO THE APPEALS PANEL**

- 10.1** The Respondent or the Complainant (“the Appellant”) may appeal the Order of the Disciplinary Committee to the Appeals Panel on the following grounds only:
- (i) the finding on which the Order was based was materially wrong;
  - (ii) the Order imposed a sanction that was excessive;
  - (iii) the Order should be set aside because of a serious procedural or other irregularity in the hearing before the Disciplinary Committee.
- 10.2** Unless the Appeals Panel has reasonable cause to find otherwise, the Order of the Disciplinary Committee shall stand and be effective pending the outcome of the appeal.
- 10.3** If the Appellant wishes to appeal an Order of a Disciplinary Committee, it must do so, to the Appeals Panel, within 28 calendar days of the date of the decision of the Disciplinary Committee being notified to the Appellant.
- 10.4** Any such notice of appeal shall state the grounds of appeal and enclose the submissions of the Appellant (if any) together with a copy of all documents to be relied upon by the Appellant including expert reports and witness statements (if any).
- 10.5** The Appeals Panel shall write to the Respondent, the Complainant and the Disciplinary Committee advising of the time, date and venue for the Appeal Hearing.
- 10.6** No former member of the Disciplinary Committee or an Inspector who has been concerned with the Complaint which is the subject of the Appeal, shall be eligible for appointment to the Appeals Panel.
- 10.7** The Appeals Panel, when considering the Appeal, shall hear the Appellant’s submissions relating to the grounds of the Appeal and shall conduct the hearing in such a manner as the Appeals Panel decides is appropriate.
- 10.8** The Appeals Panel may, in its absolute discretion, admit any evidence not presented at the hearing before the Disciplinary Committee. If either party wishes to introduce any new evidence not presented at the hearing before the Disciplinary Committee they shall give the other party notice, including the new evidence, at least 10 working days prior to the date set for the hearing of the appeal.
- 10.9** The Appeals Panel shall give the Appellant the opportunity of:
- (i) attending and being heard at the hearing of the Appeal;
  - (ii) if they so desire, being represented legally or otherwise before the Appeals Panel;
  - (iii) hearing evidence put forward by or on behalf of the Complaints Officer/the Body;

- (iv) questioning witnesses, through the Chair, called by the Complaints Officer;
- (v) adducing the documentary evidence;
- (vi) calling witnesses to give evidence on their behalf; and
- (vii) make such submissions as they wish to the Appeals Panel.

**10.10** The Appeals Panel shall give the person or persons representing the Disciplinary Committee the opportunity of:

- (i) attending and being heard at the hearing of the Appeal;
- (ii) adducing documentary evidence;
- (iii) calling witnesses (including, if desired, calling the Respondent or the Complainant, if he/she is not the Appellant, to give evidence);
- (iv) questioning witnesses, through the Chair, called by the Appellant; and
- (v) making such submissions as they wish to the Appeals Panel.

**10.11** The Appeals Panel may invite the Respondent or Complainant (if he/she is not the Appellant) to attend the hearing of the Appeal as an observer and such person shall have no right to participate, other than if called as a witness.

**10.12** On any Appeal, the Appeals Panel may affirm, vary or rescind any Order of the Disciplinary Committee in respect of which the Appeal was brought and may substitute any other finding or Order (on such terms and conditions) as it, in its absolute discretion, considers appropriate.

**10.13** An Order of the Appeals Panel shall take effect as and from the date thereof, unless the Appeals Panel, in its absolute discretion, directs that it shall take effect from some other date (not being earlier than the date of the Order of the Disciplinary Committee which is subject to the Appeal) as shall be specified in the Order.

**10.14** Notice of any finding or Order of the Appeals Panel, together with the reasons thereof, shall be given to the Respondent and to the Complainant and to the Body as soon as practicable. In the case where the Order of the Appeals Panel is for Suspension of Registration or Revocation of Registration, then such Order shall have immediate effect and the Body shall immediately notify the Commission.

**10.15** The Order of the Appeals Panel will be final unless the Order is for the revocation or suspension of the Registration of the Respondent. If the Order of the Appeals Panel is the Suspension of Registration or Revocation of Registration, only the Respondent may appeal the matter to the Commission, but not otherwise.

**10.16** An Appellant who appeals the Order of the Disciplinary Committee may be required to lodge an administration fee with the Appeals Panel of a reasonable amount specified by the Appeals Panel (and approved by the Commission).

**10.17** In the event that:

- (i) *the Appeal of the Appellant is successful*, the administration fee shall be refunded in full to the Appellant; or,
- (ii) *the Appeal does not result in the Order of the Appeals Panel altering or amending the Order of the Disciplinary Committee*, the administration fee shall be non-refundable.

## **11 APPEAL TO THE APPEALS COMMITTEE OF THE COMMISSION**

- 11.1** The Respondent may appeal against the finding or Order of an Appeals Panel to the Commission only in such circumstances where the sanction imposed/confirmed by the Appeals Panel is for the Suspension of Registration or Revocation of Registration.
- 11.2** The Respondent must submit its appeal in accordance with the requirements of Section E of this Criteria Document (Appeals to the Commission).

## **12 APPLICATION OF DISCIPLINARY SANCTIONS BY THE BODY**

- 12.1** The Body shall apply any decision of the Disciplinary Committee or the Appeals Panel with respect to sanctions to be imposed on the Respondent further to the completion of the Disciplinary Procedure and in accordance with the Order of the Disciplinary Committee and/or the Appeals Panel (as the case may be).

# **Section E - Appeals Process**

## PREAMBLE

*Section 4 of the Act requires the Commission to publish Criteria relating to the disciplinary procedures to be operated by a Body in connection with the disciplining of an REC.*

*The Commission considers this a very significant role as it is essential to ensure that appropriate standards of safety are being maintained by all RECs and that an REC who contravenes the provisions of this Criteria Document can be appropriately disciplined, up to and including Suspension of Registration or Revocation of Registration.*

*The Disciplinary Process involves three stages, as outlined in Section D of this Criteria Document. These are: an investigative stage, a disciplinary stage and an appeals stage.*

*Where a complaint is made in respect of an REC, a Body will instigate the Disciplinary Process.*

*Similarly, where a Disciplinary Process commences further to an Audit/Inspection, the operation of the Performance Marking System and/or any material breach of this Criteria Document, the REC will be entitled to participate in all three stages of the Disciplinary Process.*

*If, on appeal to an Appeals Panel, **the sanction to suspend or revoke the Registration of the Registered Electrical Contractor is confirmed**, then the REC is entitled, under the Act, to appeal that decision to the Commission.*

*This section outlines the broad requirements concerning making an Appeal to the Commission.*

# **1 APPEAL BY THE REC**

## **1.1 Entitlement to Appeal**

- 1.1.1 A Respondent may appeal against the finding or Order of an Appeals Panel to the Commission only in such circumstances where the sanction imposed/confirmed by the Appeals Panel is for the Suspension of Registration or Revocation of Registration.

## **1.2 Form of Appeal**

- 1.2.1 The appeal shall be in writing (“Notice of Appeal”).
- 1.2.2 In order to be valid, the Notice of Appeal shall include:
- (i) the details of the Respondent;
  - (ii) the specific grounds of the appeal;
  - (iii) any submissions, if any, in respect of the appeal which the Respondent intends to rely on;
  - (iv) all documentation and evidence the Respondent intends to rely on;
  - (v) all witness statements and expert reports the Respondent intends to rely on; and
  - (vi) copies of the notifications by the Body (including its Complaints Officer, Disciplinary Committee, or the Appeals Panel of the Body) relating to the Disciplinary Process.
- 1.2.3 In order to be valid, the Notice of Appeal must be lodged with the Commission within 28 calendar days from the date of the notification of the decision of the Appeals Panel of the Body.
- 1.2.4 The Commission reserves the right to consider only a Notice of Appeal which meets all of the above requirements.

## **2 COMMISSION APPEALS OFFICER AND PROCEDURES**

### **2.1 Appointment of Commission Appeals Officer**

- 2.1.1 The Commission, in considering an Appeal for the purposes of this Section, shall appoint one or more persons to act as an Appeals Officer (“Commission Appeals Officer”). The Commission Appeals Officer(s) shall be responsible for the handling of the appeal within the Commission and in line with the provisions set out in this section and under the Act.
- 2.1.2 The Respondent and the Body will be notified by the Commission of the appointment of the Commission Appeals Officer(s) within 10 calendar days of the receipt of the valid Notice of Appeal.

### **2.2 Procedures of Commission Appeals Officer**

- 2.2.1 The Commission Appeals Officer(s) shall review all documentation submitted as part of the Notice of Appeal by the Respondent together with all submissions made (if any) and all expert reports and witness statements provided (if any) with the Respondent’s Notice of Appeal.
- 2.2.2 Having reviewed all of the documentation and legal submissions, the Commission Appeals Officer(s) will evaluate the factual, legal and procedural issues raised by the Respondent and will prepare a Report for the Commission’s approval (Commission Appeals Report).
- 2.2.3 The Commission’s Appeals Officer(s) will forward the Commission Appeals Report to the Commission within such timeline as is agreed with the Commission.
- 2.2.4 The Commission Appeals Report will set out whether or not, in the opinion of the Commission Appeals Officer(s), a prima facie case has been established against the Respondent and a recommendation as to whether or not the Commission should confirm, vary or set aside the decision of the Body’s Appeals Panel.
- 2.2.5 The Respondent will comply with any requirements or procedures specified by the Commission or the Commission Appeals Officer relating to the Appeal.

## **2.3 Commission's Decision on Appeal**

- 2.3.1 Further to its consideration of the Commission Appeals Report, the Commission will, in accordance with the procedures to be determined by the Commission, make a decision to confirm, vary or set aside the decision of the Appeals Panel
- 2.3.2 The Commission shall advise the Body, the Commission Appeals Officer(s), the Respondent and the Complainant of its decision to confirm, vary or set aside the decision of the Body.
- 2.3.3 The Commission may furnish, in addition to a written copy of its decision, a copy of the Commission Appeals Report to the Body the Respondent and the Complainant.
- 2.3.4 The Commission's decision on the Appeal shall be final.

# **Section F - Authorised Officer**

## PREAMBLE

*Under the Act, the Commission has the power to appoint a person or persons to act as an Authorised Officer. Authorised Officers (who may be a person or persons employed by the Body) may be appointed by the Commission to carry out inspections of:*

- *all electrical work which is being or has been carried out by an REC; or,*
- *electrical work for which a Certificate has issued (a Controlled Work).*

*The Authorised Officer shall prepare a report in respect of any inspection and this shall be presented to either the Commission or the Body as the case may be.*

*This section outlines the duties and powers of an Authorised Officer and the procedures which should be followed by them in carrying out their inspections of electrical installations and in preparing their reports.*

**Note:** *For the avoidance of doubt with respect to this section, “reasonable assistance” shall include meeting with the Authorised Officer and responding to their queries.*

# **1 AUTHORISED OFFICER**

## **1.1 Appointment of an Authorised Officer**

- 1.1.1 The Commission shall appoint an Authorised Officer in accordance with the Act.
- 1.1.2 The Commission shall specify the procedure and requirements for the appointment of an Authorised Officer. The Body, in applying for an Authorised Officer to be appointed, shall comply with such procedures and requirements as specified.
- 1.1.3 The Commission shall furnish a Certificate of Appointment to the Authorised Officer.
- 1.1.4 The Certificate of Appointment shall be for a period of time prescribed by the Commission. Upon the expiration of the Certificate of Appointment the Authorised Officer will no longer have the powers of an Authorised Officer.
- 1.1.5 The Commission may at its discretion withdraw or cancel the Certificate of Appointment issued to an Authorised Officer.

## **1.2 Powers and Duties of an Authorised Officer**

- 1.2.1 The Commission may direct the Authorised Officer with respect to the carrying out of the Authorised Officer's powers and duties.
- 1.2.2 The Authorised Officer shall have the following powers:
  - (i) to attend at and enter onto any land where the Authorised Officer believes work is being or has been carried out by an REC and/or work for which a Completion Certificate has issued;
  - (ii) inspect all electrical work associated with the electrical installation which is subject to the Inspection and which they believe is necessary to assist them in the carrying out of the inspection;
  - (iii) obtain such information, documentation, computer and/or electronic records as they consider necessary for the carrying out of the inspection;
  - (iv) inspect and copy documents that they consider necessary to assist them in the carrying out of the Inspection;
  - (v) take such photographs and make such drawings of the electrical works and the premises as they consider necessary;
  - (vi) require any person(s) who carried out the electrical work at the premises and the person who owns and/or occupies the premises on which the work was carried out to assist them in their Inspection and investigation of the electrical works;

- (vii) require any REC, or employee thereof, who carried out the electrical work at the premises to assist them in the carrying out of the investigation/Inspection; and
  - (viii) require that documents relating to the electrical installation are produced and explained to them (and where they deem necessary, require responses and explanations in writing).
- 1.2.3 The Authorised Officer shall present the Certificate of Appointment for Inspection to any party affected by the actions of the Authorised Officer in their capacity as Authorised Officer.
- 1.2.4 The Authorised Officer in the carrying out of the Inspection shall be required at all times to act in a reasonable manner.

## **2 INSPECTION CARRIED OUT BY AN AUTHORISED OFFICER**

### **2.1 Notice of Inspection**

- 2.1.1 Where the Authorised Officer has been appointed to carry out an Inspection of work by an REC, the Body (or the Commission, as appropriate) may notify the REC in writing two (2) working days prior to the Inspection.
- 2.1.2 In the case where the electrical work being inspected has been completed by a non-REC, the person who owns and/or occupies the premises on which the work was carried out shall be informed in writing two (2) working days prior to the Authorised Officer's Inspection taking place.
- 2.1.3 The owner and/or occupier of such premises shall not obstruct the Authorised Officer in carrying out their duties.

### **2.2 Co-operation with Authorised Officer**

- 2.2.1 An REC and every employee or other party engaged by that REC shall provide all reasonable assistance to the Authorised Officer and shall provide all documentation, records and information he or she requires.
- 2.2.2 It shall be an offence for a person to obstruct an Authorised Officer performing any function he or she is authorised to perform pursuant to the Act and the Certificate of Appointment.

## **2.3 Carrying out of the Inspection**

- 2.3.1 Where the Authorised Officer is employed by a Body, that Body shall have documented procedures (which shall be subject to approval by the Commission) for the Authorised Officer in the carrying out of the functions associated with their appointment. These procedures shall include those matters and requirements relating to:
- (i) the entry onto premises or land by the Authorised Officer;
  - (ii) the Inspection of electrical works;
  - (iii) interviewing relevant parties and requesting information from them to assist in their investigation/Inspection; and/or,
  - (iv) the documenting of evidence and facts further to the carrying out of the Investigation/Inspection; and/or,
  - (v) the preparation of a report on the Investigation (the "Authorised Officer's Report" as set out in Section 3 hereunder).
- 2.3.2 These procedures shall be made available to any party upon request during or prior to an Inspection by an Authorised Officer.
- 2.3.3 For the avoidance of doubt, the Authorised Officer shall have the same obligations and entitlements with respect to the discovery of unsafe works as those specified for an Inspector of the Body as set out in Section B.3.4 of this Criteria Document.

## **3 AUTHORISED OFFICER'S REPORT**

- 3.1.1 The Authorised Officer an Authorised Officer's Report.
- 3.1.2 The Authorised Officer's Report shall:
- (i) set out the details of the investigation and circumstances leading up to the investigation;
  - (ii) set out the Authorised Officer's findings of fact; and
  - (iii) confirm whether or not the electrical installation, the electrical works and the certification associated with such works comply with the appropriate Technical Rules this Criteria Document and the Act. This shall include any other requirements/procedures relating to the REC and their electrical works and Certification (for example, storage of Certificates, insurance, etc.).
- 3.1.3 The Body may (if appropriate and according to the case in question) forward a copy of that Report within such timeline as is specified by Commission to:
- (i) the REC;
  - (ii) the owner and/or occupier of the premises where the electrical work was carried out;
  - (iii) the Commission; and,
  - (iv) any other party as requested by the Commission.

## **Section G – Electrical investigation officer**

## **PREAMBLE**

*Under the Act, the Commission may appoint a person to be an Electrical Investigation Officer for the purposes of investigating whether designated (Restricted) electrical works and specified (Controlled) works are carried out safely and adequately and by registered electrical contractors.*

*In exercising his or her powers under this section an electrical investigation officer may enter on any land or premises at any reasonable time in pursuance of his/her activities.*

*This section outlines the duties and powers of an Electrical Investigation Officer and the procedures which should be followed by him/her in carrying out their duties.*

# **1 ELECTRICAL INVESTIGATION OFFICER**

## **1.1 Appointment of an Electrical Investigation Officer**

- 1.1.1 The Commission may appoint an Electrical Investigation Officer in accordance with the Act.
- 1.1.2 The Commission shall specify the procedure and requirements for the appointment of an Electrical Investigation Officer.
- 1.1.3 The Commission shall furnish a Certificate of Appointment to the Electrical Investigation Officer.
- 1.1.4 The Certificate of Appointment shall be for a period of time prescribed by the Commission. Upon the expiration of the Certificate of Appointment the Electrical Investigation Officer will no longer have the powers of the Electrical Investigation Officer.
- 1.1.5 The Commission may at its discretion withdraw or cancel the Certificate of Appointment issued to the Electrical Investigation Officer.

## **1.2 Powers and Duties of the Electrical Investigation Officer**

- 1.2.1 The Commission may direct the Electrical Investigation Officer with respect to the carrying out of the Electrical Investigation Officer's powers and duties.
- 1.2.2 The Electrical Investigation Officer may enter on any land or premises at any reasonable time where he or she has reason to believe that designated (Restricted) works or specified (Controlled) works have been or are being carried out and there:
  - (i) make such inspections or inquiries and carry out such tests including inspection of specified (Controlled) or designated (Restricted) electrical work carried out by any person in the interests of safety, as he or she thinks fit,
  - (ii) take any verbal or written statement, measurement or photograph or make any electrical or electronic recording which he or she considers necessary for the purposes of any such inspection or inquiry,
  - (iii) take samples of electrical cabling or fittings or any other part of an electrical installation which he or she considers necessary to the inspection or inquiry,
  - (iv) require any relevant person in authority to produce to him or her such documents, records or materials as are in that person's possession or control relating to the matter under inquiry and to give to him or her such information as he or she may reasonably require in regard to such documents, records or materials,

- (v) inspect and copy or extract information from documents, records or materials produced to him or her under paragraph (iv) or which he or she finds during the course of entry on the land or into the premises concerned,
- (vi) carry out such designated works or specified works or take such measures as he or she considers appropriate, including requesting the distribution system operator to disconnect or turn off the supply of electricity, for the protection of any person or any property from any danger arising from electrical works,
- (vii) where he or she has carried out designated works or specified works under paragraph (vi) issue a completion certificate for such works,
- (viii) instruct any person to perform or refrain from performing any act, if in the opinion of the electrical investigation officer, the performance or non-performance of such act is necessary for the purposes of preserving evidence or in order to reduce or prevent any danger arising from electricity.

1.2.3 The Electrical Investigation Officer shall present, if requested, the Certificate of Appointment for Inspection to any party affected by the actions of the Electrical Investigation Officer in their capacity as Electrical Investigation Officer.

1.2.4 The Electrical Investigation Officer in the carrying out of the Inspection shall be required at all times to act in a reasonable manner.

## **2 INSPECTION CARRIED OUT BY AN ELECTRICAL INVESTIGATION OFFICER**

### **2.1 Notice of Inspection**

2.1.1 In exercising his or her powers under this section an Electrical Investigation Officer may enter on any land or premises at any reasonable time where he or she has reason to believe it necessary.

2.1.2 The owner and/or occupier of such premises shall not obstruct the Electrical Investigation Officer in carrying out their duties.

### **2.2 Co-operation with Electrical Investigation Officer**

2.2.1 A person commits an offence if he or she:

- (i) obstructs or impedes an Electrical Investigation Officer in the exercise of his or her powers conferred by this section,

- (ii) fails or refuses to comply with an instruction given by an Electrical Investigation Officer under this section,
- (iii) knowingly gives to an Electrical Investigation Officer information which is false or misleading in a material respect, or
- (iv) turns on or reconnects the supply of electricity which supply has been turned off or disconnected by the distribution system operator on the request of the electrical investigation officer without the consent of the distribution system operator.

## **2.3 Carrying out of the Inspection**

2.3.1 Where the Electrical Investigation Officer is employed by a Body, that Body shall have documented procedures (which shall be subject to approval by the Commission) for the Electrical Investigation Officer in the carrying out of the functions associated with their appointment. These procedures shall include those matters and requirements relating to:

- (i) the entry onto premises or land by the Electrical Investigation Officer,
- (ii) the Inspection of electrical works,
- (iii) interviewing relevant parties and requesting information from them to assist in their investigation/Inspection,
- (iv) taking samples of electrical cabling or fittings or any other part of an electrical installation considered necessary to the inspection or inquiry,
- (v) carrying out such designated works or specified works or such measures as considered appropriate,
- (vi) the documenting of evidence and facts further to the carrying out of the Investigation/Inspection; and/or,
- (vii) the preparation of a report on the Investigation (the “Electrical Investigation Officer’s Report” as set out in Section 3 hereunder).

2.3.2 These procedures shall be made available to any party upon request during or prior to an Inspection by an Electrical Investigation Officer.

## **3 ELECTRICAL INVESTIGATION OFFICER’S REPORT**

3.1.1 When the Electrical Investigation Officer enters on any land or into any premises in pursuance of his/her duties he/she shall provide a report on his/her activities and findings to either the Commission or the designated bodies or both as the case may be.

3.1.2 The Electrical Investigation Officer’s Report shall:

- (i) set out the details of the investigation and circumstances leading up to the investigation;
- (ii) set out the Electrical Investigation Officer’s findings of fact; and

- (iii) confirm whether or not the electrical installation, the electrical works and the certification associated with such works comply with the appropriate Technical Rules, this Criteria Document and the Act. This shall include any other requirements/procedures relating to the REC and their electrical works and Certification (for example, storage of Certificates, insurance, etc.).

3.1.3 The Body may (if appropriate and according to the case in question) forward a copy of that Report within such timeline as is specified by Commission to:

- (i) the REC;
- (ii) the owner and/or occupier of the premises where the electrical work was carried out;
- (iii) the Commission; and,
- (iv) any other party as requested by the Commission.

# **Common Procedure No. 1**

## *Certification*

## TABLE OF CONTENTS

PREAMBLE .....	126
1 CONTROLLED WORKS .....	127
2 REQUIREMENTS AND BASIS OF CERTIFICATION .....	128
3 CERTIFICATION ROLE OF ETCI.....	129
4 CERTIFICATION ROLE OF THE BODY.....	130
5 CERTIFICATION ROLE OF THE REC .....	130
6 CERTIFICATION PROCESS FOR CONNECTION OF NEW INSTALLATIONS TO THE DSO NETWORK.....	131
7 ENFORCEMENT.....	132
APPENDIX 1 .....	133
APPENDIX 2 .....	136

## PREAMBLE

One of the key elements of the Regulatory System is the establishment of a Certification System for Electrical Works.

*Sections 9(D)(5)(b)(vii),(13),(14),(15),(18),(19),(21)(b) and (28) of the Electricity Act 1999 inserted by section 4 Energy (Miscellaneous Provisions) Act 2006 relate to or refer to Certification.*

Under the Act, Certification is mandatory for all Controlled Works. Also, in the context of new connections/re-connections, Certification is mandatory before the DSO, will connect or energise the connection point.

The Act puts an obligation on the Commission to:

- specify a form of Certificate to be used for Controlled Works, and the Commission may specify different forms for different circumstances or different classes of electrical work;
- approve the procedures to be followed and the records to be maintained by RECs and the Body in connection with the issue of such Certificates.

Certification is fundamental to the effective operation of the Regulatory System, insofar as it is the thread that links the work of the REC on the ground to the overall regulatory objective and certifies that the Controlled Work has been carried out in accordance with the Technical Rules.

This Common Procedure specifies the requirements with respect to Certification and is in addition to those requirements set out in the Technical Rules. This Common Procedure also addresses the types and formats of Certificates to be used, the procedures relating to the sale, control and use of Certificates, the responsibilities for preparing a valid Certificate, the status of the Certificate, and the procedures to be used by the RECs, the Body, the DSO and the ETCl in managing, operating and interacting with the Certification System.

Additionally, this Common Procedure specifies the provisions/measures that are required for Certification, including:

- the checking and validation of Certificates received by the Body;
- the monitoring and control of “Temporary<sup>7</sup> or Interim<sup>8</sup>” Certificates;
- Certificate procedures for special cases; and

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<sup>7</sup> Temporary Certificates are validated by the Body e.g. where a developer, builder or contractor may need a temporary power supply. Temporary supply is billed to the user e.g. developer or builder or contractor and cannot be used to energise permanent/ new installations.

<sup>8</sup> Interim Certificates are validated by the Body to enable the main distribution board in an industrial or commercial installation to be energised so that a completed subsystem e.g. a lift system, or a standalone module, can be tested or commissioned. In this example the REC would place locks on the distribution board for all other circuits not completed and tested. Please refer to clause 63.3.1 in the Technical Rules for Electrical Installations – Fourth Edition ET 101: 2008.

- where post-connection tests are not completed as required by the Technical Rules and the “Conditions for Connection to the Distribution System”.

## 1 CONTROLLED WORKS

As set out in the legislation, and further to a consultation process, the Commission initially defined “Controlled Works”<sup>9</sup>, in its decision paper CER/09/009 dated 30<sup>th</sup> January 2009. The CER subsequently extended the scope of Controlled Works, further to a consultation process, and approved the following definition of “Controlled Works” in its decision paper CER/15/249 dated 23<sup>rd</sup> October 2015.

### **Definition of Controlled Works**

Controlled Works are major electrical installation works (including additions, alterations and/or extensions) which are covered by the National Wiring Rules and which involve:

1. The installation, commissioning, inspection, and testing of a new fixed electrical installation requiring connection or reconnection to the electricity network.
2. The modification, installation or replacement of a distribution board including customer tails on either side of the Main Protective Device, or new installation in special locations as defined in Part 7 of the National Wiring Rules ET101 and ET105.
3. The installation or replacement of one or more extra circuits in an existing installation, including the installation of one or more additional protective devices for such circuits on a distribution board.
4. Subsystems installed in commercial, industrial, and domestic installations where the installation falls within the remit of the Technical Rules.
5. The inspection, testing and Certification of existing electrical installations (in accordance with Chapter 62 of the Wiring Rules (ET 101 –Fourth Edition-2008) and to conform with Regulation 89 of SI No 732 of 2007.

Any works which do not fall within the above scope are not Controlled Works and shall not necessarily require a Certificate to issue. However, it is recommended that for all other works, an appropriate form of Certification is used (e.g. a Declaration of Compliance with ET 101 for minor works, where appropriate).

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<sup>9</sup> The Energy (Miscellaneous Provisions) Act 2006 requires that the Commission define Specified Works. However as Specified Works are those works that are to be controlled through issuance of Certificates, therefore for ease of use they shall be referred to as Controlled Works.

## **2 REQUIREMENTS AND BASIS OF CERTIFICATION**

- 2.1** The Certification System is a key element of the Regulatory System, aimed at providing a system of certifying the compliance of Controlled Works carried out by a REC with the Technical Rules.
- 2.2** Only Certificates in formats approved by the Commission (whether paper and electronic) may be recognised as valid for the purposes of the Regulatory System.
- 2.3** Certificates will be produced by the ETCI and sold by the ETCI to the Body for onward sale to RECs who have been granted the entitlement to self-certify Controlled Works carried out by them.
- 2.4** This sale of Certificates will be subject to control and monitoring by the Body to ensure they are used in compliance with the Technical Rules and the Regulatory Arrangements.
- 2.5** A copy of the Certificates issued by the REC will be returned to the Body, as the case may be, for validation.
- 2.6** The Body shall have in place systems and procedures approved by the Commission to validate the Certificate. This will include systems and procedures to verify that the Certificate contains all the requisite information, that test values are within acceptable limits, and that the blank Certificate was issued to the certifying REC.
- 2.7** The Body shall also verify (by such systems and procedures approved by the Commission) the RECs compliance with the Rules of Registration. This will include the verification of up to date insurance cover and indemnification of the Body and the Commission.
- 2.8** In the case of new installations or reconnections, the “Pre-connection Certificate” (if confirmed as compliant by the Body) will result in a notification being forwarded (with only essential detail i.e. the Certificate number, Certificate type, Customer’s correct MPRN, name and address) via a web link to the DSO. This action will release a service order and enable the DSO to complete the energisation of the connection.
- 2.9** The Certificate may only be considered fully completed, following return of a copy to the Body with post-connection tests successfully completed and recorded.
- 2.10** Common Procedure No 5 - Enforcement will be followed in the event of failure to return a copy of the Certificate with the post-connection tests recorded to the Body.

- 2.11** Where an electrical installation contains a subsystem provided by a specialist contractor or a REC, a subsystem certificate will be provided by the REC in accordance with the Technical Rules.<sup>10</sup>
- 2.12** Examples of such Electrical Works which may contain electrical specialist sub-systems are:
- Refrigeration;
  - Lifts;
  - Air Conditioning;
  - Fire detection and alarm equipment complying with I.S. 3218;
  - Emergency lighting complying with I.S. 3217;
  - Fire extinguishing equipment;
  - Fireman's lift;
  - Smoke control equipment;
  - Portable on-demand structures (PODS).

### **3 CERTIFICATION ROLE OF ETCI**

- 3.1** As required by Chapter 63 of ET 101:2008 (Fourth Edition) (and any other relevant rules) ETCI produces a range of numbered Certificates (in paper and electronic form) in formats approved by the Commission for onward sale to the Body as well as numbered Periodic Inspection Reports (Annexes 62A & 63A refer).
- 3.2** ETCI and the Body also produce a Test Record Sheet for use with these Certificates. A standardised and numbered Test Record Sheet will be developed and it shall be used in conjunction with the Certificate.
- 3.3** ETCI Certificates and Periodic Inspection Reports are customised for the Body to which they are sold.
- 3.4** The Memorandum of Understanding entered on 30th April 2009 between the Commission and the ETCI, sets out the basis for cooperation between the Commission and the ETCI.
- 3.5** The Test Record Sheets are permitted to be sold and distributed by each Body.

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<sup>10</sup> In the event that the specialist contractor or the REC responsible for the installation of the subsystem cannot issue a subsystem Certificate to the REC responsible for the overall installation, the REC will provide a subsystem Certificate (ETCI subsystem Certificate) to the contractor for completion.

## **4 CERTIFICATION ROLE OF THE BODY**

- 4.1** Certificates are sold to a REC by the Body. Certificates are commonly sold in batches, either in paper or electronic form. The Body's website will provide details of the various Certificates, the price of Certificates and an order form.
- 4.2** The Body shall have a written procedure for the validation of Certificates returned, which will confirm that the Certificates contain all the requisite information, that test values are within acceptable limits, and that the Certificates was sold to the certifying REC. This written procedure shall be approved by the Commission as part of the Body's Quality Management System.
- 4.3** In the case of new connections or reconnections the Body forwards a notification to the DSO for the connection process to be initiated after the "pre-connection" Certificate has been validated by the Body. The specific details required in the notification to the DSO are: the Certificate number, Certificate type, the RECs mobile phone number, Customer's correct MPRN, name and address.
- 4.4** The Body shall maintain a records system, which facilitates, inter alia, the follow-up of Interim and Temporary Certificates, the spot checking of Controlled Works (e.g. for checking subsystem Certification and the use of approved materials), the checking of self-Certification privileges, dealing with unused and lost Certificates, quantifying the sources and frequency of invalid Certificates submitted.
- 4.5** All copies of the Certificates (in paper or electronic format) held by the Body shall be capable of being easily accessed for inspection using the Certificate number, MPRN and/or the REC's registration number.
- 4.6** The Body will operate a Certificate procedure for special cases involving connection/reconnection to the network in after-hours/emergency situations as developed with the DSO (see Appendix 1).

## **5 CERTIFICATION ROLE OF THE REC**

- 5.1** All Controlled Works shall be verified and certified as complying with the Technical Rules by a Certificate. The Certificate shall be purchased by the REC from the relevant Body and then issued by the REC to the customer for the controlled works carried out by that REC.
- 5.2** Back-up documentation and subsystem Certificates shall be in accordance with Chapter 63 (ET 101:2008). It is mandatory that standardised and numbered Test Record Sheets sold by ETCl or the Body are to be used by the REC with the Certificates.

- 5.3** Certificates may only be used by the REC to whom they are sold for Controlled Works carried out by him/her, except in exceptional circumstances where prior written approval is given by the Body. A REC may, however, issue a Certificate for previously connected installations as set out in the DSO connection conditions (e.g. for re-connection of an electrical installation by the DSO after a disconnection period of more than six months).
- 5.4** A REC shall not under any circumstances (unless he has received the prior written approval of the Body) sell, or transfer Certificates to anyone else whether they are a REC or Non-REC. To do so would be in breach of the Rules of Registration and the REC may be subject to the sanctions described therein.
- 5.5** A Qualified Certifier must sign the Certificate. A list of Qualified Certifiers, with details of the qualifications and Verification and Certification courses completed by each Qualified Certifier, shall be kept by the REC in accordance with the Rules of Registration.
- 5.6** The REC who carries out the Controlled Works, and who subsequently signs the Certificate, is making a formal declaration that the Controlled Work carried out by him/her complies with the relevant Technical Rules.

## **6 CERTIFICATION PROCESS FOR CONNECTION OF NEW INSTALLATIONS TO THE DSO NETWORK**

- 6.1** Controlled Works must be certified in accordance with the Technical Rules and validated in accordance with the Body's procedures, and notified by the Body to the DSO, before the DSO can energise the connection point at a premises.
- 6.2** A copy of the pre-connection Certificate (with the pre-connection tests completed) shall be submitted to the Body for validation and processing to enable the connection point to be energised by the DSO. In the case of supplies with a maximum import capacity of < 50 KVA, the DSO will affix a special red coloured seal to the interface isolator ("ESB networks isolator" as depicted in the National Code of Practice for Customer Interface) in the open Position.
- 6.3** The REC responsible for the construction and testing of the electrical installation shall energise the Customer's installation except in situations as described in CP1 6.5. The REC shall also verify and certify the post-connection tests, as required by ETCI. The REC will also reseal the interface isolator in the closed position with his/her own seal following successful completion of post connection tests. The REC shall record the seal number on the Test Record Sheet associated with the installation that has been tested.
- 6.4** A copy of the post-connection Certificate (i.e. Certificate with details of successful post connection tests) must be returned, without delay, to the Body.

- 6.5** Should it become apparent that a REC is unable to submit a Post Connection Cert it shall be permissible for the Customer to arrange to have the Post Connection Tests carried out and a Post Connection Cert issued by an alternative REC (subject to the completion of the Change of Contractor process) or by an Inspector from a Body.
- 6.6** The Test Results as submitted to the Body which holds the Pre-Connection Cert shall be used to finalize the Certification of the Installation.
- 6.7** A note must be placed on file to indicate that the Post Connection Cert for the Installation was issued by an alternative REC.
- 6.8** In cases where one Body holds the Post Connection Cert and the other Body holds the Pre Connection Cert, certificate data will be transferred from the former to the latter Body as required.
- 6.9** In addition paper Certificates and copies will be distributed by the REC in accordance with the requirements of the Technical Rules.
- 6.10** Electronic Certificates, where used, shall be completed in accordance with ETCI guidelines. The REC shall enter the post connection test results on the system without delay. These results shall be checked by the Body.
- 6.11** In the case of an Interim Certificate there is an onus on the REC to ensure that the connection or energisation of the finished installation is certified (refer to 4.4).
- 6.12** In the case of a Temporary Certificate that is issued for Controlled Works for construction purposes, there is an onus on the REC to advise the customer in writing of the safety requirements and limitations of its use, and on completion of the Controlled Works a request for disconnection is made via the supplier.
- 6.13** In accordance with Common Procedure No 5, where no record of post-connection tests for the Controlled Works has been received, the Body will investigate the issue and follow up with the REC.
- 6.14** Where someone wants another contractor to complete and/or certify Controlled Works, which was previously partially or totally completed by another contractor, Common Procedure No 3 applies.
- 6.15** Where the REC does not have self-Certification rights, and in the case of a Non-REC, the Certificate shall be counter-signed by an inspector from the Body in accordance with Common Procedure No 2.
- 6.16** Where a REC's entitlement to self-certify is withdrawn a mechanism shall be provided by the SSB to allow the REC to certify an installation under supervision of a SSB inspector which is having its connection to the electricity network held up due to the RECs status, and this shall be completed at the RECs expense.

## **7 ENFORCEMENT**

Refer to Common Procedure No 5.

## 8 **DIAGRAMMATIC REPRESENTATION OF VARIOUS PROCEDURES**

Various procedures for the different “configurations” of the Certification System are illustrated diagrammatically in the attached Appendix 2 using swim flow charts.

### **APPENDIX 1**

#### **Certificate Procedures for Special Cases**

In the new Certification System, the DSO no longer handles ETCI Certificates. Certificates can only be processed through the Body and passed on electronically to the DSO. There are a small number of special situations where a REC needs (after testing) to issue a Certificate requiring the connection or the re-energisation of an electrical installation during the period when the Body’s offices are closed and therefore the Certificate cannot be processed for onward transmission to the DSO.

In these cases a special procedure for processing the appropriate Certificate is necessary. A method of dealing with these situations has been agreed with the DSO.

RECs should note the following procedures that they must follow in these situations. RECs must keep sufficient Certificates available at all times for emergency work that they may be called on to carry out for their Customers.

#### **1) Planned Electrical Job Outside Normal Working Hours (or in certain cases within normal working hours)**

- a) The REC arranges and agrees the job with the local DSO Manager;
- b) The Customer will ensure that any payments required by the DSO have been paid so that a service order is in existence.

- c) The REC contacts the Body and gives the number of the Certificate he/she intends to use to certify the Controlled Works. The specific details required to be given are: Certificate number, Certificate type, Customer's correct MPRN, name and address.
- d) The Body will log the details supplied by the REC as "provisional". This action will mimic the logging of a normal Certificate i.e. the DSO work database will receive the Certificate details as a normal transaction and will release the service order associated with the job.
- e) When the job is completed, the REC will show the Certificate to the DSO technician before the connection is energised. The DSO technician will compare the MPRN and the Customer's installation address against the relevant details on the service order. If they match he will record the Certificate number and Certificate type on the service order and return the Certificate to the REC.
- f) After the DSO have completed their work the REC may energise the connection and perform the post-connection tests specified by the Technical Rules.
- g) The completed Certificate is submitted by the REC to the Body as soon as possible.
- h) The Body will now input the required details as normal. The Body's software will then detect that the Certificate has been logged previously as a "provisional" Certificate. This will allow the additional outstanding detail to be logged. However, the "provisional" status will have the effect of stopping a duplicate Certificate number being sent to the DSO.

## **2) Emergency Repairs**

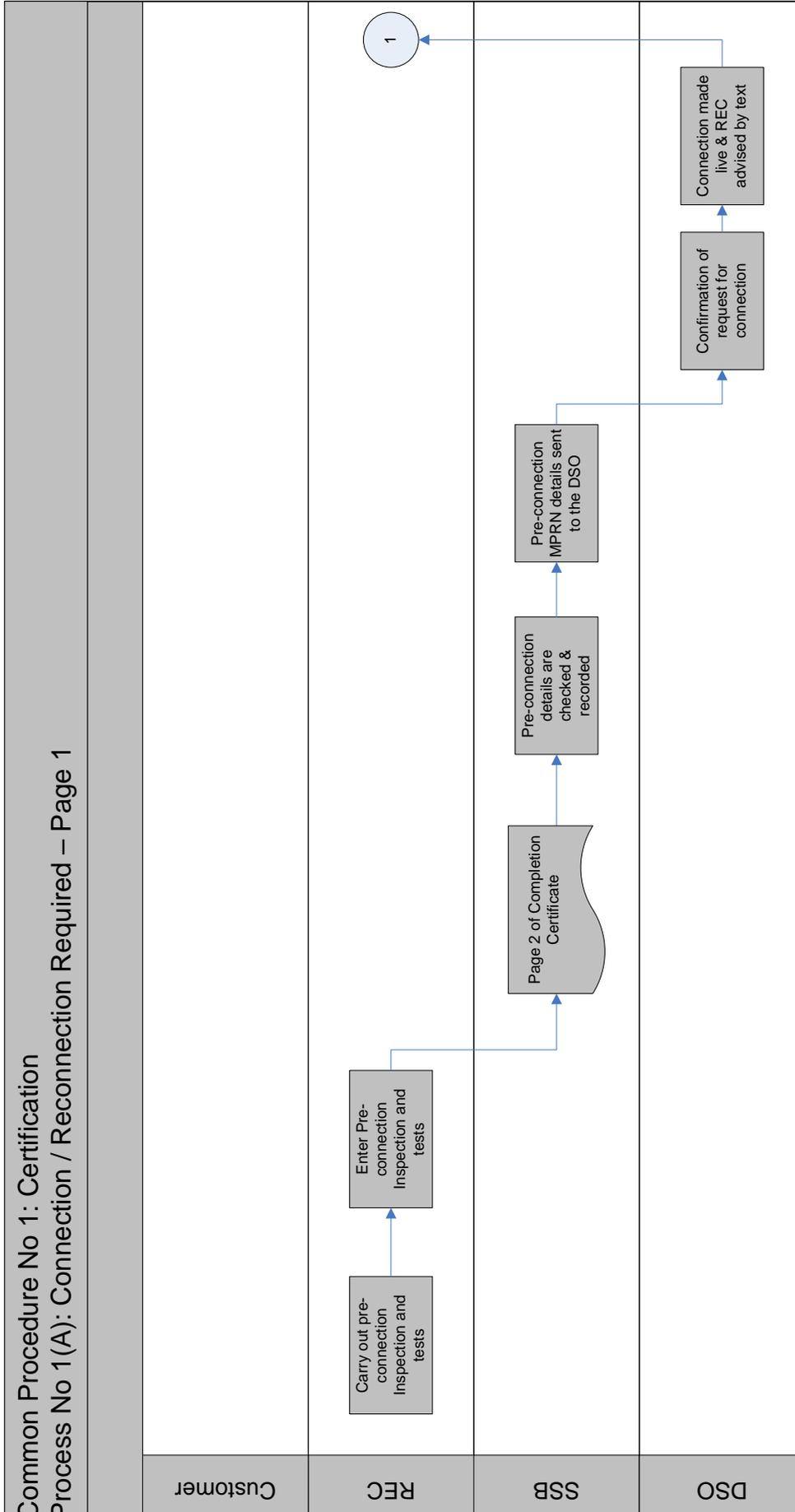
- a) As the nature of this work is totally unpredictable, it is important that all RECs have the correct type of Certificates for the type of work that they are normally engaged in. This would mean for example that a REC would have at least one blank Certificate for Controlled Works with a maximum import capacity of  $\geq 50\text{kVA}$  if he/she provides a service to Customers having this category of installation.
- b) After the emergency work has been completed, the REC will show the Certificate to the DSO technician before the connection is energised. The technician will compare the MPRN and Customer's installation address against the relevant details on the service order. If they match he will record the Certificate number and type on the service order and return the Certificate to the REC.
- c) The next working day the DSO will contact the Body with the specific details from the Certificate i.e. Certificate number, type, Customer's correct MPRN, name and address.

- d) The Body will log the details supplied as “provisional”. This action will mimic the logging of a normal Certificate i.e. the DSO’s work database will receive the Certificate details as a normal transaction;
- e) The completed Certificate is submitted by the REC to the Body as soon as possible.
- f) The Body will now input the required details as normal. The Body’s software will detect that the Certificate has been logged previously as a “provisional” Certificate. This will allow the additional outstanding details to be logged. The “provisional” status will have the effect of stopping a duplicate Certificate number being sent to the DSO.

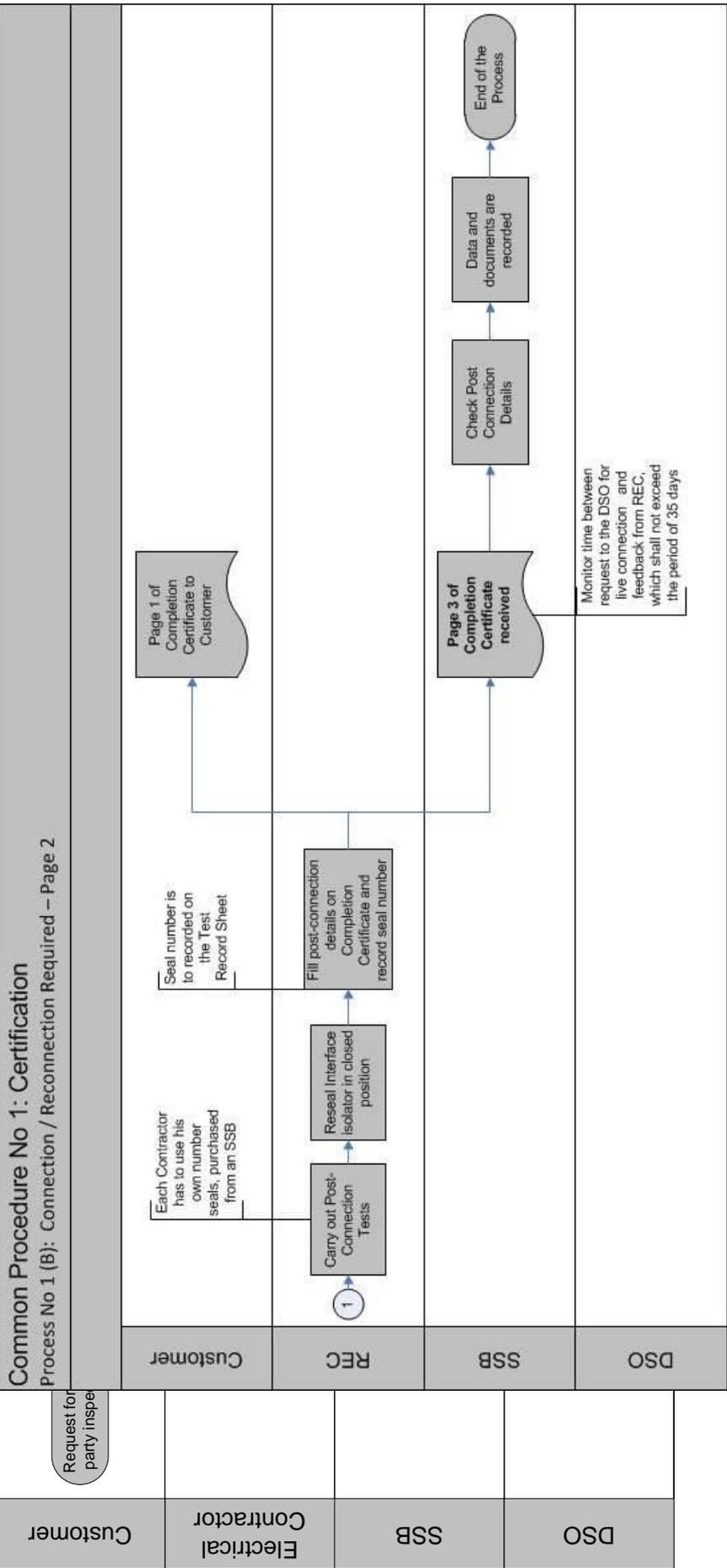
RECs are advised to keep spare Certificates for these special cases. RECs who use the Electronic Certification System have continuous access to the appropriate Certificate for the type of work involved.

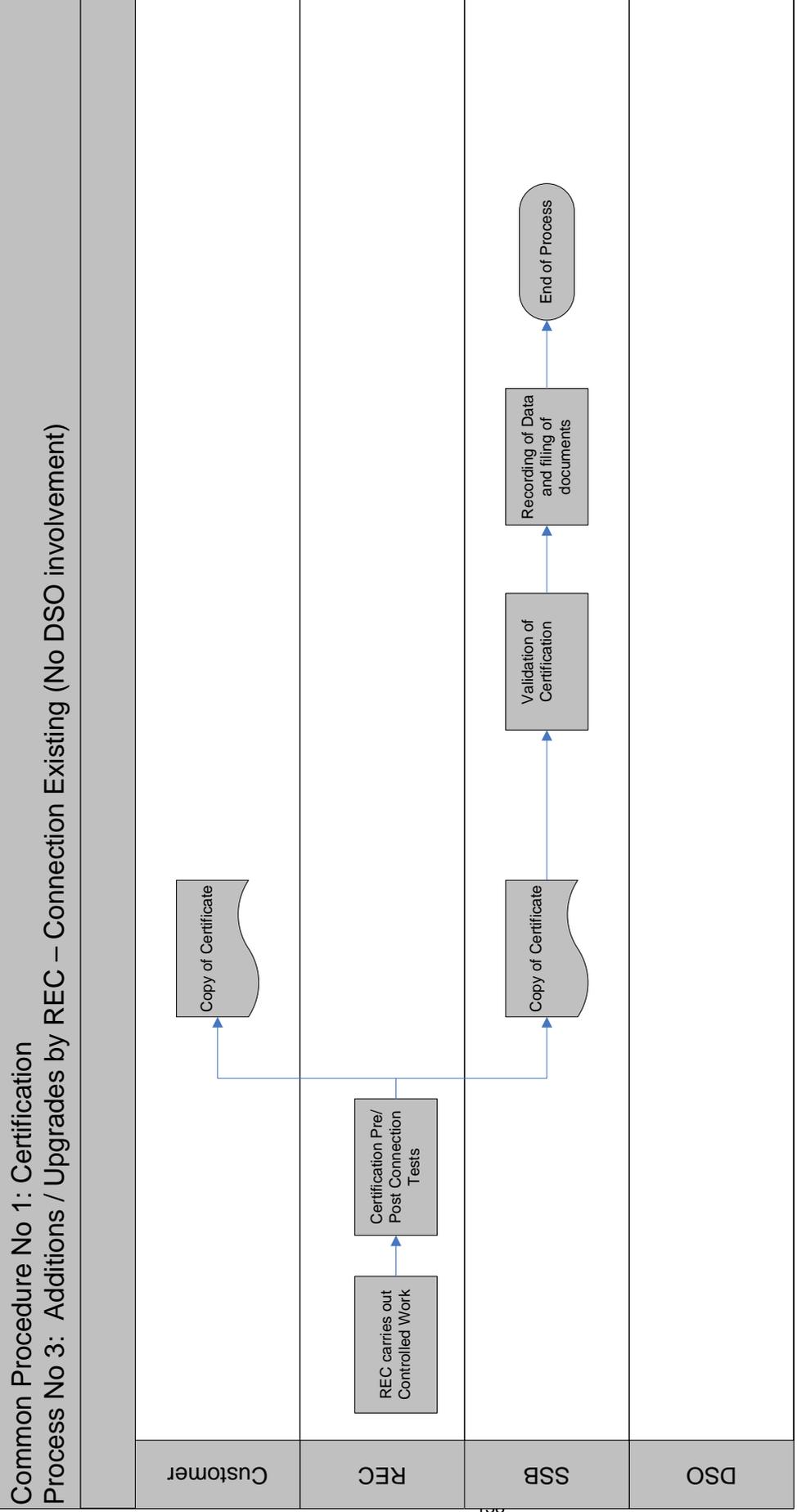
## APPENDIX 2

Note: Below are flow-charts representing the different processes which apply to the Certification System.

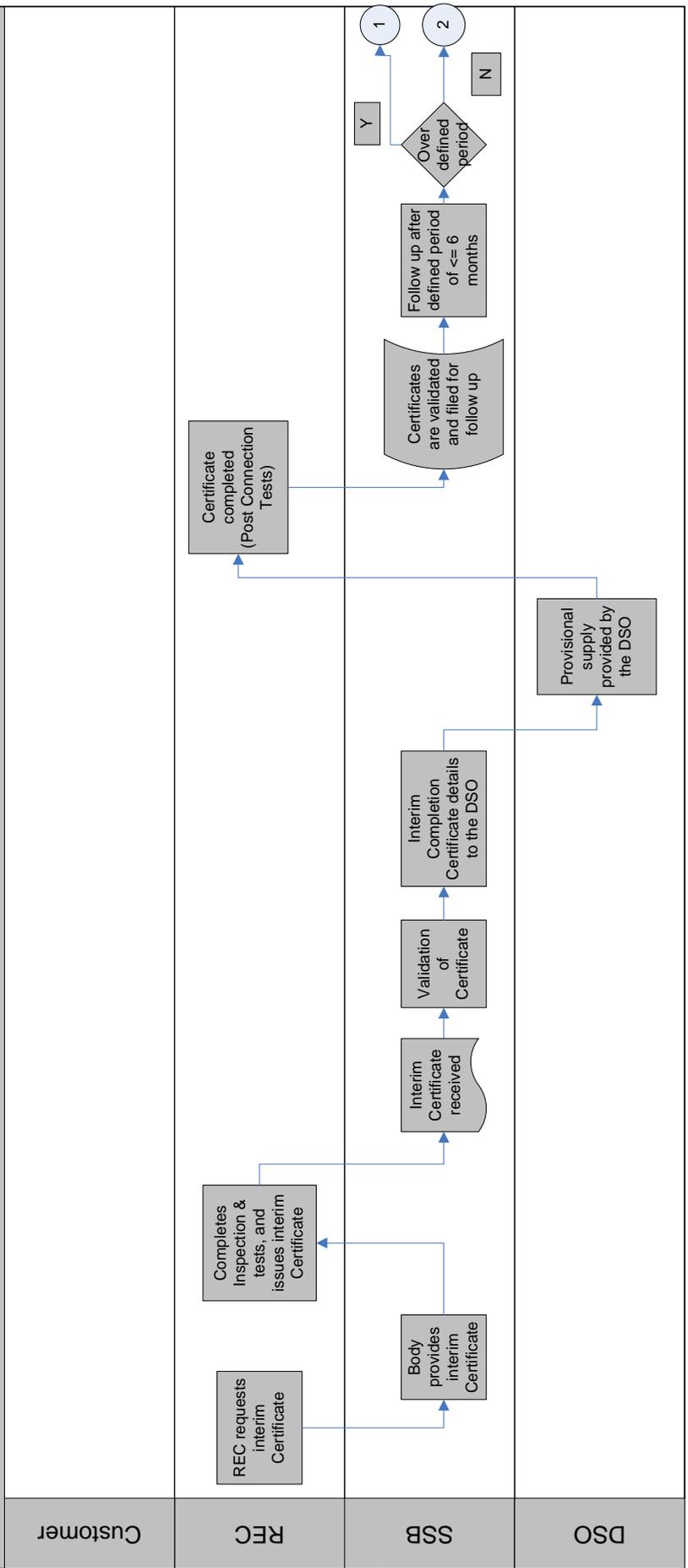


Common Procedure No 1: Certification  
 Process No 2: REC without Self-Certification Privileges – Third Party Connection

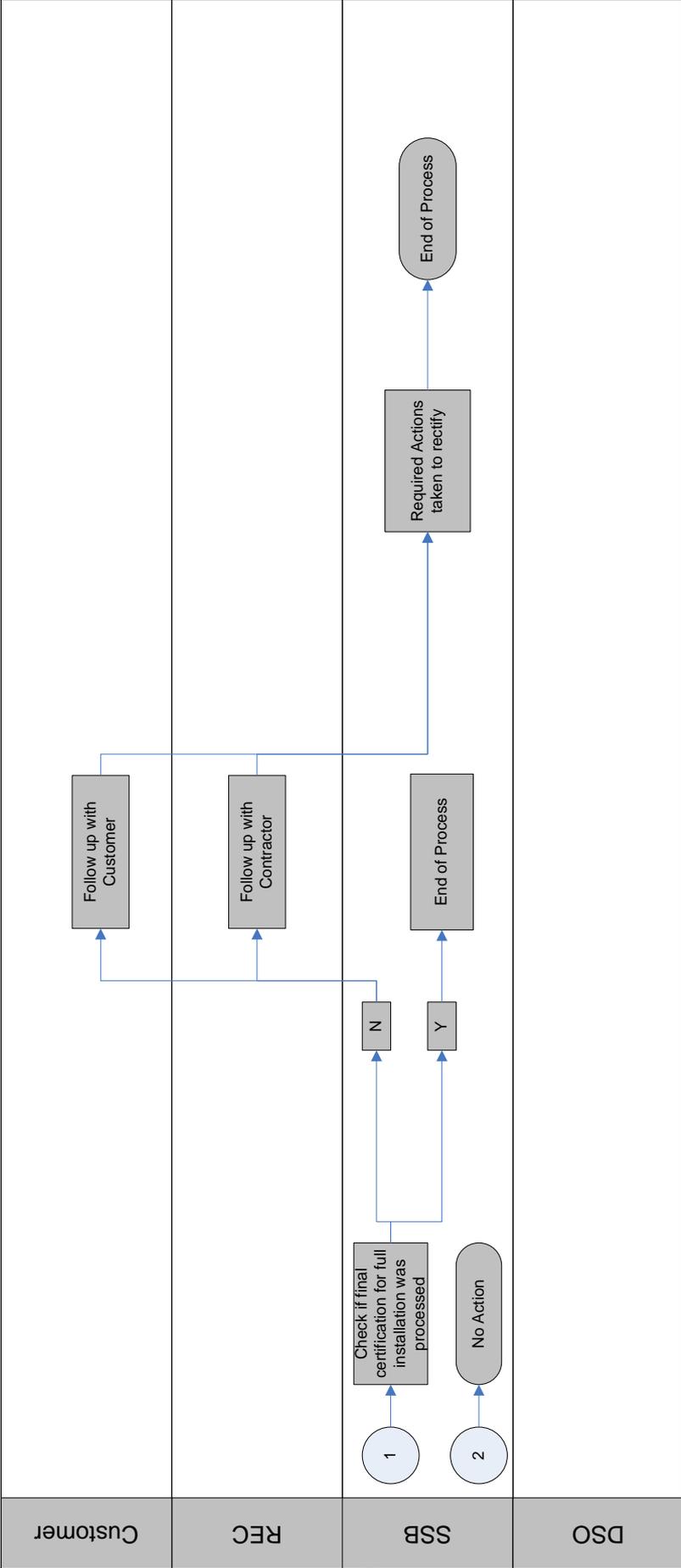


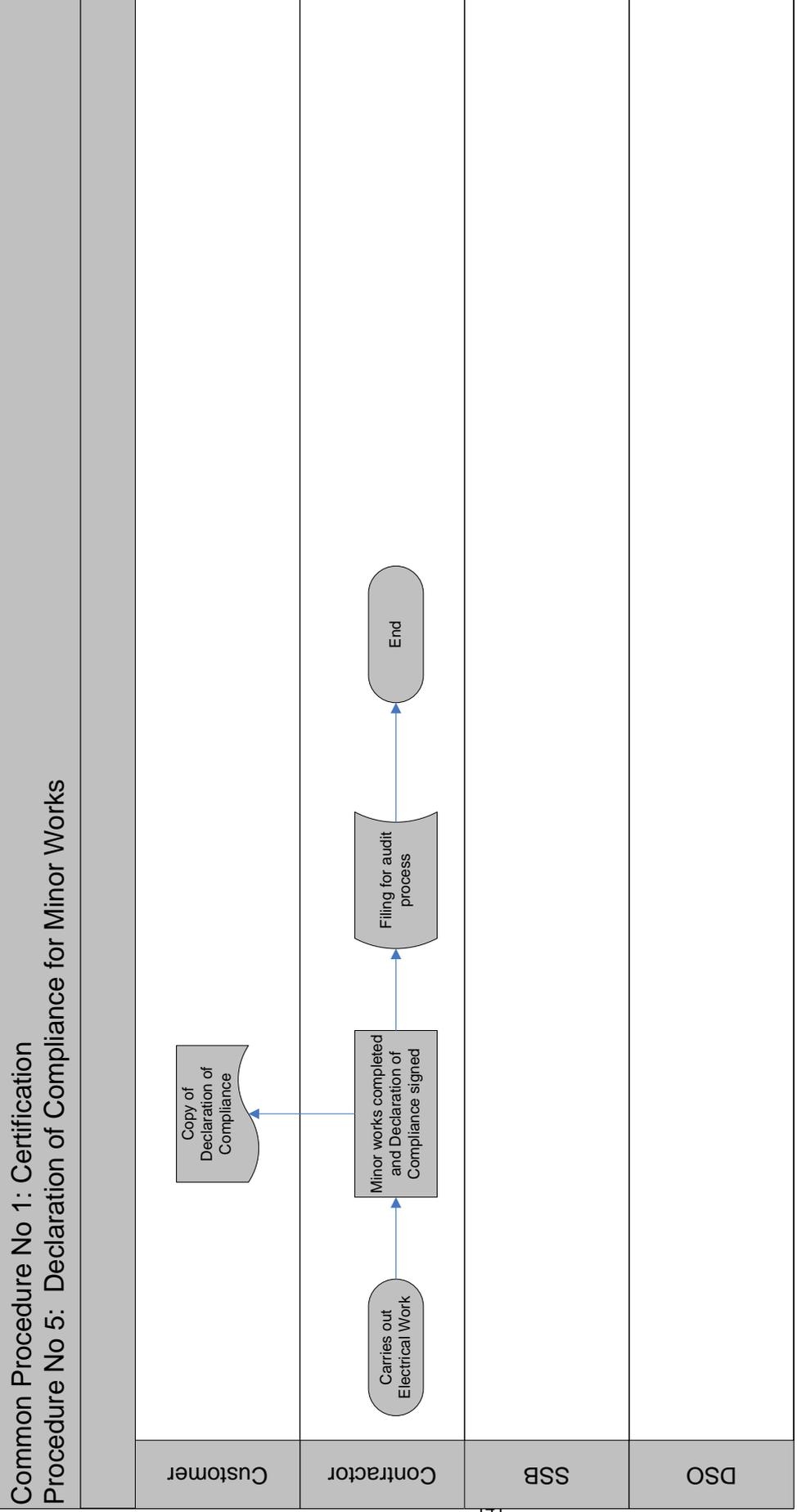


Common Procedure No 1: Certification  
 Process No 4 (A): Interim Certificates/ For Connection/Reconnection - Page 1



Common Procedure No 1: Certification  
 Process No 4 (B): Interim Certificate/ For Connection/Reconnection - Page 2





# **Common Procedure No. 2**

## *Third Party Inspection*

## TABLE OF CONTENTS

PREAMBLE .....	144
1 APPLICATION FOR THIRD PARTY INSPECTION .....	145
2 CERTIFICATION FURTHER TO THIRD PARTY INSPECTION .....	147
3 POST-CONNECTION TESTS.....	148
4 RECORDS TO BE MAINTAINED .....	148
5 FORCE MAJEURE.....	148

## PREAMBLE

Under the Act, the Commission is required to specify certain Electrical Works for which a Certificate must be issued (i.e. Controlled Works). Only electrical contractors (i.e. RECs) who are registered with the Body may have the right to self-certify Controlled Works and issue a Certificate for Controlled Works.

However, section 9D(14) of the Electricity Act 1999 as inserted by section 4 of the Act makes a provision for cases where Controlled Works are carried out by an electrical contractor who is not registered with the Body (i.e. Non-REC).

In such cases, the Act requires that the Customer requests that the Body arrange for the carrying out of an Inspection of the Controlled Works performed by the Non-REC. This inspection is called a "Third Party Inspection".

Only a Controlled Work meeting the eligibility criteria, as specified by the Body in its application for Third Party Inspection, shall be eligible for a Third Party Inspection. The Body shall then arrange for the carrying out of the Third Party Inspection and if appropriate, for the issuance of a Certificate.

The Criteria Document requires that this Common Procedure applies for all Third Party Inspections. The objective in developing this Common Procedure is to ensure a common and consistent approach is implemented by the Body. By providing the Third Party Inspection service, the Body is ensuring that the Inspection is undertaken by a competent and responsible person, that the Customer has assurance that the installation complies with the Technical Rules, is fit for purpose, and can be connected/reconnected to the electricity distribution system if required.

The provision of the Third Party Inspection service is designed to facilitate the Certification of Controlled Works carried out by Non-RECs, but who are electrically qualified and competent persons conversant with the Technical Rules applicable to the installation.

It should be noted that the third party must also provide proof of insurance to indemnify the Body providing the Third Party Inspection.

The responsibility for the Controlled Works carried out lies with the person(s) who carried out the Controlled Works in question.

A Third Party Inspection will not be provided for Controlled Works carried out by unidentifiable parties whose competence, qualifications and insurance cover cannot be verified, and who are not available to carry out the full range of tests specified by the Technical Rules.

If, further to the Third Party Inspection, the Controlled Works are in compliance with the Technical Rules and Regulatory Arrangements, including the requirements of this and other applicable Common Procedures, a Certificate may issue for the Controlled Work. These tests will be witnessed by the Body's Inspector, who shall also countersign the Certificate.

# **1 APPLICATION FOR THIRD PARTY INSPECTION**

## **1.1 Application**

- 1.1.1 A person who requests Controlled Works to be carried out by a Non-REC is obliged to request the Body to arrange for a Third Party Inspection of the Controlled Works by application to the Body.
- 1.1.2 The Body shall publish a procedure for applications for Third Party Inspections, which shall specify the eligibility criteria to be applied by the Body in evaluating an application for a Third Party Inspection (Third Party Inspection Application Procedure) and an associated application form. The Body will provide a Test Record Sheet for completion and return by the Non- REC before the Third Party Inspection commences.
- 1.1.3 The Third Party Inspection Application Procedure, the fees for the Third Party Inspection, and the eligibility criteria to be applied by the Body in evaluating the Application shall be subject to the approval of the Commission.
- 1.1.4 The Body shall provide a Third Party Inspection for any requests meeting the eligibility criteria specified in the Third Party Inspection Application Procedure.

## **1.2 Inspection**

- 1.2.1 On receipt of the completed application form and fee, and where such application meets the eligibility criteria for a Third Party Inspection Procedure, the Body shall assign an Inspector to carry out the Third Party Inspection.
- 1.2.2 Further to Clause 1.2.1, the Body is obliged to arrange for the Third Party Inspection to be carried out as soon as is reasonably practicable but not exceeding a period of 21 calendar days.
- 1.2.3 Any person requiring a Third Party Inspection shall comply fully with the requirements of this Common Procedure, and/or as may otherwise be specified by the Body, the Inspector, an Authorised Officer or the Commission, as the case may be.
- 1.2.4 The Inspector shall only be responsible for:
  - (i) verifying the requisite electrical tests (as specified in the Technical Rules) are carried out on the Controlled Works by the Non-REC or his Qualified Certifier who carried out the Controlled Works, and,
  - (ii) supplying and countersigning the appropriate Certificate if the Controlled Works comply with the requirements of the Technical Rules insofar as can be ascertained from the Third Party Inspection and further to the requirements of Common Procedure No. 1 - Certification.

- 1.2.5 The Body shall have in place a process for Third Party Inspections (Third Party Inspection process), which it shall make available to any person requesting same.
- 1.2.6 The Inspector shall meet on the site of the Controlled Work with the Non-REC or as the case may be, the Non-REC's qualified certifier, who carried out the electrical Works and shall:
- (i) review documentation, technical records (design diagrams, Test Record Sheets, etc.) and verify that the Test Record Sheets (provided in advance by the Body) submitted following the request for the Third Party Inspection of the Controlled Works are accurate;
  - (ii) witness the Non-REC or his Qualified Certifier carrying out a range of the pre-connection tests as specified in the Technical Rules with his/her test equipment on the installation, which are sufficient to verify the test results submitted with the Third Party Inspection Application.
  - (iii) ask technical questions as appropriate, and carry out any other checks deemed necessary to verify the safety of the installation in accordance with the Technical Rules.
- 1.2.7 Further to the carrying out of a Third Party Inspection, the Inspector shall complete an Inspection Report Form in a format to be approved by the Commission, and record his/her findings and observations from the Third Party Inspection.

## **2 CERTIFICATION FURTHER TO THIRD PARTY INSPECTION**

### **2.1 Failure to Pass Inspection**

- 2.1.1 If after a Third Party Inspection, the Inspector decides not to certify the Controlled Works, the Inspector shall inform the Non-REC or his Qualified Certifier and the Customer who requested the Controlled Works to be carried out and shall provide them with written confirmation of the deficiencies in the Controlled Works and the reason(s) for the Controlled Works failure to be certified.
- 2.1.2 The Inspector will specify a time period for rectification of deficiencies in the Controlled Works and will formally arrange for a follow-up Third Party Inspection (which may involve the payment by the Customer of a re-Inspection fee) and, if required isolate and seal the means of energizing the Controlled Works.
- 2.1.3 The Body shall record the Customer's MPRN associated with the Third Party Inspection.

### **2.2 Certification of Third Party Installation**

- 2.2.1 The Inspector may only provide and countersign a Certificate for the Controlled Works once he/she is satisfied that all of the necessary safety requirements have been met and the Controlled Works are in compliance with the Technical Rules.
- 2.2.2 Where the Controlled Works are to be Certified further to the Inspection, the Inspector shall ensure that the appropriate information is entered on the Certificate.
- 2.2.3 The Certificate shall then be signed by the Non-REC or his/her Qualified Certifier who carried out the Controlled Work and countersigned by the Inspector.
- 2.2.4 A copy of the issued Certificate shall be given to the Non-REC or his/her Qualified Certifier, and the Customer who requested the Controlled Works to be carried out, and a copy shall be kept by the Inspector and also processed through the Body's system and sent to the DSO if connection/reconnection is involved.

### **3 POST-CONNECTION TESTS**

- 3.1** In the case where a new connection or reconnection to the network is involved the Inspector will arrange to witness post-connection tests and the finalisation of the Certificate in accordance with this procedure and Common Procedure No 1- Certification. The Body may include a refundable element in the fee charged to ensure the Non-REC attends on site at the agreed time and that the post-connection tests are successfully completed.
- 3.2** The DSO will contact the Inspector and the electrical contractor when supply is connected.
- 3.3** The Inspector will arrange an appointment on site with the Non-REC or his/her Qualified Certifier for energising the installation and post-connection tests.
- 3.4** The Inspection report form will be updated to confirm the result of the post-connection tests and, if appropriate, the Certificate will be countersigned by the Inspector.
- 3.5** If the post-connection tests are not carried out or do not meet the requirements of the Technical Rules or alternatively the requirements of “Common Procedure No. 1 – Certification”, the Certificate will be deemed invalid and the provisions of “Common Procedure No. 5 – Enforcement” will apply.

### **4 RECORDS TO BE MAINTAINED**

- 4.1** The Body shall maintain records of all applications received for Third Party Inspections, all Inspection report forms and copies of all Certificates issued further to same.

### **5 FORCE MAJEURE**

- 5.1** This Common Procedure is intended to cover the majority of cases likely to arise where a Non-REC has carried out Controlled Works.
- 5.2** However, there is likely to be a number of cases arising in the new Regulatory System where for genuine reasons the Non-REC or his/her Qualified Certifier is not available and the Customer may be unable to obtain a Certificate and therefore cannot obtain an electricity supply.
- 5.3** If there are extenuating circumstances likely to cause undue hardship to the Customer, the Customer may be allowed to appoint an alternative REC to test and certify the Controlled Works if the Customer receives the prior written authorization of the Body, whose consent shall not be unreasonably withheld.
- 5.4** When the Body receives such a request it shall consider all the circumstances and make whatever investigations it deems appropriate.
- 5.5** A record of such instances will be kept by the Body and reported to the Commission on a quarterly basis.

## **Common Procedure No. 3**

### *Application for Change of Contractor*

## TABLE OF CONTENTS

PREAMBLE .....	151
1 APPLICATION FOR CHANGE OF CONTRACTOR .....	152
2 RECORDS TO BE MAINTAINED .....	153
3 FORCE MAJEURE.....	153

## PREAMBLE

Under the Act, the Commission is required to specify certain Electrical Works for which a Completion Certificate must be issued (i.e. Controlled Works).

Only electrical contractors who are registered with the Body (i.e. RECs) will have the right to issue a Certificate. Furthermore, a REC may only issue a Certificate for Controlled Works they have carried out and/or for which they have been responsible.

A Common Procedure is required to facilitate the situation where a Customer requires a change in contractor to complete and/or certify Controlled Works, which was partially or totally carried out by a different contractor.

This situation can arise for various reasons including:

- workload pressure on the first contractor, business difficulties, loss of staff, illness, etc;
- a dispute where the electrical contractor refuses to complete the work or issue a Certificate thereby frustrating a connection to the network or the use of the installation; or
- a qualified Non-REC does a certain amount of work and a REC is employed to take over and complete the installation. A qualified Non-REC is, in this context, a contractor who is or who employs electrically qualified and competent persons conversant with the Technical Rules applicable to the installation.

The objective in developing this Common Procedure is to ensure a common and consistent approach is implemented by the Body to enable a REC to be authorised to carry out Controlled Works, where the original contractor is unable to do so, thus ensuring that the Customer will receive a Certificate and can be connected / reconnected to the electricity distribution system if required.

# **1 APPLICATION FOR CHANGE OF CONTRACTOR**

- 1.1** A person who seeks approval for a change of contractor is obliged to request the Body (of which the nominated REC is a member) for its written approval to the change of contractor.
- 1.2** The application for this approval (Change of Contractor Application)<sup>11</sup> will be made on the form available on the Body's website (and through such other means as may be specified by the Commission). The Change of Contractor Application must be accompanied by all requested documentation and other requirements as may be specified by the Body.
- 1.3** The Body shall publish a procedure for processing applications for a change of contractor, which shall specify the eligibility criteria to be applied by the Body in evaluating a Change of Contractor Application.<sup>12</sup>
- 1.4** The Change of Contractor Application Procedure, the fees for that service payable by the Customer and the eligibility criteria to be applied by the Body in evaluating a Change of Contractor Application shall be subject to the approval of the Commission.
- 1.5** The Body shall provide a change of contractor approval to the Customer for any requests meeting the eligibility criteria specified in the Change of Contractor Application Procedure within 14 calendar days of the date of receipt of the Change of Contractor Application.
- 1.6** The Body should write to, or try to contact, the original contractor to give him/her an opportunity to confirm his/her reasons for not completing the Electrical Work in question. The Body may, if requested by the Customer or the new REC and for a fee, carry out an inspection and report on the work carried out on the installation to date. This inspection shall be carried out as soon as is reasonably possible.
- 1.7** The nominated REC shall not commence Controlled Works until the Body approves the Change of Contractor Application and the Customer receives the Change of Contractor Approval.
- 1.8** The Body's Inspector will inspect the Controlled Works before it is certified by the nominated REC. A fee will be charged to the Customer by the Body for this inspection.
- 1.9** The nominated REC will be responsible for issuing a Certificate for the Controlled Works and will ensure that the Controlled Works meet the requirements for Certification.

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<sup>11</sup> Application should be made available upon request to customer.

<sup>12</sup> For the avoidance of doubt, the SSBs when approving a Change of Contractor request(s) shall not take into consideration when assessing the eligibility criteria of the REC any alleged commercial dispute(s) (which may include, by way of example, a dispute regarding payment for services rendered) between the customer and a REC as a basis for not approving a Change of Contractor request.

## **2 RECORDS TO BE MAINTAINED**

- 2.1** The Body shall maintain records of all Change of Contractor Applications received and change of contractor approvals granted and copies of associated documentation generated.
- 2.2** The Body for which the nominated REC is a member shall notify the Body of the original REC of the change of contractor approval.

## **3 FORCE MAJEURE**

- 3.1** The above procedure is intended to cover the majority of cases likely to arise where a change of contractor is necessary to complete Controlled Works.
- 3.2** However, there are likely to be a number of cases arising, particularly during the transition period to the new Certification System where, for genuine reasons it will not be possible to comply fully with the above procedure, resulting in failure to have the Controlled Works completed and certified. If there are extenuating circumstances likely to cause undue hardship, the Customer (or the Body where the necessity for a change of contractor arises from failure of a REC to complete Controlled Works or rectify unsafe Controlled Works) can appoint a nominated REC to carry out and certify the Controlled Works at all times keeping the safety needs of the Customer as a priority. Any costs associated with the change of contractor procedure should be fully explained to the Customer, who has requested the change of contractor.
- 3.3** The application of a force majeure clause must be specifically authorised by the Body, it having considered all the circumstances and made whatever investigations it deems appropriate. The installation should in such cases be inspected by the Body and if the Inspector is satisfied that the installation complies with the Technical Rules, then the nominated REC can issue a Certificate.
- 3.4** A special record of such instances will be kept by the Body and reported to the Commission on a quarterly basis.

# **Common Procedure No. 4**

## *Transfer of Registration*

## TABLE OF CONTENTS

PREAMBLE .....	156
1 APPLYING FOR A TRANSFER OF REGISTRATION .....	156
2 OPERATING ARRANGEMENTS .....	157
3 REGISTRATION PROCESS .....	158
4 EVALUATION OF REGISTRATION .....	158
5 GRANTING OF REGISTRATION .....	158

## PREAMBLE

On the 24<sup>th</sup> December 2006, the Energy (Miscellaneous Provisions) Act 2006 was enacted. Under the Act, the Commission for Energy Regulation was given the legal function “to regulate the activities of electrical contractors with respect to safety”.

Section 9D(5) of the Electricity Act 1999 inserted by section 4 Energy (Miscellaneous Provisions) Act 2006 states that the Commission shall publish criteria relating to:

- electrical safety supervision;
- the safety standards to be achieved and maintained by electrical contractors; and,
- the procedures to be operated by a person appointed as a designated Body.

Further to its legislative requirements, the Commission published a Criteria Document, which established the rules governing the Regulatory System, and the obligations bestowed on participants operating within the system including RECs, the Safety Supervisory Bodies and the Distribution System Operator. Section B.2.2.3 states “*The Body may make separate provisions relating to an Application Procedure where such application involves the Transfer of Registration from any other Body to it and this shall be in accordance with the “Common Procedure No. 4 – Transfer of Registration.”*”

Essentially, this Common Procedure clarifies the process for the completion of a Transfer of Registration, including the measures that all Bodies must adhere to when sharing information on any REC. This will include the appropriate and necessary steps needed to ensure that the disciplinary record of the REC will be maintained.

## 1 APPLYING FOR A TRANSFER OF REGISTRATION

A Transfer of Registration request relates to an event whereby a REC who is or previously was a member of a Body, submits a request to register with another Body.

In order for a Body to process a Transfer of Registration request, the REC shall submit a dated written notice to the Body to which he/she requests to register with (“the Acquiring Body”). The Transfer of Registration request shall contain the following:

- the REC’s personal details including name, address and telephone number;
- current registration details including the Body the REC is currently registered with (“the Current Body”), his/her registration number, category of membership, a copy of his/her Certificate of Registration, Identification Card and insurance cover.

- a written confirmation from the REC that the REC's existing registration with the Current Body is not cancelled or suspended due to a disciplinary action, and that the REC is not the subject of any such disciplinary action, or in any other way prohibited or restricted from operating as a REC;
- a written clarification of any conditions imposed on the REC's existing registration (e.g. requirement to attend training course); and
- a signed consent form from the REC, which shall be provided to the Acquiring Body. The signed consent form shall permit the Acquiring Body to obtain information and make reasonable enquiries regarding the REC's disciplinary record, any pending disciplinary actions and his/her performance under the Performance Marking Scheme from the Current Body.

## **2 OPERATING ARRANGEMENTS**

- 2.1** The Acquiring Body shall allow a two day cancellation window, which shall enable the REC to cancel the Transfer of Registration request by notice in writing to the Acquiring Body.
- 2.2** Subsequent to the expiry of the two day cancellation window, the REC is not permitted to terminate the Transfer of Registration request.
- 2.3** The REC shall remain a member of the Current Body until he/she receives dated written confirmation that the Transfer of Registration request has been accepted by the Acquiring Body, thereby enabling the REC to continue certifying electrical works under the supervision of the Current Body, provided he/she hasn't their certification rights withdrawn.
- 2.4** The REC shall be permitted to certify Controlled Works under the Current Body, provided that he/she is still a member of the Body, is not subject to a Suspension or Revocation of Registration and until he/she receives notice followed by written confirmation that the Transfer of Registration request has been accepted by the Acquiring Body and that he/she has been registered with the Acquiring Body.

### **3 REGISTRATION PROCESS**

- 3.1** Subject to the provision of full and correct information by the REC requesting the Transfer of Registration as outlined in Section 1 above, and the expiration of the two day cancellation window as outlined in Section 2 above, the Acquiring Body shall commence the processing of the Transfer of Registration request in accordance with this Section 3.
- 3.2** In order to process the Transfer of Registration request, the Acquiring Body shall submit a dated written notification informing the REC's Current Body of the Transfer of Registration request. The Acquiring Body shall also provide a signed copy of the consent form to the Current Body and promptly make any requests and/or reasonable enquiries permitted under the signed consent form regarding the RECs disciplinary record, including any pending disciplinary actions and his/her performance under the Performance Marking Scheme.
- 3.3** The Current Body shall cooperate with the Acquiring Body in this regard and provide all requested information to the Acquiring Body as permitted under the signed consent form within five (5) working days of receipt of the written notification from the Acquiring Body.

### **4 EVALUATION OF REGISTRATION**

- 4.1** The acquiring Body shall evaluate the Transfer of Registration request in accordance with Section B 2.3 of the Criteria Document.
- 4.2** The Acquiring Body shall not approve a Transfer of Registration request while the REC is undergoing a Disciplinary Process provided for in Section D or an Appeal Process provided for in Section E of the Criteria Document with the Current Body until the completion of the Disciplinary or Appeals Process.
- 4.3** The Acquiring Body shall not approve a Transfer of Registration request from a REC, who has had his/hers Registration revoked, or whose Registration with the Current Body is currently suspended, without the prior written approval of the Commission.

### **5 GRANTING OF REGISTRATION**

- 5.1** Provided the Acquiring Body decides to approve a Transfer of Registration request, it shall promptly register the REC in accordance with Section 2.4 of the Criteria Document.
- 5.2** The REC's registration with the Current Body shall be deemed to be cancelled at the time that the Transfer of Registration to the Acquiring Body is approved.
- 5.3** The Acquiring Body shall promptly notify the REC and the Current Body in writing of the approval of the Transfer of Registration and registration of the REC with the Acquiring Body.

- 5.4** The Current Body and the Acquiring Body shall ensure that its Register is updated and amended as soon as reasonably practicable.
- 5.5** In the event of an Order pursuant to a Disciplinary or Appeals Process been issued against a REC (e.g. attend training course or subject to increased inspections), the Acquiring Body shall ensure that the Order issued is implemented post the completion of a Transfer of Registration.
- 5.6** The REC shall be advised in writing by the Acquiring Body if conditions on registration are to be imposed and the rationale for imposition of the conditions by the Acquiring Body.
- 5.7** The REC's previous record (which may include decisions or determinations in relation to disciplinary matters) and the Risk Monitoring and Performance Marking Schemes, shall transfer to, and shall stand with, the Acquiring Body.

# **Common Procedure No. 5**

## *Enforcement*

## TABLE OF CONTENTS

PREAMBLE.....	162
1 BASIS FOR ENFORCEMENT .....	163
2 ENFORCEMENT ROLE OF THE BODY .....	163
3 ENFORCEMENT ROLE OF THE REC.....	165
4 ENFORCEMENT ROLE OF THE CUSTOMER.....	165
5 ENFORCEMENT ROLE OF THE DSO.....	166
6 PROCESS FOR DEENERGISATION OF INSTALLATION .....	168
7 RECORDS TO BE MAINTAINED .....	169
8 FORCE MAJEURE.....	169
9 OTHER SAFETY ISSUES.....	169
Appendix No 1 .....	170

## PREAMBLE

Enforcement is a critical aspect of regulation and seeks to ensure that the requirements of the Regulatory System, as specified by the Commission, are adhered to in the interests of safety. Under the provisions of the Act, the new Regulatory System has statutory backing and needs to be supported with the appropriate enforcement measures.

Where Controlled Works are carried out by a REC, he/she is obliged under the Criteria Document to carry out post-connection tests and is subject to an Audit and Inspection on that basis. (Common Procedure No 1 refers). Post-connection testing is an essential requirement to prove that the various protective devices will operate satisfactorily in the event of a fault. In a domestic installation the tests required under the Technical Rules are the measurement of fault loop impedance of a final circuit and the verification of operation of RCDs. In the new Regulatory System these tests are mandatory.

In the instance where Controlled Works are carried out by a Non-REC, a Certificate is required. The Certificate can issue only after an Inspection has taken place. This will include the witnessing of tests by an Inspector of the Body. Where a new connection/re-connection is required the production of a valid Certificate involves a two stage process (PROCESS NO 1a and PROCESS NO 1b in Appendix 2 to Common Procedure No 1). The post-connection tests are required to be carried out, after the installation is made live, by the Non-REC under the supervision of the Body's Inspector, when the Certificate is finalised (Common Procedure No 2 -Third Party Inspection – refers). In addition, the Body may include a refundable element in the fee charged to ensure the Non-REC attends on site at the agreed time and that the post-connection tests are successfully completed.

The connection agreement between the DSO and the Customer requires compliance with the Distribution Code.<sup>13</sup> For users connected at low voltage, installations shall comply with the Technical Rules and any other rules and regulations issued by ETCI from time to time. Users complying with these rules and regulations shall be deemed to comply with the requirements of the Distribution Code as regards design and safety. The DSO may seek evidence that the equipment has been tested for compliance with standards. If the terms of connection are breached de-energisation of the connection will occur.

This procedure sets out the enforcement provisions required to prevent, or deal with, breaches of the Regulatory Arrangements. It specifies the requirements for enforcement with respect to the role of:

- the Body;
- the REC;
- the Customer; and,
- the DSO.

Its objective is to offer adequate incentive for Customers to arrange for the completion of post-connection tests and ensure that new electrical installations are safe.

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<sup>13</sup> The Distribution Code defines the technical aspects of the working relationships between the Distribution System Operator (DSO) and all users of the distribution system. Further information regarding the Distribution Code is available on the DSO website.

## **1 BASIS FOR ENFORCEMENT**

- 1.1 The following is a summary of the basis for enforcement in the new Regulatory System:
  - 1.1.1 The Act empowers the Commission to prescribe the rules and requirements for the new Regulatory System through the Criteria Document.
  - 1.1.2 The Act requires that any “Controlled Works”, as specified by the Commission, shall require a Certificate. Furthermore, the Act prohibits any party, other than an REC, to carry out Restricted Works.<sup>14</sup>
  - 1.1.3 The Criteria Document places obligations on both the Body and the REC. Most critically, the Criteria Document places the requirement on the REC to carry out all works in compliance with the requirements of the Technical Rules, and on the Body to monitor the RECs compliance with this key requirement and the other requirements specified therein.
  - 1.1.4 The DSO Distribution Licence<sup>15</sup>, Connection Policy and Distribution Connection Conditions<sup>16</sup> have requirements in place that all installations that require connection are in compliance with the Technical Rules.
  - 1.1.5 The Customer is the party responsible for the installation and the only party who has control over the installation. Furthermore, it is the Customer who arranges for the carrying out of electrical installation works.

## **2 ENFORCEMENT ROLE OF THE BODY**

- 2.1 The Role of the Body encompasses the following:
  - 2.1.1 REC is regulated by the Body.

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<sup>14</sup> The Act prohibits any party, other than a REC, to certify Controlled Works.

<sup>15</sup> The Commission in exercise of the powers conferred by Section 14 (1)(g) of the 1999 Electricity Regulation Act, and as amended by the European Communities (Internal Market in Electricity Regulation 2000-2008) granted ESB Networks Ltd a licence to discharge the functions of the DSO. Further information regarding the DSO Distribution Licence is available on the Commission’s website.

<sup>16</sup> Restricted Works will be defined by the Commission following public consultation.

- 2.1.2 The Body verifies that for registration, the REC meets the requirements of the Criteria Document.
- 2.1.3 The Body ensures Certificates are validated and installations checked, where necessary, before details of Certificates are sent to the DSO to enable connection or reconnection.
- 2.1.4 The Body has in place a checking/validation process for Certificates. (Refer also to Section 4 –Common Procedure No 1).
- 2.1.5 The Body inspects and audits the RECs on on-going basis to ensure they are in compliance with the Criteria Document.
- 2.1.6 Where the Body has any doubts about the validity of a Certificate (including doubts about subsystem Certification) or has received information that casts doubt over the validity of any Certification that may have previously occurred and which resulted in a premises being energised, the Body will take appropriate action to investigate the matter and inspect the installation concerned.
- 2.1.7 The identification of breaches or performance concerns by the Body regarding the REC, which may arise from the above activities may result in the Body specifying appropriate actions to be taken and / or sanctions on the REC with respect to the installations in breach of the requirements.
- 2.1.8 Furthermore, such breaches may result in disciplinary measures being taken against a REC pursuant to Section D of the Criteria Document. Such measures may, in turn, result in the following sanctions:
- Requirement to complete work/re-do work in accordance with standard;
  - Requirement to attend training or other measures in order to comply with the requirements of the Criteria Document;
  - Suspension of entitlement to self-certify;
  - Suspension of registration status; and,
  - Revocation of registration status.
- 2.1.9 The enforcement measures described will need to be supported through all reasonable efforts being made, on the most part, by the Body to inform RECs of the requirements placed upon them and to ensure that RECs understand those requirements, as set out in the Criteria Document and the Rules of Registration (including informing the RECs of the likely sanctions that would apply as a result of any breaches of these requirements).
- 2.2 The Body is also obliged to provide a Third Party Inspection service in accordance with Common Procedure No 2. It shall ensure installations which do not comply with the Technical Rules are not energised until all electrical defects are rectified.

### **3 ENFORCEMENT ROLE OF THE REC**

- 3.1** The Customer obtains a Certificate through employing a REC who carries out Controlled Works (including verification and certification), and then issues the Certificate.
- 3.2** The REC is bound by the requirements of the Criteria Document. This obliges that all works are carried out in accordance with the Technical Rules and other relevant Rules/Standards, and that Controlled Works are certified by a Qualified Certifier.
- 3.3** The Certification process shall not be used as a means of resolving a dispute between the Customer and a REC.
- 3.4** The REC shall cooperate fully with the Body undertaking Inspections and investigations, with any requirement to complete work/re-do work in accordance with standard, and implement training or other measures as directed.
- 3.5** The REC shall only issue Certificates for Controlled Works for which he/she is responsible, except in the case of a reconnection of an existing installation.
- 3.6** The REC will make reasonable attempts to ensure that Customers are informed of, and understand the relevant requirements placed on them (further to the new Regulatory System and the DSO's Connection Policy, Connection Agreement<sup>17</sup> and Distribution Connection Conditions) where a new connection/ reconnection is involved.

### **4 ENFORCEMENT ROLE OF THE CUSTOMER**

- 4.1** The Customer is, ultimately, the party who is primarily affected by the safety of the installation, has an interest and responsibility with regard to the safety of an electrical installation, and, is in control of the appointment of parties for the carrying out of any electrical installation work.
- 4.2** The Customer is obliged to comply with the Connection Conditions associated with the connection – (as determined by the DSO's Connection Policy, Connection Agreement and Distribution Connection Conditions).
- 4.3** The Customer, as the party requiring a connection or requiring a connection to be maintained, is therefore responsible for the electrical installation associated with the connection point and the adherence of same to the requirements of the connection conditions. Failure to maintain compliance with the connection conditions would result in a breach of same and may result in the assertion of the entitlement of the DSO to refuse connection or to de-energise the connection (as the case may be).

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<sup>17</sup> The Connection Agreement means an agreement between the DSO and any Customer specifying the terms and conditions for initial and ongoing connection of the Customers installation to the distribution system. Further information is available on the DSO's website.

- 4.4** The Customer is also responsible for any actions required in order to remove public safety hazards or to make his/her electrical installation fully compliant with the relevant Technical Rules.

## **5 ENFORCEMENT ROLE OF THE DSO**

- 5.1** The DSO provides connections to Customers on the basis of compliance with its distribution connection conditions. These connection conditions include the requirement for installations to be in compliance with the Technical Rules.
- 5.2** The DSO obtains such confirmation via Certificates which have been validated by the Body.
- 5.3** The Commission regulates the DSO through the Distribution Licence. This regulation includes the Commission's oversight and approval of the DSO's connection policy, and the connection conditions for offering a connection to the distribution system.
- 5.4** Through this, the Commission places conditions, with respect to safety, on the provision of a connection by the DSO to the Customer seeking connection to the distribution system.
- 5.5** The DSO sets out its conditions for connection to the distribution system in the following documents, which are subject to the approval of the Commission:
- the DSO Connection Policy;
  - the DSO Connection Agreements; and,
  - the Distribution connection conditions (known as "Conditions for Connection to the Distribution System").
- 5.6** The DSO's connection agreement requires confirmation that the Controlled Works associated with a premises has received a Certificate prior to an installation being connected for the first time or, in certain situations, before the premises can be reconnected. The DSO will receive confirmation of a valid Certificate from the Body. Thus, it is possible to prevent connection of the majority of non-compliant installations through the Regulatory Arrangements including the Body's role in validating Certificates and the Inspection and auditing of RECs.

- 5.7** RECs found in breach of these rules and requirements will be subject to sanction and connections will only be provided and maintained where the electrical installations associated with the connection is demonstrated (by means of an inspection or as may otherwise be determined by the Body and/or the Commission) to be in compliance with the Technical Rules.
- 5.8** Where the Customer fails to comply within a reasonable time with the directions issued by the Body (e.g. from the Inspector or an Authorised Officer) or the DSO with regard to an installation which has been discovered to be in breach of the Connection Agreement (with respect to the failure of the installation to be in compliance with the Technical Rules) the DSO will de-energise the connection to the networks in accordance with the specified procedures.

## **6 PROCESS FOR DE-ENERGISATION OF INSTALLATION**

- 6.1** The Commission will give formal authority to an Authorised Officer of the Body, where required, and following implementation of an process approved by the Commission, to issue to the DSO a request to de-energise premises on the grounds of public safety reasons, following the failure of a Customer to comply with a direction issued by a Body.
- 6.2** If an REC does not submit post connection tests within 35 days of supply being made available by the DSO notification must be sent to the REC pointing out that, within 10 working days of the date of the notification, he must submit a valid Post Connection Cert or a written explanation why it is not possible to comply with the notification. This notification will outline that the REC's entitlement to self-certify will be withdrawn. If the REC does not comply with the request outlined above an inhibitor is placed against his registration number on the Body's Database which will prevent the processing of any further Completion Certificates while the problem remains unresolved through the fault of the REC. The REC's entitlement to self-certify shall be withdrawn in accordance with Section B 4.2 of the Criteria document .If the REC still does not comply with the request outlined above within 15 working days the Body will then write to the Customer, pointing out the requirement to have Tests carried out and a Post Connection Test submitted either by the original Contractor or by a replacement REC. If a Post Connection Cert is received within 10 working days the Certification is closed out. If the Customer ignores or fails to act on the request within 10 working days details should be sent to CER who will commence the Process outlined in 6.3. If the REC indicates that the reason for non-compliance is due to failure of the customer to co-operate he must confirm this in writing, together with the name and address of the customer. The Body will then write to the Customer, pointing out the requirement to have Tests carried out and a Post Connection Test submitted either by the original Contractor or by a replacement REC. If a Post Connection Cert is received within 10 working days the Certification is closed out. If the Customer ignores or fails to act on the request within 10 working days details should be sent to CER who will commence the Process outlined in 6.3.
- 6.3** If the customer ignores or fails to act on the request outlined within 6.2 the issue is referred to an Authorised Officer who shall be appointed by the Commission. The Authorised Officer will contact the Customer and point out the breach of connection conditions and unless immediately rectified (i.e. within 10 working days) the DSO will be contacted to de-energise the connection.
- 6.4** The DSO will validate the request and issue a formal notice to the Customer that the connection will be de-energised giving a minimum of two (2) business days notice as per the DSO's de-energisation code of practice. The customer will also be advised that re-energisation of the connection will involve a reconnection fee.
- 6.5** The DSO will notify the Body when the de-energisation is completed.

## **7 RECORDS TO BE MAINTAINED**

- 7.1** The Body shall maintain files of all correspondence/reports/relevant documents in respect of installations involving enforcement proceedings. Separate files will be kept for each installation.
- 7.2** All enforcement proceedings shall be reported to the Commission on a quarterly basis.
- 7.3** The DSO will maintain records of enforcement directions/actions in which it is involved and provide quarterly reports to the Commission.

## **8 FORCE MAJEURE**

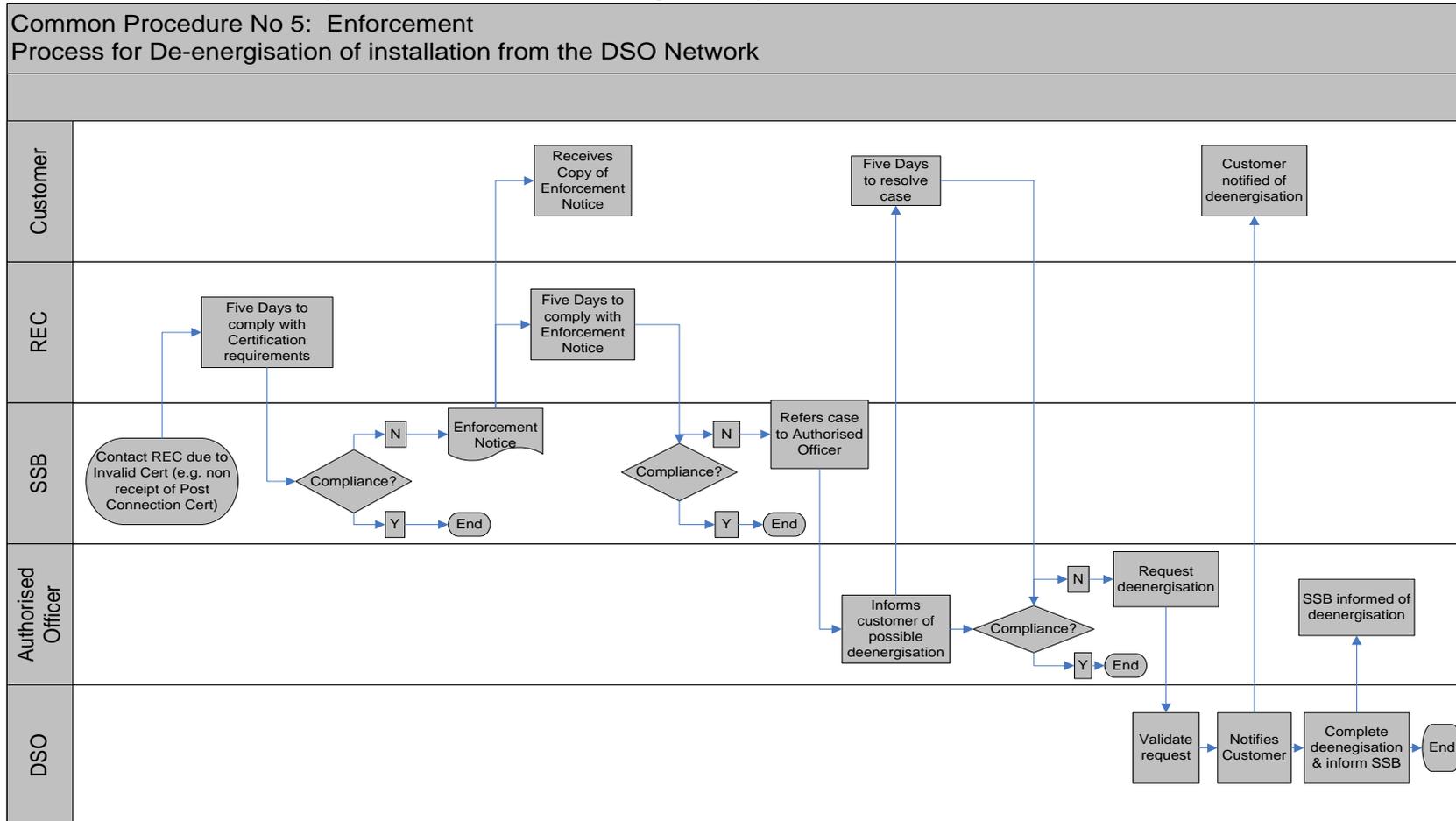
- 8.1** This Common Procedure is intended to cover the majority of cases likely to arise.
- 8.2** However, there are likely to be a number of cases arising, particularly in the transition period to the new Regulatory System where, for genuine reasons the installing contractor or a qualified representative is not available (e.g. liquidation, staff resignations) and the Customer may be unable to comply fully with the above procedure, or if there are extenuating circumstances likely to cause undue hardship. In such instances the Body may exercise its own judgment to resolve the particular issues and rectify the non-compliances in the installation.
- 8.3** This must be specifically authorised within the Body, having considered all the circumstances and made whatever arrangements it deems appropriate.
- 8.4** A record of such instances will be kept by the Body and reported to the Commission on a quarterly basis.

## **9 OTHER SAFETY ISSUES**

- 9.1** This procedure does not impact on the DSO's right or duty to de-energise installations as requested by statutory authorities such as Fire/Safety bodies, or on the right of the Body's Inspector to deal with an immediate safety hazard by disconnecting unsafe circuits in an installation or supply at the main isolator arising from a "duty of care". (see section B. 3.4.21 of the Criteria Document.)

# Appendix No 1

Attached is a swim flow representation of the deenergisation process.



# **Common Procedure No. 6**

## *Modifications*

## TABLE OF CONTENTS

PREAMBLE .....	173
1 DEFINITIONS AND INTERPRETATION .....	174
2 THE MODIFICATION COMMITTEE .....	177
3 TERMS OF REFERENCE .....	180
4 MODIFICATION COMMITTEE MEETINGS .....	182
5 MODIFICATION PROPOSALS .....	182
6 MODIFICATION PROCEDURE .....	184
7 MODIFICATION OF THE CRITERIA DOCUMENT .....	186
8 COSTS .....	187
9 GENERAL .....	187
ADDENDUM: CRITERIA MODIFICATION PROPOSAL FORM .....	188

## PREAMBLE

On the 24<sup>th</sup> December 2006, the Energy (Miscellaneous Provisions) Act 2006 was signed into law. Under the Act, the Commission for Energy Regulation was given the legal function “to regulate the activities of electrical contractors with respect to safety”.

Section 9D(5) of the Electricity Act 1999 inserted by section 4 Energy (Miscellaneous Provisions) Act 2006 states that the Commission shall publish criteria relating to:

- electrical safety supervision;
- the safety standards to be achieved and maintained by electrical contractors; and,
- the procedures to be operated by a person appointed as a designated Body.

Further to its legislative requirements, the Commission published a Criteria Document, which establishes the rules governing the Regulatory System, and the obligations bestowed on participants operating within the system including RECs, the Body and the DSO.

Section A of the Criteria Document states that:

*“The Commission may amend the Criteria Document from time to time as the Commission may deem appropriate. Any amendment may be further to consultation, as the Commission may decide is appropriate, with the parties bound by and/or affected by this Criteria Document.”*

The purpose of this document is to outline the modifications process by which any amendment of the Criteria Document is to take place.

# 1 DEFINITIONS AND INTERPRETATION

**“Act”**: the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto);

**“Alternate”**: any person selected by a Member to represent the views of the Member’s Appointing Body in the Member’s place at Modification Committee meetings.

**“Appointing Body”**: any person or persons selected by the Commission, to appoint a Member to the Modifications Committee.

**“Body”**: any person or persons appointed by the Commission, pursuant to the Act, to act as an Electrical Safety Supervisory Body;

**“Business Day”**: any day other than (a) any Saturday or Sunday or (b) any other day that is a public holiday in Ireland;

**“Commission”**: the Commission for Energy Regulation;

**“Commission’s Representative”**: the individual (if any) for the time being appointed by the Commission to the Modification Committee in accordance with these Rules;

**“Criteria Document”**: the document which is specified and published by the Commission pursuant to the Act and as may be amended from time to time;

**“Criteria Modification Proposal Form”**: the document that must be filled out in order to request a modification of the Criteria Document. See Appendix.

**“DSO”**: or “Distribution System Operator”: the Business Division (ESB Networks) of the ESB licensed to exercise the functions of the distribution system operator by the Commission;

**“ECCRP”**: the Electrical Contractors’ Criteria Review Panel;

**“ECSSA”**: the Electrical Contractors Safety & Standards Association;

**“ESB”**: the Electricity Supply Board;

**“ETCI”**: the Electro-Technical Council of Ireland;

**“Invitee(s)”**: the organisation(s) or, where the context allows, the individual(s) who are not Member(s) and who are nominated or appointed from time to time by the Commission to sit as parties on the Modification Committee;

**“Meeting Papers”**: documentation circulated to the Modification Committee Members before a meeting of the Committee in order to allow them to familiarise themselves with the items to be discussed at that meeting.

**“Member”**: any individual for the time being appointed to the Modification Committee who for the avoidance of doubt, is treated at all times and for all purposes in connection with these Rules as a representative of his/her Appointing Body;

**“Modify”**: modify, revise, amend, vary, suspend (in whole or in part), supplement, extend or replace and **“Modification”** shall be construed according;

**“Modification Committee”**: the Modification Committee for the time being in place and constituted pursuant to and in accordance with these Rules;

**“Modification Committee Chairman”**: the person appointed by the Commission to chair the Modification Committee pursuant to Rule 2.4;

**“Modification Committee Secretary”**: the individual for the time being appointed as Modification Committee Secretary pursuant to Rule 2.5;

**“Modification Procedures”**: the procedures relating to Modifications and Modification Proposals set out in these Rules;

**“Modification Proposal”**: a proposal made by a member of the ECCRP or a party nominated by the Commission;

**“Publish”**: the release and distribution to the industry and the general public of documentation and information in the form approved by the Commission, which shall include the presentation of the documentation and information through the website of the Body and the email distribution list (and/or postal distribution list) of all RECs registered with the Body;

**“RECI”**: the Register of Electrical Contractors of Ireland;

**“REC”**: a registered electrical contractor who is registered by a Body further to the requirements of the Criteria Document;

**“Rules”**: the rules contained herein, as the same may, from time to time, be modified; and **“Rule”** shall be construed accordingly;

## **2 THE MODIFICATION COMMITTEE**

### **2.1 Purpose**

The Modification Committee shall advise the Commission on proposed Modifications to the Criteria Document. However, the Commission, as owner of the Criteria Document, shall at all times reserve the right to make a final determination on a Modification.

### **2.2 Membership**

- (a) The Modification Committee shall be composed of the individuals listed in Rule 2.2.1-2.2.6 (inclusive) and any such Invitee(s) as the Commission may at its discretion, appoint to the Modification Committee; and
  - (b) Members will, as appropriate, represent the interests of and inform the Modification Committee of the views of that Member's Appointing Body in relation to Modification Proposals.
- 2.2.1 The RECs' representative: The representatives of RECs who are also members of the ECCRP shall together appoint (and as may be the case re-appoint) one representative to the Modification Committee.
  - 2.2.2 The ECSSA's representative: The ECSSA shall appoint (or as may be the case re-appoint) one representative to the Modification Committee.
  - 2.2.3 The DSO's representative: The DSO shall appoint (or as may be the case re-appoint) one representative to the Modification Committee.
  - 2.2.4 The RECI's representative: The RECI shall appoint (or as may be the case re-appoint) one representative to the Modification Committee.

2.2.5 The ETCI's representative: The ETCI shall appoint (or as may be the case re-appoint) one representative to the Modification Committee.

2.2.6 The Commissions' representative: The Commission shall appoint (or as may be the case re-appoint) one representative to the Modification Committee.

### **2.3 Appointment of Chairman**

2.3.1 The Commission shall appoint one individual, as the Chairperson for the Modification Committee meetings, and may remove and replace any individual so appointed;

2.3.2 If the person appointed as Chairperson is unable to attend, the Commission shall appoint another individual under Rule 2.4.1.

### **2.4 Appointment of Modification Committee Secretary**

The Commission shall appoint an individual (being an individual other than a Member) as the Modification Committee Secretary, and may remove and replace any individual so appointed. The Modification Committee Secretary will attend all meetings of the Modification Committee.

### **2.5 Invitees**

2.5.1 The Commission may invite where appropriate an Invitee(s) to sit on the Modification Committee. The Invitee(s) shall have the same rights as Members pursuant to these Rules, at meetings of the Modification Committee. If such Invitee(s) accept an offer by the Commission to sit on the Modification Committee, the Modification Committee Secretary shall notify all the Members of the Modification Committee of the name of the Invitee(s), the organisation that the Invitee(s) represents, and any other information the Commission deems it is appropriate to furnish to the Modification Committee.

2.5.2 The Commission reserves the right to remove and replace Invitee(s) from the Modification Committee as it deems appropriate.

## **2.6 Retirement and removal of Members**

- 2.6.1 Each Member shall serve a one year term from the 25th of February of each year.
- 2.6.2 In respect of each individual who is a Member, the Appointing Body shall, not later than the 10th of February each year, notify the Modification Committee Secretary, who is to represent them for the following year.
- 2.6.3 The Commission reserves the right to remove a Member or Invitee from the Modification Committee due to a misbehaviour, which may warrant removal. Without prejudice to the right of the Commission to immediately furnish a Member or Invitee with particulars of misbehaviour warranting removal, where a Member or Invitee behaves in a manner that might, if continued, warrant his or her removal from the Modification Committee, the Commission shall issue a written warning to that Member or Invitee. The letter shall state that any further incidence of the behaviour concerned or any other misbehaviour will result in him or her having to answer a charge of misbehaviour warranting removal.
- 2.6.4 Where the Commission has issued a warning and identified further occurrences of misbehaviour, or identified sufficiently serious occurrences of a particular misbehaviour, the Commission may remove a Member or Invitee from the Modification Committee. The Commission shall then furnish to the Member or Invitee in writing, the particulars of the misbehaviour alleged to have occurred, and invite such a Member or Invitee to provide a written response within a timeframe specified by the Commission.
- 2.6.5 The Commission shall consider any such response in deciding whether or not to proceed with the removal of the Member or Invitee in question.
- 2.6.6 The Commission shall inform the Member or Invitee of its decision regarding his/her future attendance at the Modification Committee. In the event of the Member or Invitee response not satisfying the Commission, his or her proposed removal will be notified to the Appointing Body without further notice to him or her. The Appointing Body shall have a period of ten (10) Business Days within which to notify the Modification Committee Secretary of the identity of the replacement Member to be appointed, and upon the appointment of such a replacement (which shall take effect immediately upon receipt of the relevant notice by the Modification Committee Secretary), his or her period of appointment shall cease.
- 2.6.7 It should be noted that full attendance is not required for the Modification Committee to operate. If a replacement is not nominated by the Appointing Body in question, the work of the Modification Committee may continue without the involvement of that Appointing Body's Members or Invitee(s).

- 2.6.8 Examples of misbehaviour warranting removal from the Modification Committee include, but are not limited to, persistent non-attendance, abusive behaviour and consistent failure to represent the views or interests of the Appointing Body.

## **2.7 Ceasing to be a Member**

Without prejudice to the provisions of Rule 2(7), a Member will cease to be a Member if:

- (a) he/she resigns; or
- (b) the relevant Appointing Body notifies the Modification Committee Secretary that he/she is to be replaced in which event that Appointing Body shall appoint a replacement member as its representative and shall notify the Modification Committee Secretary of the replacement no less than five (5) Business Days before the next Modifications Committee meeting.

## **2.8 Alternates**

Each Member may, from time to time, by notice to the Modification Committee Secretary appoint (or revoke the appointment of) an Alternate. The appointment (and revocation of the appointment) of any Alternate shall be conditional, and shall only be effective, upon receipt of notice by the Modification Committee Secretary and upon approval by the Commission.

An Alternate may attend any meeting of the Modification Committee which is not also attended by the Member (in his capacity as a Member) who appointed him and shall be able to exercise and discharge any and all of the functions, powers and duties of the Member who appointed him.

If a Member ceases to be a Member of the Modifications Committee, the appointment of any Alternate of the Member shall also cease.

## **3 TERMS OF REFERENCE**

The Commission shall from time to time set the Terms of Reference for the Modification Committee. The Terms of Reference for the Modification Committee shall include but not limited to making or considering, as the case may be, in accordance with these Rules, Modification Proposals;

- (a) taking into account the provisions of the Act;
- (b) taking into account the need to review the Criteria Document on a regular basis;
- (c) taking into account the likely cost implications of the Modification proposed;
- (d) taking into account representations made pursuant to a process of consultation in respect of Modification Proposals;
- (e) taking into account any other issue or matter which the Commission shall, from time to time or at any given time, direct shall be a relevant consideration for the Modification Committee.

## **4 MODIFICATION COMMITTEE MEETINGS**

### **4.1 Frequency of meetings**

Subject to Rule 4.2, meetings of the Modification Committee shall take place twenty (20) working days after each ECCRP meeting, where so requested by the Commission. Such meetings shall be convened by the Modification Committee Secretary who shall give Members seven (7) business days (or such shorter notice as the Commission may in any particular case specify) written notice thereof. Every notice convening a meeting of the Modification Committee shall specify the place, day and time of the meeting and enclose an agenda, all Modification Proposals received by the Modification Committee Secretary before the date of the Notice, and all relevant materials. Supplementary meetings may be called by the Commission, as and when the Commission determines necessary.

### **4.2 Location and form of meetings**

4.2.1 Meetings of the Modification Committee will take place in a venue specified by the Commission.

4.2.2 Meetings of the Modification Committee may take place by means of any audio, audio-visual or interactive communication provided that each Member shall be able to communicate to each of the other Members and be heard by each of the other Members simultaneously.

### **4.3 Minutes**

4.3.1 The Modification Committee Secretary shall take minutes of every meeting of the Modification Committee and shall circulate copies of the minutes to every ECCRP Member.

4.3.2 The Commission shall publish the minutes of every meeting of the Modification Committee on its web-site after circulation by the Modification Committee Secretary.

## **5 MODIFICATION PROPOSALS**

5.1 A Modification Proposal shall be submitted to the Modification Committee Secretary.

5.2 A Modification Proposal may be made by:

- (a) members of the ECCRP;
- (b) or any party nominated by the Commission.

### **5.3 Form of Modification Proposals:**

5.3.1 Each Modification Proposal shall:

- (i) be submitted electronically to the Modification Committee Secretary using the “*Criteria Modification Proposal Form*”, appended to this document. Modification Proposals shall not be accepted by any means other than email, except in exceptional circumstances, at the discretion of the Commission.
- (ii) be completed fully before submission.

5.3.2 The submission should outline:

- (i) which section(s) of the Criteria Document the proposed Modifications relate to;
- (ii) the proposed alternative wording of the section(s) in question;
- (iii) a high-level description of the proposed Modification and the justification for it;
- (iv) the impact of not adopting the proposed Modification;
- (v) what further action needs to be taken before the Modification is workable (e.g. industry consultation, legal advice, etc.)

### **5.4 Deadline for Submission of Modification Proposals**

In order to be considered for discussion at a committee meeting, Modification Proposals must be submitted to the Modification Committee Secretary no later than fifteen (15) business days before a committee meeting. Otherwise, any proposal that successfully passes the Commission’s vetting process (outlined in section 6.2 and 6.3) will only be eligible for discussion at subsequent Committee meetings at the Commission’s discretion.

## **6 MODIFICATION PROCEDURE**

**6.1** Upon receipt of a Modification Proposal from a party as set out in Section 6.2, the Secretary will enter a vetting and evaluation process.

### **6.2 Initial Evaluation of the Modification Proposal**

The Secretary shall:

(a) confirm that the proposal was submitted by an ECCRP member or a nominee of the Commission;

(b) evaluate whether the "*Criteria Modification Proposal Form*" has been filled out correctly in full.

**6.3** The Secretary shall within two (2) working days of receiving the proposal, reply to the party that has submitted the proposal. The reply shall confirm receipt of the proposal.

### **6.4 Evaluation of the Modification Proposal on basis of Merit**

If the Commission finds the proposal meets the criteria outlined in Section 6.2 (a) and 6.2 (b), it will then evaluate the merit of the proposal. In doing so the merit of the proposal will be considered in terms of Section 4 of this document (Terms of Reference) as well as any other criteria the Commission deems relevant.

The Commission shall, within five (5) working days of receiving the proposal, reply to the party that has submitted the proposal. The reply shall confirm acceptance\non-acceptance of the proposal.

The Commission reserves the right to adopt a Modification Proposal without calling a meeting of the committee. Reasons as to why this might happen include, but are not limited to the Modification Proposal being of a minor nature or if time were a critical factor in adopting a Modification.

### **6.5 Non- Acceptance of a Modification Proposal**

In the case of a Modification Proposal not meeting the criteria of Sections 6.2-6.4, the Commission will return the proposal to its author, stating why it has decided not to accept the Modification Proposal.

The Commission reserves the right of non-acceptance of proposals which it believes are not within the scope of the Criteria Document.

## **6.6 Acceptance, Recording and Circulation of a Modification Proposal**

Once a Modification Proposal has been accepted for consideration by the Commission, it shall be recorded and filed by the Commission, and allocated an individual identification number.

The Secretary shall circulate the Modification Proposal(s), as part of the Meeting Papers, six (6) working days (or such shorter notice as the Commission may in any particular case specify) before the next Committee Meeting.

A meeting agenda shall be included within the Meeting Papers. It will specify which proposals shall be discussed at the next meeting, and which shall be carried over for future discussion or otherwise.

It is at the discretion of the Commission to decide which proposals it wishes to include for discussion at Committee Meetings, taking into consideration the relative importance and/or urgency of such proposals and the resources available to it.

## **6.7 Discussion of Modification Proposals at Committee Meetings**

Where proposals are included for discussion at a Modifications Committee meeting, the Commission shall give a brief presentation on the proposal at hand. The matter will then be left open for general discussion with the Committee.

The Modifications Committee shall seek to arrive at an agreed position on the Modification Proposal, which shall be finalised and presented to the Commission for consideration.

The Commission shall consider issues raised by Committee Members when making its final decision in relation to the proposal, and may request that any Committee Member make a written submission to the Commission subsequent to the meeting, outlining his/her comments on the proposal.

The Commission may re-table a proposal for discussion in subsequent meetings as it sees fit.

The Commission may also, at its discretion present the proposed Modification to the ECCRP in order to obtain the opinions of its members.

## **6.8 Commission Decisions in relation to Modification Proposals**

All decisions relating to the Modification of the Criteria Document shall be made by the Commission.

If the Commission is of the opinion that, for safety or other reasons, there is an urgent need for a Modification to be adopted, it may choose to forgo the Modifications Procedure outlined in section 6.

The Commission may withhold its decision on a Modification Proposal at its discretion.

The Commission shall communicate the outcome of its Modification decisions to the ECCRP at the earliest possible convenience.

# **7 MODIFICATION OF THE CRITERIA DOCUMENT**

## **7.1 Internal Commission Review and Approval**

All draft Modifications shall be subject to review by the Commission. The Commission may direct that changes be made to draft Modifications with specific reference to the Terms of Reference of the committee. Final approval of all draft Modifications is at the discretion of the Commission.

## **7.2 Presentation to the Committee**

The Criteria Document shall be updated with respect to all approved draft Modifications and a new version of the Criteria Document drawn up. This version shall be circulated to all ECCRP Members along with the Meeting Papers.

## **7.3 Publication**

Once a new version of the Criteria Document has been presented at an ECCRP Meeting, the Commission will publish the new version of the Criteria Document on the Commission website. This new version shall be clearly numbered and the Document History updated to outline which sections have been changed.

However, the Commission reserves the right to publish updated versions of the Criteria Document before presenting it to the ECCRP. The reason as to why this might happen include, but are not limited to time being a critical factor in adopting a Modification due to an emergency.

Changes made to the Criteria Document should be communicated by ECCRP members to their constituents and by the Body to their respective registered members as soon as is practicably possible.

## **8 COSTS**

- 8.1** Each Member shall pay all of his or her costs and expenses and those of its consultants and advisors, unless otherwise determined by the Commission.
- 8.2** Should the Modification Committee need to consult any party who wishes to be remunerated, that party should only be retained and remunerated in accordance with the prior written permission of the Commission.
- 8.3** On a date no later than 5th January of each year, the Modification Committee Secretary shall submit a list of all expenses incurred by the Modification Committee for the previous calendar year to the Commission.

## **9 GENERAL**

- 9.1** The Commission is the sole owner of this Modification Procedure and reserves the right to change its content at its discretion.
- 9.2** The Commission is the sole owner of the Criteria Document and reserves the right to change its content at its discretion.

## ADDENDUM: CRITERIA MODIFICATION PROPOSAL FORM

### CRITERIA MODIFICATION PROPOSAL FORM

<b>SECTION A: CONTACT DETAILS</b>	
Name of Requesting Organisation	
Contact Name	
Telephone Number	
E-mail Address	
Date Modification Request Raised	

<b>SECTION B: MODIFCATION DETAILS</b>	
Modification Title	
Sections affected by Modification Proposal	e.g. sections 1.2.3 to 1.2.5

<b>Proposed Alternate Wording</b>
Clearly show your proposed alternate wording to the above stated sections.
<b>Modification Proposal Justification</b>
Clearly state the reason for the Modification and how it affects the Criteria Document.

<b>Implication of not Implementing the Modification</b>
<p>Clearly state the possible outcomes should the Modification not be made, or how the Code Objectives would not be met.</p>

**Please return this form to Secretary by e-mail to [modifications@cer.ie](mailto:modifications@cer.ie)**

<b>SECTION C: (FOR CER USE ONLY)</b>	
Submitted by	
Date Proposal Received by Secretary	
Type of Proposal (Urgent/Standard)	
Tracking Number	