



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Vision for the Regulation of Electrical Contractors with respect to Safety

A Consultation Document

CER/07/ 127

17th August 2007

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1. Introduction and Overview

1.1 Introduction

Under the provisions of the Energy (Miscellaneous Provisions) Act 2006 (“the Act”), the Commission for Energy Regulation (“the Commission”) will have responsibility for the regulation of the activities of electrical contractors with respect to safety. The Commission intends to implement a new system for regulating the electrical contracting industry in that regard (“the new regulatory model”). This will be developed and managed by the Commission in line with the obligations arising from the Act.

The first step in this implementation programme is the development of a Vision document (this document). This document outlines, at a high level, how the Commission intends to discharge the responsibilities bestowed upon it by the Act and the proposals on how the new regulatory model will operate. It will outline the proposed objectives that the new regulatory model will target and its scope, together with presenting the Commission’s views on certain key issues relating to it.

The development of a Vision document is necessary in order to:

- articulate the objectives, scope, design and operation of the proposed new regulatory model;
- ensure that the general public has a clear view on how the Commission intends to implement and regulate the activities of electrical contractors with respect to safety in an effective and efficient manner; and,
- provide clarity and certainty to the electrical contracting industry and key stakeholders on the operation of the new regulatory model.

The objective of this consultation paper is to elicit public and industry comment on the proposed approach of the Commission to the regulation of the activities of electrical contractors with respect to safety.

1.2 Scope of Document

This document is intended to present the Commission’s proposals on the high level design and framework for the regulation of the activities of electrical contractors with respect to safety.

Further to the conclusion of the consultation process, the Commission will consider the responses received and publish its decision, confirming the high level design of the new regulatory model.

Once that high-level design has been confirmed, the Commission will work towards the implementation of the new regulatory model. This will involve several steps and will comprise of, in the main, the following projects (as per the blueprint requirements for the new regulatory model outlined in the Act):

1. Development of a **Criteria Document** – this will encompass details concerning electrical safety supervision, the safety standards to be achieved

and maintained by electrical contractors and the procedures to be operated by a party appointed as a Designated Body. In essence, the Criteria Document will incorporate the detailed rules surrounding the operation of the new system, aimed at providing a detailed code of operation governing the main parties to the new regulatory model;

2. Development and Implementation of a **Designation Process** – the proposals concerning the appointment/designation of a body or bodies for the purposes of carrying out the day-to-day regulation of electrical contractors, concerned primarily with the registration, monitoring, inspection and audit of electrical contractors; and,
3. **Specifying the Electrical Activities and Works** to be regulated – these will determine the scope of the new regulatory model at the point of its commencement.

The high-level details on the above projects are outlined in this document as considered appropriate in order to present the Vision and comment is sought on how these elements are proposed to be treated in the context of the overall new regulatory model. However, the Commission will embark on separate consultation processes concerning the detail of the above projects¹.

Furthermore, it should be noted that this Vision Document does not present the Commission's proposals with respect to transitioning from the current regulatory model to the proposed new regulatory model. The Commission is of the view that such transitional measures cannot be dealt with properly until a decision on the high-level design and framework has been confirmed. Therefore, the Commission will give further thought to requirements of planning the transition from the current model to the new model once the Commission issues its decision on the Vision.

1.3 Document Structure

This consultation document is structured as follows:

- Section Two presents an overview of the current arrangements which are in place for the regulation of electrical contractors;
- Section Three presents the legislative requirements concerning the new regulatory system – which forms the basis of the functions, powers and obligations of the Commission concerning its function to regulate the activities of electrical contractors with respect to safety;
- Section Four presents the Commission's proposals on the objectives and its high-level approach for the design and framework for the new regulatory system for regulating the activities of electrical contractors with respect to safety;
- Section Five presents the Commission's proposal for the key elements of the new regime. It provides an outline of the design of these key elements, together with the considerations and issues associated with each;
- Section Six presents the Commission's proposals and consideration for other issues complementary to the basic framework proposals as set out in Sections Four and Five;

¹ The detail of these projects is considered outside of the scope of this consultation as it will be very much informed by the conclusions reached as a result of this consultation process.

- Section Seven and Eight present the Commission’s proposals concerning legal framework and governance arrangements for the new regulatory model; and,
- Section Nine presents the Commission’s conclusion on its Vision.

1.4 Consultation and Next Steps

In presenting this paper for consultation, the Commission invites comment on:

- The high-level objectives, scope and design; and
- The specific issues high-lighted at the end of each section.

Responses to this consultation are requested by the close of business on 21st September 2007 and should be in writing and submitted, via email preferably, to Karen Trant at:

Email: ktrant@cer.ie.
Postal Address: Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24.

Further to the Commission’s consideration of the comments received, the Commission will publish its decision on the Vision and high-level design of the new regulatory model. The Commission will then proceed, as outlined in Section 1.2 above.

2. Overview of Existing Regulatory Arrangements

This section sets out, as a background to the development of the new regulatory model, an overview of the current regulatory model in operation. It presents the key elements of this regulatory model and the key strengths and weaknesses of this as identified by the Commission and industry stakeholders. These are key factors influencing the Commission's approach to the objectives for, and design of, the new regulatory model.

2.1 Existing Regulation of Electrical Contractor Safety

It should be noted that the term "electrical contractors" and/or "registered electrical contractors" in this document refer to an electrical contracting entity. This may be either an individual sole trader operating as the electrical contractor or may be a larger operation, constituting many individual operatives. The terms relate to the party with whom the customer will have, or has, entered into the contract for the carrying out of electrical works.

The electrical contracting industry, at the low voltage level, has been self-regulated since 1992, with industry standards in place since 1972.

In 2000, a review was carried out by an Interdepartmental/Agency Review Group on Public Safety concerning the regulation of electrical contractors. At the subsequent request of the then Minister for Public Enterprise, the Commission recommended a regulatory system for electrical contractors that:

- built on the strengths of the voluntary system;
- addressed the weaknesses that existed; and,
- provided the Commission with statutory authority to act as Supervisory Regulator with the power to issue licences to self-regulatory bodies in the then upcoming Electricity Bill.

Until such statutory authority was provided, the Commission agreed to assume the role of Supervisory Regulator.

In August 2002, an implementation timetable for the new approach was agreed and published. A working group was established and was tasked with developing detailed draft criteria, for approval by the Commission, for the issue of a regulatory licence by the Commission to Electrical Contracting Regulatory body or bodies who met these criteria. Draft Criteria were published on the 6th November 2002.

Following review by key industry stakeholders and a number of consequent amendments, the Criteria Document was approved by the Commission on 18th June 2004. It was also agreed at that time that the proposed new regulatory model be implemented on a voluntary basis by all stakeholders to further improve safety and standards in electrical installation work in advance of legislation which put the system on a firm statutory basis. This voluntary approach to the regulation of the industry was formally launched by the Minister for Communications, Marine and Natural Resources on the 23rd September 2004.

Since June 2004, the voluntary system has continued to operate with self-regulatory bodies taking on board the requirements of the Criteria Document, with the Commission acting in an oversight role. Those self-regulatory bodies currently operating within this voluntary system are:

- The Registered Electrical Contractors of Ireland, or RECI²; and,
- The Electrical Contractors Safety and Standards Association, or ECSSA³.

This existing regulatory model, as prescribed by the current Criteria Document is posited on three key elements:

1. *Electro-Technical Standard*

- The industry standard, “*ET 101 – the National Rules for Electrical Installations,*” (it being the latest published version, “the National Wiring Rules”) has been developed and published by the Electro-Technical Council of Ireland (“ETCI”) - the national body responsible for the harmonisation of standards in the electro-technical field, operating in collaboration with the National Standards Authority of Ireland (NSAI);
- This industry standard provides the fundamental basis upon which the existing regulatory system is founded given that it is the standard which electrical contractors must adhere to in the course of their work;
- The scope of these Rules apply to electrical circuits supplied at nominal voltages up to and including 1000V a.c. or 1500V d.c. which form part of installations in residential, commercial, industrial or public premises, or of installations contained in prefabricated buildings, caravans and halting sites, as well as installations for specialised purposes, such as those in agricultural and horticultural holdings.

2. *Connection Policy and Supervisory Bodies - Self-Regulatory Bodies*

- Currently, the primary incentive for adherence to the provisions of the National Wiring Rules is that the connection policy of the Distribution System Operator (DSO) requires that, in order for any new installation to be energised, it must be certified as being in accordance with the National Wiring Rules. Furthermore, the Building Regulations require that all installations be in compliance with the National Wiring Rules;
- Certification can only be provided under circumstances where:
 - 1) members of the two self-regulatory bodies, being RECI and ECSSA, have carried out the work in accordance with the requirements of their regulatory body and certified it further to testing the installation; or,
 - 2) where, further to testing and inspection of the installation by an inspector of one of the regulatory bodies, the inspector endorses/authenticates the certification of an installation carried out by a non-member of a regulatory body;
- The self-regulatory bodies only accept electrical contractors as members of their body if their operations meet certain minimum requirements which

² See www.reci.ie for further information on this Regulatory Body.

³ See www.ecssa.ie for further information on this Regulatory Body.

include (1) having appropriate training and qualifications to undertake, test and certify electrical work and (2) having suitable insurance to cover their work. Members are obliged to always work in conformance with the National Wiring Rules;

- Thus, the self-regulatory bodies currently provide a mechanism of confirming that their members possess the necessary training and competence to undertake electrical work in accordance with the National Wiring Rules. They undertake an inspectorate role to ensure members conform with the above minimum requirement and standards. Members who are found to contravene above requirements are subject to disciplinary proceedings by the self-regulatory body;
- The self-regulatory bodies also undertake other functions with respect to dealing with customers and handling complaints relating to Registered Electrical Contractors.

3. Certification System

The current system requires that only certificates in the form of the ETCI Completion Certificate are valid. This forms a declaration to the customer that the installation has been installed and tested in accordance with the required standard by a member of one of the self-regulatory bodies.

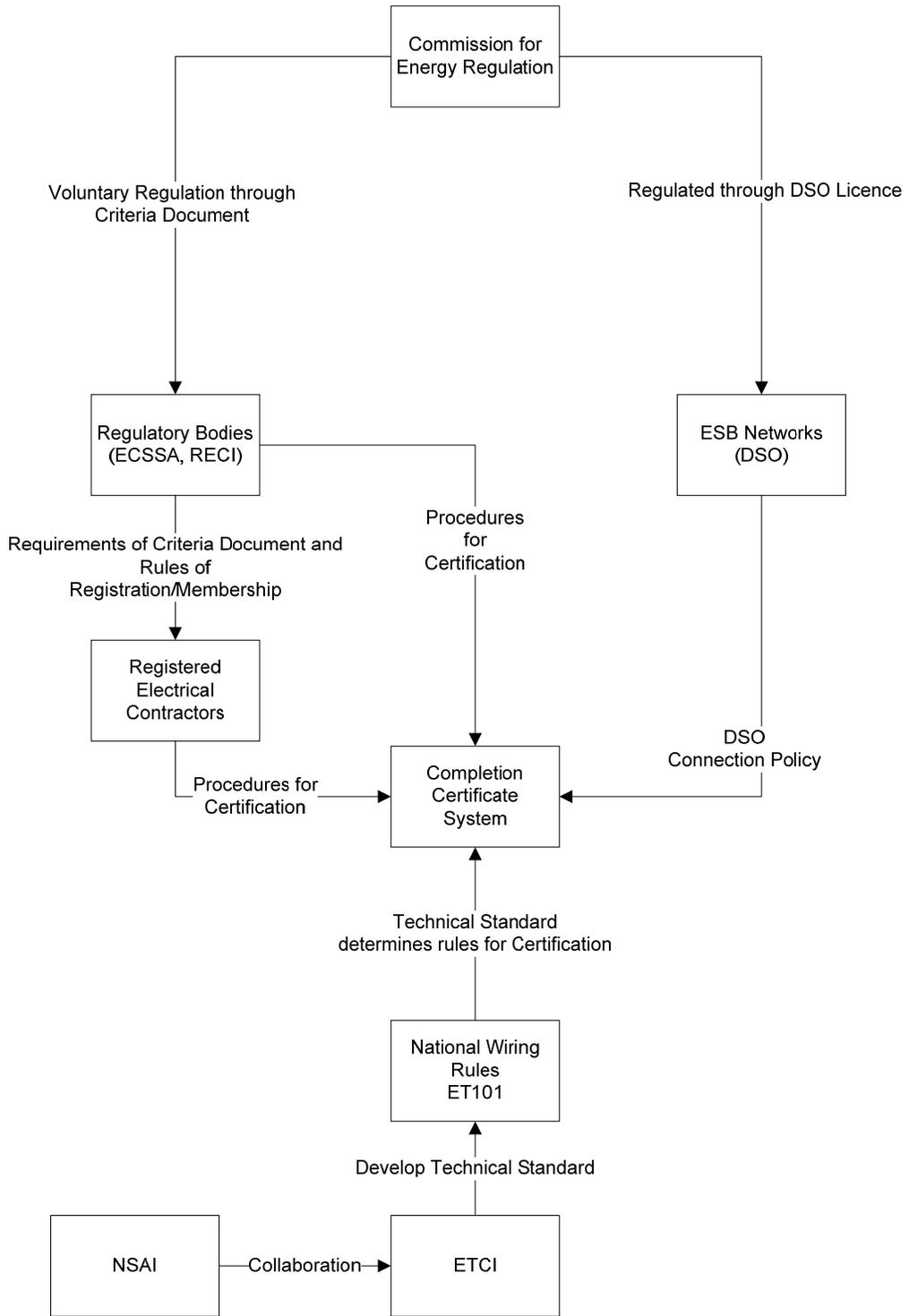
The Completion Certificate system has been successful in providing this confirmation to customers and improving the overall standards of electrical work in Ireland given that:

- The sale of ETCI Completion Certificates is restricted by the ETCI to the self-regulatory bodies only;
- The subsequent issuance of ETCI Completion Certificates by the self-regulatory bodies is restricted to its members only;
- The connection policy requirement of the DSO to only energise new installations on receipt of a valid Completion Certificate from members of the self-regulatory bodies, thereby incentivising customers to only use registered members of the self-regulatory bodies, and electrical contractors to become members of the bodies;
- Only members of a self-regulatory Body have the right to self certify his/her own work in accordance with the National Wiring Rules and the issuance of an ETCI Completion Certificate for such;
- The Completion Certificate itself provides the audit trail for the self-regulatory body to undertake the follow up audit and inspection of the work of a registered member and, thus, a means to assess the competence of that member.

The details of the current Completion Certification system are set out Appendix B.

Figure 1 below presents a diagram setting out the operation of the current regulatory model.

Current Regulatory Model Voluntary Self-Regulation



2.2 Scale of Current System

It is estimated that approximately 120,000 Completion Certificates are issued annually by Registered Electrical Contractors or further to direct inspections carried out by the self-regulatory bodies.

Furthermore, there is the region of 5,200 Registered Electrical Contractors in Ireland currently. These are individuals (sole traders) or collective entities (partnerships/companies) registered with either of the current self-regulatory bodies.

2.3 Strengths & Weakness of Existing Regulatory Model

The primary weakness of the existing regulatory model from the Commission's perspective is the lack of statutory underpinning for the regulatory approach.

Other weaknesses, as highlighted to the Commission by industry stakeholders, include:

- The differences in the operating standards/procedures of the existing self-regulatory bodies;
- The existing system does not adequately cater for those works which do not require network connection (example: the wiring of an extension). It is the view of the existing self-regulatory bodies that Completion Certificates are not issued in the vast majority of cases where a network connection is not required. It should be noted that there are large volumes and different categories of electrical work (maintenance, upgrades, sub-systems); and,
- The comparative lack of awareness among customers of the importance of the Completion Certificate as a declaration/confirmation of good installation practice.

Notwithstanding the above weaknesses, it is generally accepted that the existing regulatory model has been instrumental in the improvement in standards of electrical installation work, and consequently public safety, over the last number of years.

The regulatory system itself is, by and large, widely understood and conformed to by the industry. In particular the Completion Certificate system has been continually developed over the last number of years, and, as such, there is a considerable amount of IT infrastructure and processes in place to ensure that the system works effectively.

2.4 Where are we now?

On December 24th 2006, the Energy (Miscellaneous Provisions) Act 2006 was signed into law. Section 4 of the Act provides the Commission with the statutory authority to "*regulate the activities of electrical contractors with respect to safety*". The Act specifies the functions of the Commission associated with this authority and full details of the legislation are provided in Appendix A.

In anticipation of this statutory responsibility, the Commission established an internal team to manage its electricity safety functions, with responsibility to design, implement and subsequently operate this new function. In publishing this Vision document, the Commission is now seeking views on its approach to the

implementation of its statutory functions concerning electrical safety under the Act.

Section 2 - Key Areas for Comment

In this Section, the Commission has presented its overview of the current arrangements in place for the self-regulation of electrical contractors and outlined what it sees as the strengths and weaknesses of the current model which should be considered in its approach to the design of the new regulatory model.

Comment is now invited on:

- **the strengths and weaknesses identified;**
- **identifying any other strengths or elements of the current system which should be incorporated into the design of the new model;**
- **identifying any other weaknesses which should be considered; and/or,**
- **how these additional strengths and weaknesses should be addressed in the new regulatory model.**

3. Legislative Requirements Concerning the New Regulatory Model

There are a number of Acts and Regulations which are relevant to the regulation of the electrical contractors with respect to safety. However, the single most important piece of legislation relating to this area is the *Energy (Miscellaneous Provisions) Act 2006* as this places direct requirements on the Commission concerning the regulation of electrical contractors.

The main requirements arising from the relevant legislation as relating directly to the regulation of electrical contractors are set out in this Section. These provisions and requirements will form the blueprint for the Commission's design of the new regulatory model.

3.1 Energy (Miscellaneous Provisions) Act 2006

This Act places several new duties and functions on the Commission including specific functions concerning the regulation of both electrical installers and gas installers with respect to safety.

With respect to the regulation of electrical contractors with respect to safety, Section 4, sub-section (9)(C) of the Act states that:

"It shall be a function of the Commission to regulate the activities of electrical contractors with respect to safety".

The Act includes specific provisions and responsibilities in broadly seven areas:

1. The role of the Criteria Document within the regulatory system;
2. The designation, functioning, operation, and monitoring of Electrical Safety Supervisory Body or Bodies ("the Designated Body");
3. Obligations on electrical contractors who are registered with a Designated Body;
4. The implementation and operation of appeals procedures relating to a decision made by a Designated Body to suspend or revoke membership;
5. The determining of class or classes of work as works which require a Completion Certificate. Furthermore, the form and procedures relating to the issuance of a Completion Certificate, and the development of regulations by the Commission which makes it an offence for non-registered electrical contractors to undertake certain Restricted Works;
6. Third party inspections and Certification of Electrical Installations; and,
7. The appointment and powers of Authorised Officers and Appeals Officers;

Full details of the relevant sections of the Act are presented in Appendix A.

3.2 Other Legislation concerning Electrical Safety

The following are other areas of legislation which will influence the new regulatory model:

Electricity Regulation Act (1999)

The Commission was established under the Electricity Regulation Act, 1999. Under that Act, Section 9, sub-section (4) the Commission have the responsibility to “*have regard to the need...to promote safety and efficiency on the part of electricity undertakings*”

Thus, the Commission, in discharging its function to regulate the activities of electrical contractors with respect to safety, may support this approach via the promotion of safety and efficiency on the part of electricity undertakings. Any new requirements which may be placed upon the DSO as part of the new regulatory model can be addressed in its licence.

Other Legislation

Whilst there are other pieces of legislation which will influence the operation of the new regulatory model, they may not necessarily influence the design of the new regulatory model and, hence, are not discussed here.

Such legislation includes the following:

- the *Safety, Health and Welfare at Work Act 2005*;
- *Qualifications (Education & Training) Act 1999*; and,
- the *National Standards Authority of Ireland Act 1996*,
- *Building Control Act 1990 and Building Regulations*.

The Commission will take cognisance of this other legislation in operating the new regulatory model and will engage with the parties with responsibilities for the enforcement of such legislation to ensure that there is no duplication of functions.

4. Regulatory Objective, Approach & Scope of New Regulatory Model

This Section presents the Commission's proposals relating to the Regulatory Objective for the new regulatory model. The proposed approach in the design of the new regulatory model in order to achieve that Regulatory Objective is then presented, together with the key elements of the proposed new regulatory model. (Section 5 of this document will present the Commission's detailed consideration of and proposals for each of those elements.) This Section concludes with the Commission's proposals for the scope of the new regulatory model at the point of commencement.

4.1 Regulatory Objective

The fundamental objective of the Commission with respect to its function for electrical safety relates primarily to the protection of life and of property. (Section 4.4.1 discusses the concept of safety in this context.)

The Commission, in considering the above fundamental objective, together with the operation of the current regulatory system and the requirements of the Act, proposes the following as being the overarching objective of the new regulatory model, the "Regulatory Objective":

To protect the safety interests of customers with respect to their interaction with the electrical contracting industry through creating a regulatory system which provides for specified electrical works to be carried out, tested and certified in compliance with the appropriate safety standards.

4.2 Approach to Achieving the Regulatory Objective

The Commission aims to achieve its Regulatory Objective through the following approach:

The design and implementation of a regulatory system for the regulation of electrical contractors in line with the requirements of the legislation through:

- *Putting in place, through a **Criteria Document**, appropriate rules and standards for the regulation of the day-to-day activities of electrical contractors with respect to the safety of specified electrical works;*
- *Seeking to ensure the effective operation of the appointed **Designated Body** (or Bodies) charged with the day-to-day activities of registration, audit and inspection of registered contractors as per the requirements of the legislation and the Criteria Document; and,*
- *The operation of the Commission's **governance arrangements** for the new regulatory model.*

The new regulatory model established will:

- *be stable and robust;*
- *subject to regular review and stakeholder involvement in order to fulfil the Regulatory Objective ;*

- *ensure the Commission has the requisite powers, tools and capabilities to regulate the activities of electrical contractors with respect to safety;*
- *be supported through customer awareness programmes and promotions in order to ensure its success; and,*
- *evolve, over time, towards expanding on and improving on the activities of electrical contractors with respect to safety.*

4.3 Design of Proposed New Regulatory Model

The Commission is of the view that:

- the existing regulatory model has been instrumental in the application of and adherence to the National Wiring Rules, and consequently public safety, over the last number of years;
- there is a substantial amount of supporting infrastructure already in place, particularly relating to the Completion Certificate system; and,
- there is no generally accepted (internationally) ideal regulatory model in existence.

In light of the above, the Commission proposes to build on the strengths of the existing voluntary self-regulatory system. This will be achieved by formally adopting certain elements of the current system, with appropriate amendments to same, in order that they are given statutory backing.

As such, the new regulatory arrangements will be fundamentally consistent with the existing arrangements and the blueprint requirements of the Act insofar as it will be based on the five key elements of:

- The Criteria Document;
- The Standard Prescribed;
- The Designated Body;
- The Certification System; and,
- The Promotional Activities (“the Promotion”).

These are introduced below and each element is discussed in detail in Section 5.

- **The Criteria Document** - In the development of the new Criteria Document, the Commission will prescribe the rules for the new regulatory model and the minimum obligations on parties operating within that system. At a high level, this will aim to:
 - Provide for a fit-for-purpose and risk-based approach for the registration and ongoing regulation of Registered Electrical Contractors by the Designated Body;
 - Establish and implement a transparent and equitable process for Registered Electrical Contractors to appeal suspension and revocation decisions of the Designated Body;
 - Establish relationships/agreements with other organisations and statutory bodies, where appropriate, in the interests of strengthening the regulatory system, thereby protecting public safety; and,

- Make appropriate arrangements for dealing with the work of non-Registered Electrical Contractors;
- **The Standard** prescribed will set out the standards to which a Registered Electrical Contractor must work (the National Wiring Rules) and provide a statutory basis for that obligation. At a high level, this will aim to:
 - Specify the National Wiring Rules as the electro-technical standard to which low voltage electrical work undertaken by Registered Electrical Contractors must conform;
 - Prescribe certain electrical works to be Specified Works and Designated Electrical Works which may or must be undertaken by Registered Electrical Contractors (as the case may be) (please refer to Section 4 these works are explained and have been re-termed “Controlled Works” and “Restricted Works” respectively).
- **The Designated Body** - Designation of a Body (or Bodies) to regulate Registered Electrical Contractors undertaking specified electrical works, and enforcing the prescribed standard, based on minimum standards of competency and/or other requirements and to undertake an inspectorate role to ensure registered electrical contractors conform with the minimum requirements as set out in that standard. At a high level, this will aim to:
 - Designate a person/or persons to act as a Designated Body (“Designated Body”) and regulate Registered Electrical Contractors on a day-to-day basis;
 - Set down the regulatory standard to which a Designated Body and electrical contractors registered with it will be required to operate;
 - Monitor and regulate the Designated Body in an appropriate manner;
- **The Certification System** which provides confirmation to the customer/DSO/Designated Body that the installation has been installed and tested in accordance with the prescribed standard. At a high level, this will aim to:
 - Establish a robust self-certification of work system which allows the work and competence of a Registered Electrical Contractor to be monitored;
 - Provide the customer with confirmation that the electrical work is carried out in accordance with that standard;
- **The Promotion** of the new regulatory model in terms of raising awareness both within the electrical contracting industry and the public in order to support the operation, enforcement and success of the new model. At a high level, this will aim to:
 - Embark upon and subsequently sustain a comprehensive public and industry awareness campaign aimed at promoting awareness of and confidence in the new regulatory model;
 - Support the successful enforcement of the new regulatory model.

In the Commission’s approach to the design of the new regulatory model, it will also seek to address the identified weaknesses of the current system such as the issue of statutory authority, clarification of roles and responsibilities and harmonisation of standards/procedures of the self-regulatory bodies.

Figure 2 below presents a diagram for the operation of the proposed new regulatory model.

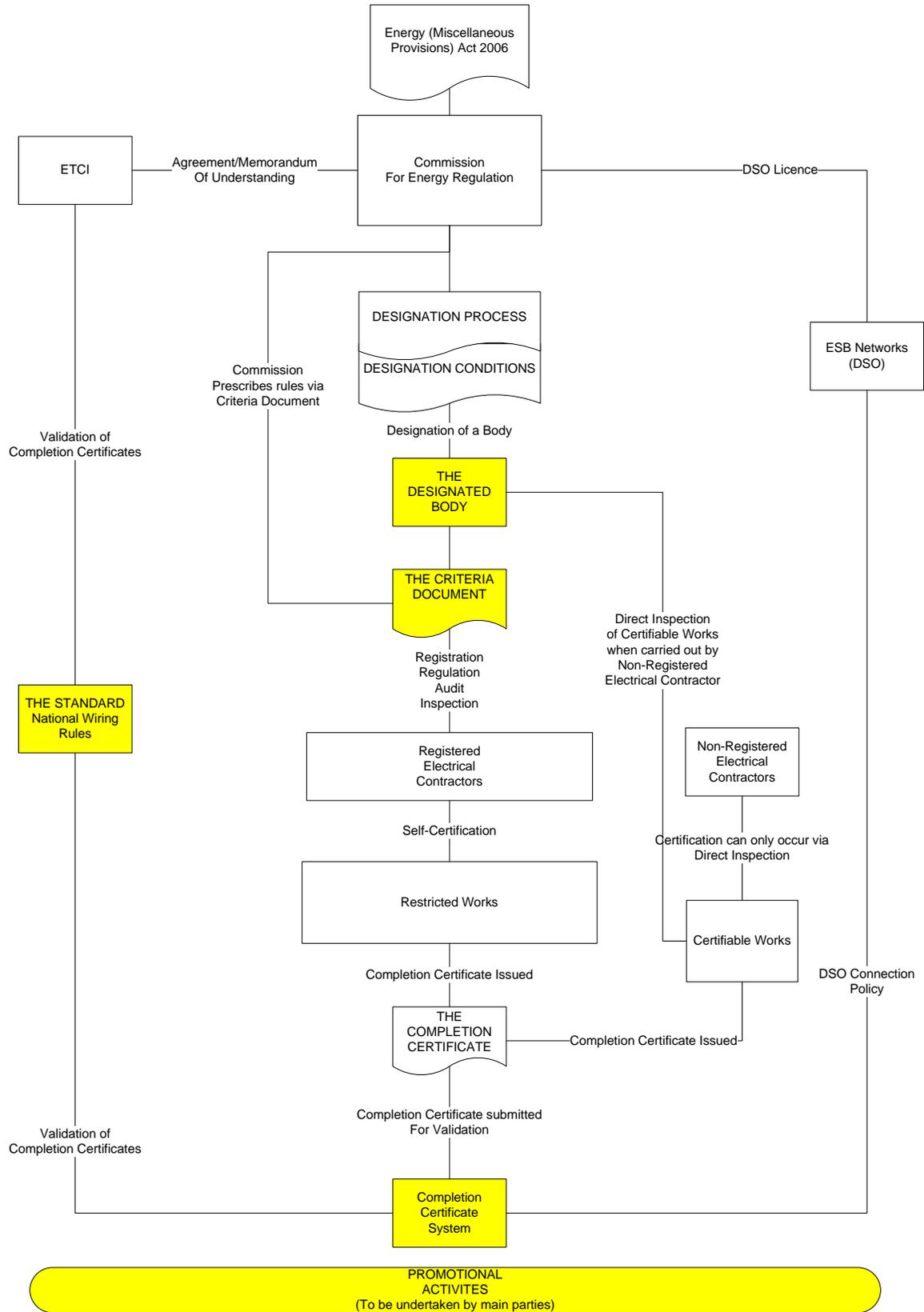


Figure 2 – Proposed New Regulatory Model (Key Elements in Yellow)

4.4 Proposed Scope of the New Regulatory Model

In determining the scope of the new regulatory model, the Commission must give consideration to the various elements within the Act.

The Act specifies the function of the Commission as being “to regulate the activities of electrical contractors with respect to safety.”

In light of the above, and in order to examine the scope of the function bestowed upon the Commission by the Act, it is therefore necessary to examine these two areas of (1) Safety, and subsequently, in that context, (2) the Activities of Electrical Contractors.

The Commission’s views on the scope of these two areas are discussed below.

4.4.1 Safety

The Act establishes the Commission’s function with respect to safety and therefore, any matters not related to safety or which are not complementary or ancillary to addressing safety matters are clearly outside the scope of the new regulatory model (for example: commercial issues facing electrical contractors).

The Act is concerned with Public Safety as distinct from Occupational Health and Safety. Occupational health and safety is the responsibility of the Health and Safety Authority. The Safety, Health and Welfare at Work Act 2005 is the main piece of legislation relating to occupational health and safety, with its primary focus on the prevention of workplace accidents, illnesses and dangerous occurrences. Therefore, the Commission is of the view that safety in the context of the new regulatory model and its function relates to the safety of the electrical work (i.e. the outputs of an electrical contractor’s work) as opposed to workplace safety of the electrical contractor.

4.4.2 Activities of Electrical Contractors to be Regulated

Within the above context of safety, the two key areas which will determine the scope of the new regulatory model are:

- the meaning of electrical contractors, which is not defined in the Act; and,
- the activities which are to be regulated with respect to safety.

Activities in this instance relates to electrical works as referred to in the Act but which are not defined. It is noteworthy that the Act provides for the Commission to prescribe the works which are to be regulated and, therefore, arising from prescribing such works, the activities of electrical contractors which are to be regulated.

The detailed scope of the new regulatory model, within that broad landscape, will be determined by the Commission’s decisions on the following parameters:

1. the interpretation of the term “Electrical Contractor”;
2. the Activities which are to be Regulated;

These are discussed in the following sections.

4.4.3 Interpretation of Electrical Contractor

As the term “electrical contractor” is not defined in the Act, the scope of the Commission’s responsibilities is dependent on the interpretation of that term.

The Commission interprets, for the purposes of the new regulatory model, the term electrical contractor to mean “*Any party carrying on those activities which are within the scope of the regulatory model*”.

4.4.4 Activities which are to be Regulated

While the legislation refers to “activities” and “electrical works”, it does not define either term. It does, however, introduce the concept of Specified Works and Designated Electrical Works:

- *Specified Works* are works which require the issue of a Completion Certificate confirming certain requirements with respect to safety associated with those works. A certificate may issue under the following circumstances:
 - where the works were carried out by a Registered Electrical Contractor, that contractor self-certifies the work they have carried out in accordance with the National Wiring Rules (following the completion of specified tests carried out by that contractor);
 - where the works were carried out by a non-Registered Electrical Contractor, and further to passing an inspection by an Inspector of a Designated Body, the electrical contractor completes a certificate which is counter-signed by the Inspector;
- *Designated Electrical Works* are electrical works which may only be carried out by a Registered Electrical Contractor.

For ease of distinction between the two classes of works above in the minds of the industry and the public, the Commission proposes that these should henceforth be referred to as follows:

- Specified Works are to be termed “**Controlled Works**” (insofar as they will be controlled through the requirements surrounding certification);
- Designated Electrical Works are to be termed “**Restricted Works**” (insofar as these works are restricted to Registered Electrical Contractors only and cannot be undertaken by an unregistered party) ;

Controlled and Restricted Works are together the works/activities to be regulated by the Commission (“Regulated Works”). Therefore, defining these will determine the scope of works which will be regulated under the new regulatory model. By doing so, the Commission will regulate electrical contractors with respect to safety in so far as their activities relate to Regulated Works. This is summarised in Figure 3 below.

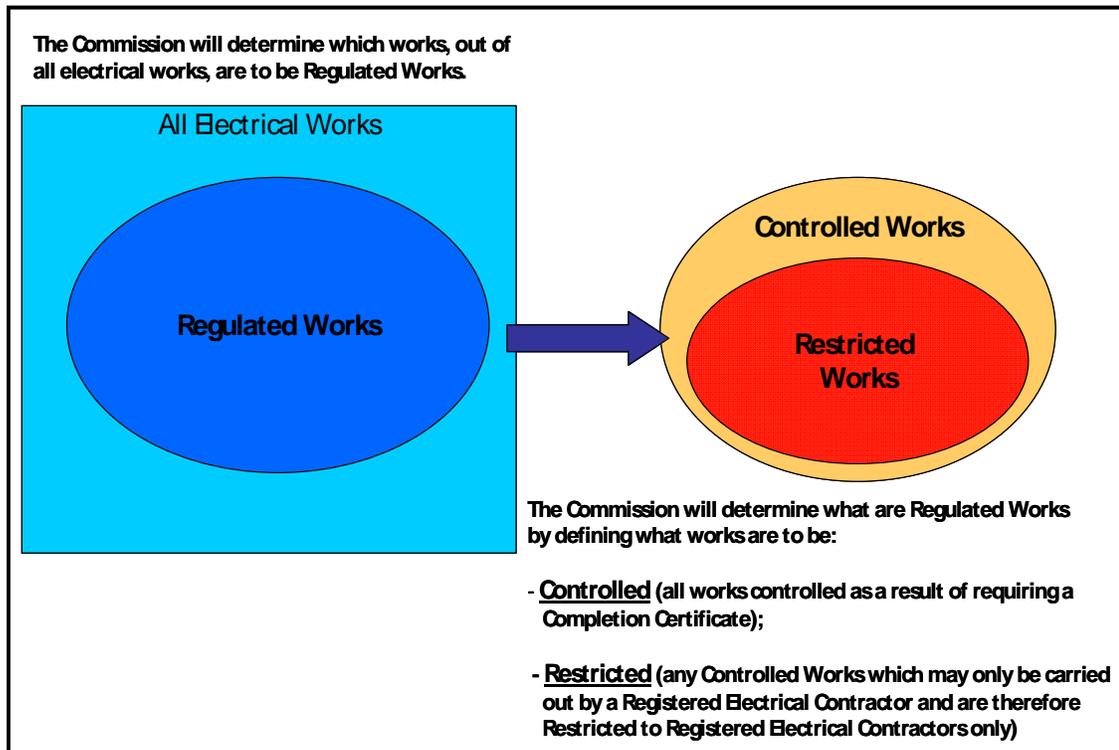


Figure 3 – Representation of Regulated, Controlled and Restricted Works.

To summarise the approach to the scope of the new regulatory model:

- The Commission will prescribe those works which will be categorised as Regulated Works (through defining, further to consultation, Controlled Works and Restricted Works);
- the legislation requires, in the case of Controlled Works, for these works to be certified and, in the case of Restricted Works, for these works to be carried out only by registered electrical contractors;
- by requiring certification for Regulated Works, the Commission will also specify the requirements with respect to certification and entitlement to certify (standards to be applied to these works in order to be certified, competence/training and other requirements associated with registration, etc.).

From the above, the Commission will therefore be prescribing on what basis works can be certified and who is entitled to certify them.

Through this, the Commission will be carrying out its function through regulating the activities of electrical contractors with respect to safety.

4.5 Technical Scope of Activities to be Regulated

The detailed scope of Regulated Works will be subject to separate consultations by the Commission. However, notwithstanding those consultations, it is appropriate, for the purposes of the Vision, to now consider the broad scope of these.

Based on its consideration of the current voluntary self-regulatory system, the Commission has the following views:

- the development of the Act by the Government was in essence driven by the desire to put the existing self-regulatory system on a statutory basis;
- there are accepted industry standards in place;
- the majority of electrical contractors are engaged in the low voltage area;
- there are currently regulations in place with respect to medium and high voltage electrical works through, among other things, the requirements of Health and Safety legislation and,
- it is widely accepted that the higher public safety risks in the electrical contracting industry arise in low voltage installations in new and existing domestic dwellings, apartments, offices, etc..

In light of the above, the Commission considers it reasonable, in the first instance, to limit the broad scope of Regulated Works, and therefore, the Commission's role to the regulation of electrical works, at the point of commencement of the new regulatory model, to the electrical installation work on Low Voltage installations (Low Voltage as defined in the National Wiring Rules).

This is on the following basis:

- The Commission is of the view that Low Voltage work presents the highest risk to public safety and the regulation of the activities of electrical contractors in this regard does not currently have any statutory backing, unlike Medium and High voltage works;
- The Commission proposes that, at the point of commencement of the new regulatory model, electrical works associated with Medium and High Voltage should be outside the scope of the system. In the Medium and High voltage work area, the systems of project management used and the involvement of consulting engineers, as well as the monitoring by the HSA of development sites, assist in mitigating the risks to public safety;

However, once the regulatory framework has been established and is operating within the above scope, the Commission will consider expanding the scope further to include electrical works in Medium and High voltage.

4.5.1 Approach to Detailed Technical Scope of Regulated Works

The above section introduced the proposals for the broad scope of the new regulatory model and the concept of Regulated Works, constituting Controlled Works and Restricted Works. Further details on the Commission's proposed approach to defining these elements of Regulated Works are presented below.

Controlled Works

The Commission will specifically outline in the Criteria Document those classes of works which it determines to be Controlled Works.

In determining what works should be classified as Controlled Works, the Commission will employ a risk-based approach to assess the safety risks

associated to each class of electrical works. Subsequently, determining the scope of Controlled Works will be informed by:

- an analysis of options of managing the specific safety risk posed by that work and whether classifying that work as “Controlled Works” is the most appropriate approach to manage the risk;
- the practicalities of enforcing such a system; and
- the need to counter against over-regulation for limited benefit.

However, at a minimum, the Commission proposes to specify in the Criteria Document that all installation work associated with new connections to the network are classified as Controlled Works (as is currently the practice - example: those works currently covered by ETCI Cert 1, 2, 3).

The detailed scoping and definition of Controlled Works will be subject to a separate consultation by the Commission.

Restricted Works

Under the Act, the Commission has the power to designate a class or classes of electrical works, by regulation, which may only be undertaken by a Registered Electrical Contractor. Under the Act, it would be an offence for a non-Registered Electrical Contractor to undertake such works.

The intention of this provision is to designate only those classes of work which present what may be reasonably considered as a substantial public safety risk. As such, those risks are best managed by restricting who may undertake such work.

A similar approach to that outlined for determining Controlled Works above will be employed by the Commission in determining what works should be classified as Restricted Works (this will be a risk-based approach). The detailed scoping and definition of Restricted Works will be subject to a separate consultation by the Commission.

In order for the Commission to designate these works they would be obliged to make draft regulations and get the approval of the Minister for Communications, Energy and Natural Resources for these, and then lay the draft regulations before each House of the Oireachtas. The regulations would not come into effect until the draft had been passed by both Houses.

Given that it will be an offence for Restricted Works to be carried out by non-Registered Electrical Contractors, and given the legal requirements in introducing them, the Commission proposes to establish the new regulatory model, as provided for by the Act, with only Controlled Works being prescribed in the first instance.

The Commission proposes not to introduce Restricted Works until such time as the industry and the public come to understand the new regulatory model and until there has been a sufficient amount of time to comply with its requirements. The Commission will consider this as part of an annual review process of the operation of the new regulatory model, or more

frequently and as otherwise deemed appropriate (for example: in light of any public safety issues arising from time-to-time).

4.5.2 Other Certification

To support the new regulatory model, and to build on other forms of certification employed in the current system, the Commission proposes that Registered Electrical Contractors will be required, under the Criteria Document, to issue to the customers other forms of Certification where a Completion Certificate is not required (as the works in question completed are not Regulated Works). For example, Certification further to the inspection of an installation (Periodic Inspection Report) or where minor works are undertaken. It is proposed use of these certificates will be confined to Registered Electrical Contractors only.

The Commission believes that this approach is appropriate in order to:

- ensure that all work of a Registered Electrical Contractor can be monitored by the Designated Body;
- protect the customer insofar as these other Certificates be a confirmation from the Registered Electrical Contractor that the electrical work is carried out in accordance with the National Wiring Rules;
- The ability to provide these other Certificates could be considered an additional key service which may be provided (exclusively) by Registered Electrical Contractors.

The procedures and processes to be followed and records to be maintained, by Registered Electrical Contractors and a Designated Body relating to these other Certificates will be outlined in the Criteria Document. However, at a minimum, the following is proposed to apply:

- These certificates will be managed by the ETCI in a similar manner to its role for Completion Certificates;
- the issue of such forms/certificates by the Designated Body will be restricted to Registered Electrical Contractors only and will be required to be controlled in a similar manner to Completion Certificates;
- the Registered Electrical Contractor will not be required to return such Certificates to the Designated Body for validation (as is the case for Completion Certificates). Rather, the Certificate must be retained by the Registered Electrical Contractor and may be subject to inspection and audit by the Designated Body.

Section 4 - Key Areas for Comment

Comment is now invited on the following:

- The Regulatory Objective presented;
- The overall approach to achieving this Regulatory Objective, the design of the new regulatory model and the Key Elements identified for that design;
- The approach the Commission is proposing for determining the scope of the new regulatory model and the treatment of Regulated Works;
- The broad technical scope of Regulated Works as presented;
- The proposals for other certification and entitlement to issue such certification being restricted to Registered Electrical Contractors only.

5. Overview of the Key Elements of the New Regulatory Model

As presented in Section 4, the Commission proposes that the new regulatory model will be fundamentally consistent with the existing arrangements insofar as it will be posited on the five key elements of:

1. The Criteria Document;
2. The Standard;
3. The Designated Body
4. The Certification System; and,
5. The Promotion of the new regulatory model (targeting the electrical contracting industry and the public/consumers).

The Commission now outlines its high-level proposals concerning each of these key elements.

NOTE: Whilst it is the case that further, separate consultations will be carried out by the Commission on some of the key elements (for example, the Criteria Document), the broad principles of the elements and functions of same are presented here.

5.1 The Criteria Document

The requirement for the development of a Criteria Document is clearly specified in the Act (Section 4, subsection 5 (a)) which provides for the Commission to publish a Criteria Document 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.

The Criteria Document will be the key regulatory document in the new system which will specifically outline how the model will operate and be governed on a day-to-day basis. In setting out the detailed rules which the regulated parties will be governed by, it will be the key tool for the Commission in regulating both Registered Electrical Contractors and the Designated Body/Bodies. The Criteria Document is intended to serve as an open and transparent means of:

- establishing the standard for parties undergoing the designation process to be measured against;
- outlining the rights, duties and functions to be fulfilled by the Designated Body (or Bodies) and Registered Electrical Contractors;
- specifying the standards that all Registered Electrical Contractors will be obliged to comply with;
- specifying the training and competency requirements associated with the certification of work carried out by Registered Electrical Contractors;
- specifying how the Completion Certificate process will operate;

- providing a basis for the on-going assessment/audit of a Designated Body and the registered electrical contractor;
- specifying the procedures to be employed at interfaces between industry participants necessary to ensure the operation of the regulatory system; and,
- specifying the overall governance arrangements to be applied in overseeing the regulatory system.

Registered Electrical Contractors and Designated Bodies will be required to accede to the requirements and procedures of the Criteria Document.

As provided for in the Act, the Commission will publish the Criteria Document and “*may review or amend the criteria as often as it considers necessary*”. The Criteria Document will act as the mechanism through which changes to the operation of the regulatory system, be they corrective actions or improvements, will be managed by the Commission.

To enable appropriate industry involvement in the development and on-going success of the regulatory system, the Commission intends to establish an industry forum, called the Electrical Contractors’ Criteria Review Panel (ECCRP). One of the functions of the ECCRP will be to act as the mechanism for the industry to propose and discuss modifications to the Criteria Document, which, ultimately, will be presented to the Commission for decision in a transparent and open manner. This is discussed further in Section 7.

5.2 The Standard

As stated in Section 2 of this document, the ETCI has developed and published *ET 101 – the National Rules for Electrical Installations*⁴, (the “National Wiring Rules”).

It is the responsibility of the ETCI to:

- ensure that the National Wiring Rules continue to be appropriate in line with the relevant areas of international standards and as technology and accepted industry work practices change over time; and,
- provide clarity to industry stakeholders when issues of interpretation of the National Wiring Rules are raised.

Under the present voluntary system, currently registered electrical contractors are required to work in conformance with the National Wiring Rules. The Commission proposes that the National Wiring Rules, under the governance of the ETCI, continues to be used as the standard which Registered Electrical Contractors (in the new regulatory model) must work to for low voltage electrical installations.

Under the requirements of the Criteria Document, an electrical contractor will not be registered by a Designated Body unless, in accordance with the procedures of the Designated Body, it demonstrates that it has the appropriate training, qualifications and competence to carry out work in accordance with the National Wiring Rules.

⁴ These rules are subject to revision from time to time. Any reference to the National Wiring Rules is to the latest published version of the National Wiring Rules

It will be the responsibility of the Commission and, by extension, the Designated Body, to ensure that the National Wiring Rules are applied by Registered Electrical Contractors in carrying out Regulated Works. To this end, the Commission proposes to specify in the Criteria Document that all electrical works carried out by Registered Electrical Contractors must be carried out in accordance with the National Wiring Rules. Furthermore, compliance with this obligation will be a condition of their on-going registration status.

The Completion Certificate will act as the means by which adherence to the National Wiring Rules is formally certified by the Registered Electrical Contractor, and subsequently can be audited/inspected by the Designated Body.

Where it is found that a Registered Electrical Contractor has undertaken work which is not in accordance with the National Wiring Rules, he/she will be subject to disciplinary proceedings by the Designated Body.

Notwithstanding the above, the National Wiring Rules will change and develop over time. The Commission and ETCI will put in place arrangements to ensure that any changes to the National Wiring Rules are fully incorporated into the new regulatory model. These governance arrangements are outlined in Section 8 of this document.

5.3 The Designated Body

The Act provides for the Commission to appoint one or more Designated Bodies.

Section 4, subsection 9(D)(1)(a) of the Act states that:

“The Commission may appoint a person or persons to be a Designated Body.....and such body may be referred to as an Electrical Safety Supervisory Body”.

Accordingly, the Commission may appoint one or more persons as a Designated Body. The Designated Body (or Bodies) will have the primary role of registration and regulation of electrical contractors on a day-to-day basis.

The Act allows the Commission to appoint an employee to carry out the functions of a Designated Body on a temporary basis where it has not so appointed a person or persons. The Commission takes the view that on a long-term basis this option is not appropriate and proposes to commence a designation process in the near future.

It is envisaged that the key functions which a Designated Body will be required to perform on behalf of the Commission, and to be outlined in the Criteria Document, will include:

- Registration of electrical contractors (including initial application and renewal of registration);
- Monitoring the ongoing performance and competence of Registered Electrical Contractors in line with the requirements of the Criteria

Document. This will include monitoring, inspecting and auditing of the work and activities of Registered Electrical Contractors;

- Taking disciplinary actions and as appropriate, imposing sanctions on Registered Electrical Contractors (which sanctions may include suspension or withdrawal of their registered status);
- Control of the issuance, validation, sale and receipt of Completion Certificates for electrical installations;
- Arranging for the inspection of the work of non-Registered Electrical Contractors where such work constitutes a “Specified Work”;
- Engaging in promotional activities and providing information to the public; and
- Dealing with complaints from customers/the public regarding the safety of electrical works carried out by Registered Electrical Contractors.

Any Designated Body will be required to adhere to the Designation Conditions prescribed by the Commission (see Section 7) which will require, among other things, operating in accordance with the Criteria Document.

5.3.1 Designating a Body

In appointing a Body, the Commission is obliged under the Act to have regard to certain matters as follows:

- 1) In determining the number of persons to be designated, the Commission will have regard to the likely costs to be incurred by the Commission and the final customer; and,
- 2) The Act provides that in designating a Designated Body, the Commission must be satisfied that the Designated Body has or, will if appointed have, the capability and entitlement to:
 - (a) inspect any work carried out by a registered electrical contractor;
 - (b) monitor the training and safety standards of a person who is a registered electrical contractor;
 - (c) review training undertaken by a person engaged either as an employee or as an independent contractor of a registered electrical contractor;
 - (d) issue directions to a registered electrical contractor regarding the training to be given to or undertaken by a class or classes of persons engaged either as employees or as independent contractors;
 - (e) suspend the membership of a registered electrical contractor in a designated body where that registered electrical contractor is the subject of an investigation by that body into whether—
 - (i) work carried out by the registered electrical contractor concerned is not in conformance with the standard;
 - (ii) the training of employees and independent contractors engaged by the registered electrical contractor concerned is materially inadequate; or,
 - (iii) the registered electrical contractor has acted in contravention of the criteria to a material extent;

- (f) suspend or revoke the membership of a registered electrical contractor in the designated body where that body is satisfied that any of the matters specified in subparagraphs (i) to (iii) of paragraph (e) apply in respect of the contractor concerned.

Furthermore, the Act specifically states that a party acting as a trade association or performing representative functions cannot be appointed as a Designated Body.

The Commission proposes to design a designation process in a manner which will seek to ensure that the above matters can be taken into account in selecting a body or bodies. This is likely to involve, at the least, setting minimum criteria which any designated body must satisfy. These matters will also influence the Designation Conditions, discussed further below in section 7.

5.3.2 Some Key Considerations for Designation Process

The key issues which will influence the Commission's approach to and design of the designation process include the following:

1. Number of Bodies to be Designated; and
2. the Term of Designation.

Although other factors will be relevant, the Commission considers that it would be helpful to obtain industry views on these particular matters. Accordingly, views from the industry are now sought on the following points in order to assist the Commission in designing the designation process which is to be embarked upon and the Designation Conditions.

Issue 1: Number of Bodies to be Designated

As noted above, the Act allows the Commission to appoint more than one Designated Body.

In considering the number of bodies to be designated, the Act expressly provides that the Commission shall have regard to the costs likely to be incurred by the Commission in carrying out its functions (i.e. monitoring the Designated Bodies) and by final customers. The Act provides that these costs would include any amounts provided by the Commission to a Designated Body following its appointment to facilitate that body in establishing and carrying out its functions. Costs to final customers are relevant because the Commission may impose a levy to provide the relevant funding.

In determining the appropriate number of Designated Bodies, the Commission considers that the key considerations are both (i) ensuring safety and (ii) cost. Ensuring safety must always take priority.

There are several factors which are in favour of the appointment of more than one body. For example:

- In the event that one Body should lose its designated status (either further to a decision by the Commission or voluntarily), the remaining Designated Body would be required to assume the regulatory function for electrical

contractors registered with the now de-Designated Body, thus providing continuity, support and assistance to the industry in such circumstances;

- Having more than one Designated Body would provide for a level of competition between the two parties acting as Designated Bodies in terms of the costs and delivery of services. A level of competition may assist in maintaining the quality of services of the Designated Bodies and minimising costs to the industry.

On the other hand, having a large number of Designated Bodies could be counterproductive to the proper regulation of electrical contractors and this could have negative implications for safety. This designation of bodies pursuant to the Act is essentially a delegation of a regulatory function. The more Designated Bodies that are appointed, the more substantial and complex the measures and efforts that may be required in order to control, monitor and regulate the Designated Bodies. Also, the costs to the Commission and possibly end users (if the Commission funds the establishment of bodies through a levy) would, most likely, increase proportionately to the number of bodies appointed. For these reasons, the Commission is not proposing to allow an unlimited number of Designated Bodies.

The additional cost burden of regulating more than one Designated Body could be limited by limiting the maximum number of Designated Bodies to be regulated. The above-listed benefits could still be achieved by limiting designation, for example, to just two bodies. This would also facilitate efficiency in terms of co-operation, co-ordination and ensuring consistency of standards across just two organisations.

It is considered that limiting the number of bodies to be designated to two might also minimise the opportunity for confusion across the industry and, more critically, the public in terms of understanding the new regulatory model and the roles the various entities would have in that system (this issue is also considered in the context of “branding” as discussed in Section 5).

Accordingly, the Commission is proposing to engage in a competition for selection of a limited number of Designated Bodies. The Commission proposes to enter into the process with the option to designate more than one body but is considering limiting the maximum number of bodies to two. In so limiting the maximum number of bodies, the Commission would have the benefits associated with having more than one body, whilst at the same time minimising the difficulties which arise with having numerous bodies. The Commission seeks industry views on the maximum number of bodies to be appointed.

It should be noted that, regardless of the number of parties to be Designated (at the point of commencement of the operation of the new regulatory model or subsequently), all Designated Bodies will be required to co-operate with each other as specified under the Criteria Document or as may otherwise be required by the Commission.

Notwithstanding the above, the Commission would reserve the right to designate more than two bodies. The Commission would propose to keep the number of bodies under review and to ensure that at any time, the number of designated bodies assists in giving effect to the Commission's obligations under the Act.

Issue 2: Term of Designation

The Commission has considered whether the process for designation should be an open process, whereby the Commission may receive applications at any time or whether the Commission should employ a designation process only at fixed intervals, relating to the term of appointment (example: if the term of appointment is five years, the Commission will only receive applications for designation and embark on a designation process every five years).

In light of the Commission's proposals that there should be a maximum number of bodies to be designated, as noted above, it is considered appropriate to engage in a selection process. This would limit the operation of the designation process to fixed intervals. These intervals will be determined by the term of appointment of each Designated Body.

The Commission considers that the initial term for designation should be seven years and every subsequent term shall be five years in duration.

This is on the basis that for the first term, as the new regulatory model commences operation, an extended period is provided to allow for any special efforts associated with start-up etc. By the expiry of this initial seven year term, the regulatory system shall be well established and, therefore, it is proposed that subsequent terms would be limited to five years.

Retaining designated status throughout the term would be subject to a Designated Body's continued compliance with the requirements for designation as specified by the Commission in the Criteria Document and Designation Conditions.

The Commission seeks industry views on the proposed initial term of appointment of seven years. As it is not necessary at this point to decide the duration of subsequent terms, that shall not form part of the consultation.

5.3.3 Regulating the Operation of the Designated Body

Given that a Designated Body will be responsible for carrying out functions and activities on behalf of the Commission, the Commission must be in a position to satisfy itself that the requirements of the Designation Conditions and the Criteria Document are met by the Designated Body.

It is proposed that this will be achieved through a combination of the Designation Conditions, monitoring by the Commission and also the appointment by the Commission of an appeals officer as provided for under the Act, for hearing appeals to decisions of a Designated Body.

In order to allow the Commission monitor compliance by a Designated Body, the Designation Conditions will contain appropriate and comprehensive reporting obligations on the Designated Body and audit rights for the Commission.

At a minimum, it is envisaged that this would include requiring a Designated Body to:

- submit an annual plan with respect to its audit and inspection activities/programmes;
- permit audit and inspection of its premises, documents and activities by the Commission as required and on at least an annual basis;
- report to the Commission on at least a quarterly basis on basic performance indicators (which would be prescribed by the Commission); and,
- report certain complaints or incidents to the Commission as they arise (and as would be prescribed by the Commission).

Provisions along these lines will assist the Commission in assessing performance by the Designated Body and to satisfy itself a body is acting in accordance with the Designation Conditions and the Criteria on an on-going basis.

Furthermore, the Commission will also use this process to:

- Guide future audits of the Designated Body, and its Registered Electrical Contractors, to those activities or risk areas which present the most likely danger to the public;
- Provide an input into the annual review and continuing improvement of the regulatory system⁵;
- Engender trust, confidence and greater awareness amongst the general public in the effectiveness in protecting their safety interests through the inclusion of a synopsis of the new regulatory model in the annual report.

Of course, the Commission will also need to take into account and possibly investigate external factors, such as for example, complaints from Registered Electrical Contractors, applicants seeking registration with the Designated Body or from the public.

Consideration will also be given to the need to publish reports and information on the performance of a Designated Body.

The financial aspects of the regulation of the Designated Body are considered in Section 6.4.

5.4 The Certification System

One of the key elements of the new regulatory model is the establishment of a self-certification of work system for Registered Electrical Contractors. The Commission proposes that a self-certification of work system should achieve the following:

- provides the customer/user with confirmation from their electrical contractor that the Regulated Works carried out are in compliance with

⁵ The annual audit report of the Designated Body (with associated detail on any non-conformance and corrective actions required) will be shared and discussed with the Designated Body. Follow up audits will be undertaken to ensure the corrective actions are undertaken, thereby improving the regulatory system.

- the National Wiring Rules with respect to the actual installation work and the subsequent testing of the installation;
- Completion Certificates can only be issued by a Registered Electrical Contractor with the requisite competency;
- responsibility for designating the installation as being safe is placed with the Registered Electrical Contractor issuing the Completion Certificate;
- allow the work and competence of a Registered Electrical Contractor to be audited/monitored/followed up by the Designated Body and the Commission;
- be mandatory for all Regulated Works and, in the context of new connections/re-connections, mandatory before ESB Networks will connect/energise the installation.

As such, the Completion Certificate will be fundamental to the effective operation of the new regulatory model, insofar as it is the thread that links the work of the Registered Electrical Contractor on the ground to the overall Regulatory Objective of the new regulatory model, and certifies that the work has been carried out in accordance with the National Wiring Rules and therefore is satisfying the Criteria Document and therefore the statutory requirements.

5.4.1 Legislative Requirements

Sections 9(D)(5)(b)(viii),(12),(14),(18) and (27) of the Act relate to or refer to a Completion Certificate.

The Act states that the Commission shall specify a form of Completion Certificate to be used for Regulated Works and that it may specify different forms for different circumstances or different classes of electrical work and it may make provision relating to procedures to be followed and records to be maintained by Registered Electrical Contractors and a Designated Body in connection with the issue of such certificates. Furthermore, the Act states that the Criteria Document shall include the matters to be covered by a Completion Certificate.

The Commission intends to outline the format Completion Certificates will take and the processes and procedures through which they will be sold, completed and verified/validated, as well as the types of records that must be maintained This will be done in conjunction with the ETCl.

5.4.2 Commission's Proposals

The Commission is of the view that:

- the existing Completion Certificate system is widely viewed as having being successful in protecting the customer in regards to its interaction with the electrical contracting industry over the last number of years;
- is widely understood and conformed with by the industry; and,
- there is a substantial amount of supporting IT infrastructure already in place relating to the current Completion Certificate system.

The Commission proposes to build upon the strengths of the existing Completion Certificate System in the implementation of the Certification System for the new regulatory model. Thus, the Commission proposes that:

- The Commission will specify the form of Completion Certificates to be used for the new regulatory model and will work with the ETCI in the development of these;
- The ETCI will continue to manage and own the central IT system which supports the Completion Certificate Process (the processing of both electronic and paper-based Completion Certificates) and will fund the cost of management of the central IT system and producing the Completion Certificates through charging a fee;
- All Designated Bodies will be required to ensure that their IT systems interface with the ETCI's central IT system for the Completion Certificate Process;
- The DSO and Designated Bodies will be obliged to interact with this central IT system;
- Completion Certificates will only be made available to a Designated Body;
- A Designated Body will be allowed to sell Completion Certificates only to Registered Electrical Contractors;
- The procedures and processes to be followed and records to be maintained by Registered Electrical Contractors and a Designated Body relating to Completion Certificates will be outlined in the Criteria Document;
- The Completion Certificate will place responsibility for the safety of the installation work with the Registered Electrical Contractor who issued it; and,
- The requirements concerning Completion Certificates and the associated documentation, procedures and processes will be reviewed on a regular basis and amended as deemed appropriate/necessary in the interests of regulating the safety of electrical installations.

The above will be subject to formal agreement between the ETCI and the Commission.

NOTE: In light of the fact that the Registered Electrical Contractor will be obliged, under the Criteria Document, to carry out all works in accordance with the National Wiring Rules and required to issue a Completion Certificate for all Controlled Works carried out, a Registered Electrical Contractor who fails to or refuses to issue a Completion Certificate for such works, or issues a Completion Certificate which breaks the rules set out in the Criteria Document, will be subject to the disciplinary process, which may result in sanctions up to and including suspension or revocation of registration. (Sanctions resulting in the suspension or revocation of registration may be appealed to the Commission.)

5.5 The Promotion

The Commission considers the promotion of the new regulatory model as a critical element to ensuring its success. Promotion of the new regulatory model will entail two distinct strategies/objectives:

- *Promotion targeting the electrical contracting industry*
This will be essential in order to ensure that all industry players are aware of the new regulatory model and its operation and what are the obligations on electrical contractors. This relates not only to electrical contractors but also other relevant parties involved with or ancillary to the electrical contracting industry such as builders, surveyors, architects, etc.

- *Promotion targeting the public and customers*

This will be essential in order to ensure that the public and, specifically, customers of electrical installation services, are aware of the new regulatory model in so far as it applies to them and to assist in the enforcement of the new regulatory model. The following areas are to be promoted, targeting the public and customers:

- Raising awareness of the necessity, importance and advantages of selecting a Registered Electrical Contractor;
- the entitlements of the customer with respect to using a Registered Electrical Contractor (with respect to certification/declarations of conformance, etc.);
- making complaints about Registered Electrical Contractors concerning the safety of electrical work undertaken and/or other relevant matters.

The Commission will consider the specific elements and steps towards designing and implementing a promotional system to achieve the above objectives prior to the commencement of the new regulatory model. Promotional work will be coordinated with the Designated Body, the DSO and other relevant parties.

5.5.1 Branding of the New Regulatory Model

The Commission is to give careful consideration to the branding of the new regulatory model. It is considered appropriate that one brand image is presented for the new regulatory model and that this remains independent of the identity of any one party operating within the new regulatory model (i.e. the Commission or the Designated Body).

The above will provide for the brand to be distinct and independent of any party and will be focused exclusively on the function of the new regulatory model (the safety of electrical installations). This will assist in avoiding confusion (within industry and the public) as a result of:

- more than one Body being designated;
- a Designated Body being de-designated and/or the designation of another Body;
- the prior perception of the role of the Commission in terms of its other non-safety functions (concerning economic regulation).

Section 5 - Key Areas for Comment

The Criteria Document

1. The purpose of the Criteria Document and its scope;

The Standard

2. The Commission's proposal to designate the National Wiring Rules as the standard for electrical works to be regulated;
3. the Commission's proposals to specify in the Criteria Document that all electrical works carried out by Registered Electrical Contractors must be carried out in accordance with the National Wiring Rules and requiring compliance with this obligation as a condition of on-going registration;

The Designated Body

4. the scope of the key functions which a Designated Body will be required to perform on behalf of the Commission;
5. The Commission's proposals concerning its approach to determining the number of bodies to be designated;
6. The proposal concerning the initial term of designation;
7. The proposals for the on-going regulation of the Designated Body;

The Certification System

8. The proposal for ETCI to manage and operate the Completion Certificate system
9. The requirements for the Designated Bodies and Registered Electrical Contractors interacting with and using the Certification System;

The Promotion

10. The proposed approach to promotion;
11. The proposals concerning branding of the new regulatory model (relating to the use of one brand image).

6. Other Arrangements for the New Regulatory Model

This section of the document sets out the Commission's proposals for other arrangements ancillary to the new regulatory model plus further details on certain elements described in Section 5.

These are as follows:

1. The regulation of Registered Electrical Contractors;
2. The treatment of non-Registered Electrical Contractors;
3. Enforcement of the New Regulatory Model and the Customer's Role;
4. Funding of the New Regulatory Model;
5. Training; and
6. Completion Certificates as Documents of Public Record.

Each of these issues is now discussed below.

6.1 Regulation of Registered Electrical Contractors

Further to the Commission presenting its proposals for the five key elements of the new regulatory model, this section sets out the arrangements for the regulation of Registered Electrical Contractors.

Under the new regulatory model, any electrical contracting entity (be it a sole trader or larger commercial organisation) who wishes to have the right to self-certify Controlled Works, and ultimately have the right to undertake Restricted Works, must be registered with a Designated Body.

The Criteria Document will specify the requirements for registration of an electrical contractor. These will form the basis for assessment and verification by a Designated Body and will include requirements/specifications relating to:

- the appropriate levels of training and competence with respect to the certification of electrical works;
- ownership of specified testing and safety equipment which has been calibrated in accordance with the requirements specified in the Criteria Document;
- knowledge of relevant electrical standards (the National Wiring Rules);
- a system in place which enables an adequate level of supervision of electrical work by employees (where relevant);
- other requirements relating to insurance cover and other operational matters (in terms of record keeping, etc.);
- the initial procedures, to be discharged by the Designated Body, when assessing an application for registration; and,
- a requirement upon the Designated Body to develop a risk-based approach to on-going competence assessment, audit and inspection of Registered Electrical Contractors.

Registered Electrical Contractors will be required to adhere to the Terms and Conditions of Registration and, by extension, the Criteria Document. Principal among these will be the requirement to submit to audit and inspection by their

Designated Body and to participate in any Disciplinary Proceedings brought against them.

The new regulatory model will provide for protection of the rights of registered electrical contractors. Among these is the right to appeal suspension/revocation of registration to the Commission and the right to fair, consistent and timely service from the Body with whom they are registered. The Commission will require the Designated Body to publish and adhere to a quality customer service charter, will specify the minimum service levels to be provided by a Designated Body and will review/audit the performance of a Designated Body on a regular basis.

Other key aspects relating to the regulation of Registered Electrical Contractors are discussed below:

6.1.1 Regulation of Activities of Registered Electrical Contractors

It is important to note that whilst the Criteria Document will specify the overall obligations which will apply to Registered Electrical Contractors, the Commission will regulate their works as follows:

- 1) As set out in Section 4, Regulated Works will require certification and it is this certification process that will act as the key control mechanism with respect to regulating the activities of electrical contractors;
- 2) By specifying that Regulated Works require a certificate and under what conditions such a certificate can issue (compliance with the National Wiring Rules), the Commission 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 in accordance with the prescribed standard;
- 3) The Commission will specify the requirements resulting in the entitlement of a Registered Electrical Contractor 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 Registered Electrical Contractor (to be known as the Qualified Certifier).

It is important to note that the Commission will not therefore be prescribing the competence and training of all parties carrying out electrical works but rather will only be specifying the requirements in terms of competency and training of those certifying Regulated Works – i.e. the Qualified Certifier.

Thus, by controlling the:

1. requirements concerning the qualification, training and competency of the Qualified Certifier; and,
2. The grounds on which a Qualified Certifier may certify an installation;

the Commission is satisfied that only work carried out in a competent fashion (i.e. in accordance with the Standard/National Wiring Rules), certified by a competent party and that this therefore forms an adequate mechanism for regulating the activities of electrical contractors.

6.1.2 Audit and Inspection

The Registered Electrical Contractor will be subject to audit and inspection on a periodic (and random) basis as may be determined by the Designated Body. Through the Criteria Document, that contractor will be obliged to comply with the requirements of the audit and inspection.

In the instance where access to a site for the purposes of audit and/or inspection is refused (by the contractor, customer or any other party), the Act provides for the Commission to appoint an “Authorised Officer” who will have the entitlement to enter on to land/premises for the purposes of carrying out these activities.

6.1.3 Disciplinary Procedures & Appeals

One of the most important powers of a Designated Body will be the power to discipline parties registered with it. This is essential in order to ensure that standards of safety are being maintained and that any Registered Electrical Contractor who contravenes the provisions of the Criteria Document can be suitably disciplined and if necessary, expelled from a Designated Body.

The Criteria Document will specify the requirements for Designated Bodies with respect to disciplinary and appeals procedures, which will be based on the principles of natural justice and due process.

Furthermore, in order to ensure fair treatment of Registered Electrical Contractors, it is necessary to have a thorough appeals mechanism. Under the Act:

- all Registered Electrical Contractors will have the right to appeal disciplinary decisions resulting in the suspension or revocation of registration to the Commission;
- The Commission has a responsibility to appoint a person or persons to act as Appeals Officers; and,
- The Appeals Officer will duly consider and furnish a report to the Commission on any appeal submitted by a Registered Electrical Contractor relating to a decision by a Designated Body to suspend or revoke the registration of that Registered Electrical Contractor.

In the event of there being more than one body designated, it will also be of critical importance to the success of the new regulatory model to ensure fairness, equity and consistency in the treatment of disciplinary matters in each body designated.

6.2 Treatment of Non-Registered Electrical Contractors

As discussed in Section 4, the Act does not prohibit electrical works from being carried out by non-Registered Electrical Contractors⁶ but, rather, enables the Commission to determine, through the blueprint requirements concerning Regulated Works and the Certification System, what activities of electrical contractors should be regulated and how they should be regulated.

⁶ With the exception of Restricted Works, which may be carried out only by a Registered Electrical Contractor.

As proposed in the previous sections of this document:

- The scope of the Commission’s regulation of the activities of electrical contractors relates to Regulated Works in the main – these being those works deemed significant enough, in terms of risk to safety, to require regulation by the Commission (i.e. Controlled Works and Restricted Works);
- Such regulation will be achieved primarily as a result of:
 - appropriate controls being exercised through the certification requirements associated with Controlled Works; and,
 - the outright prohibition in the Act on anyone except a registered (and regulated) electrical contractor carrying out Restricted Works;
- Where Controlled Works are carried out by a registered contractor, that contractor may self-certify the works in question. Such self-certification entitlement will be subject to the adherence to stringent requirements as set out in the Criteria Document⁷.

However, consideration must also be given to the regulation of Controlled Works carried out by non-Registered Electrical Contractors, as permitted by the legislation. The following is proposed:

- The extent to which electrical works will be covered by the new regulatory model will be determined by the Commission’s prescription of Regulated Works;
- Where Restricted Works are carried out by a non-Registered Electrical Contractor, that party will be guilty of an offence under the Act;
- Where Controlled Works are carried out by a non-Registered Electrical Contractor, they will not be entitled to self-certify such works and they will not have access to the ETCI Completion Certificates for self-certification (the only recognized and valid form of self-certification under the new regulatory model);
- Under such circumstances, certification will require inspection/verification of compliance with the prescribed standard;
- This inspection/verification will be carried out by the Designated Body upon the request of a customer. This will result in, broadly, two possible outcomes:
 - 1) Should such works be in compliance with the requirements as specified by the Criteria Document/Commission/Designated Body, a certificate will issue further to the inspection and in line with the procedure to be specified through the Criteria Document; or,
 - 2) Should such works fail to be in compliance with the requirements, notice of failure with associated details, will be issued to the customer by the Inspector of the Designated Body and no certificate will issue

⁷ A Registered Electrical Contractor will be required to carry out all electrical works in accordance with the National Wiring Rules (insofar as they are applicable to such works);

until an electrical installation is “passed” in accordance with (1) above.

The Commission proposes to regulate the activities of non-Registered Electrical Contractors insofar as set out in the provisions above. It is important to note that:

- the Commission cannot fully regulate the activities of non-Registered Electrical Contractors. Rather, it is proposing that it would limit its regulatory role to those works which are Regulated Works;
- the activities of non-Registered Electrical Contractors, other than those relating to Regulated Works, will not fall within the scope of the new regulatory model. However, as described in Section 4, the Commission will determine what works are to be considered Regulated Works on the basis of risk and the scope of such works will be reviewed on an annual basis, or as otherwise deemed necessary;
- furthermore, the Commission cannot fully regulate the activities of non-Registered Electrical Contractors in carrying out such Regulated Works. However, by requiring the Completion Certificate and inspection of the Regulated Works by the Designated Body, the Commission will be in effect requiring activities to be carried out in accordance with the National Wiring Rules in order for a Completion Certificate to be issued on foot of a non-Registered Electrical Contractor having carried out such works.

6.3 Enforcement of the New Regulatory Model and the Customer’s Role

Critical to the success of the new regulatory model will be the enforcement of the requirements set out under:

1. The Act

The Act establishes the Commission as being responsible for implementing a regulatory system which complies with the requirements of the legislation.

Furthermore, the Act contains provisions relating to the enforcement of the regulatory model which includes, among other things, the entitlement to suspend or revoke registration and making it an offence for certain works to be carried out by non-registered electrical contractors and the prohibition on any party other than a Registered Electrical Contractor carrying out Restricted Works.

2. The Commission’s prescription of Regulated Works

The Commission will specify what works are to be regulated and how these are to be regulated, as described previously in this document.

3. The Criteria Document

The Commission will specify the detailed rules concerning Registered Electrical Contractors through the Criteria Document and the enforcement procedures for same (and will include disciplinary procedures).

4. *The Designated Body*

The Designated Body will be responsible for the enforcement of the requirements of the Criteria Document with respect to Registered Electrical Contractors. This will be supported by an inspection and audit regime approved by the Commission.

5. *Authorised Officer*

Under the Act, an Authorised Officer may be appointed by the Commission in order to carry out an inspection of Regulated Works.

6. *Enforcement of the DSO Connection Policy*

The Commission will continue to require the DSO to only grant new connections where the electrical installations associated with such new connections have been certified in accordance with the regulatory requirements.

7. *Enforcement by the Customer*

The above enforcement provisions will be supported by promotional activities intended to raise awareness (and adoption) of the new regulatory model within the industry and also by customers. In terms of the operation of the new regulatory model, the customer is seen as playing a central role in supporting the enforcement of the model.

This is particularly the case with respect to Controlled Works where such works may not be captured by the DSO connection policy (i.e. where Controlled Works entail works not involving a new connection, there may be no interaction with the DSO). Such works are required to be certified under the new regulatory model.

The regulation of such works will therefore need to be supported by customers:

- engaging a Registered Electrical Contractor for such works and their certification; or,
- by arranging for an inspection to be carried out by the Designated Body.

6.4 Funding of the New Regulatory Model

Under the provisions of the Act the Designated Body must be self-financing. Section 9(d)(10)(a) of the Act states that the tariffs, fees and charges imposed by a Designated Body relating to registration, inspection and any other services are approved by the Commission and that the revenue from such charges should meet the expenses and costs of the Designated Body in carrying out its functions.

In order for the Designated Body to discharge its functions, in accordance with the requirements of the Criteria Document and the Designation Conditions, it must cover its costs through the revenue it earns from registration fees, inspections fees and fees for any other services it provides (with such services approved by the Commission). These fees will be approved by the Commission.

The Act also provides for the Commission to contribute to the start-up costs of Designated Bodies.

The details of the financial aspects of the new regulatory model will be subject to consultation as part of the Commission's consultation on Designation. That consultation document will set out the Commission's proposed approach concerning:

- approval of fees and tariffs associated with the approved services as carried out/provided by the Designated Body;
- process for approval of costs of the Designated Body;
- proposals to deal with under-recovery or over-recovery, return on investment; and,
- Commission's approval of, and contribution to, start-up costs for new regulatory model, Designated Body, etc..

Notwithstanding the above, the Commission is of the view that, in designing the financial aspects for the operation of the new regulatory model, costs to the industry and the customer should be minimised whilst delivering on the Regulatory Objective.

6.4.1 Financial Structure of the Designated Body

The financial structure of the Designated Body is of importance to the Commission as it determines how the Designated Body may operate and what type of ventures it may pursue. The Commission is currently considering a number of different financial models for the Designated Body including:

1. The Designated Body could operate on a strict not for profit basis.

In the event that the Commission selects this structure for the Designated Body, it could only aim to cover the costs associated with its operation through its fees and services. The advantage in this type of structure is that it maintains the lowest possible entry fees for Registered Electrical Contractors. However, this type of structure makes no allowance for the entity to gain any return in relation to its operation. This in turn may discourage parties from seeking to be designated.

2. The Designated Body could operate a not-for-profit registration scheme while offering optional commercial services to Registered Electrical Contractors.

The Commission could require the Designated Body to ring-fence the registration process, but, allow the Designated Body to offer other commercial services to Registered Electrical Contractors. This model has the advantage in keeping costs of registration at a minimum while allowing the Designated Body to earn profit through other services.

3. The Designated Body could have a regulated return on the registration scheme.

The Commission could allow the Designated Body to make a defined return on its ventures. This would allow the Designated Body to make a return on its investment and operation. In setting the allowable return, the Commission would seek to ensure a balance between what is charged to

Registered Electrical Contractors and also what is required to make the Designated Body a viable business.

4. The Designated Body could have a regulated return on the registration scheme but also offer optional commercial services.

This would allow the Designated Body to have a return on its investment and also to earn profit through offering other services to its members.

5. Use of Incentive Based Regulation

In addition to any of the models proposed above, the Commission might also choose to provide the Designated Body with access to additional profit through incentivising certain aspects of the regime as it sees fit.

6.5 Training

The new regulatory model will require that electrical contractors meet specified criteria, to be set out under the Criteria Document, in order to obtain and maintain registration.

One such criterion will relate to the training, qualifications and competence of the electrical contractor. In order to support this, it is necessary that there are adequate facilities/provisions relating to the training, qualification and assessment of electrical contractors in order to meet the requirements of the Criteria Document in that regard.

In drafting the new Criteria Document, the Commission will be engaging with stakeholders and will be discussing and developing this matter further. It is imperative that, in order to support the new regulatory model, there is adequate access to the requisite training and assessment, which in turn must meet the required standard.

The Commission will be advancing its consideration of this issue over the coming months and will present details on this in its consultation on the Criteria Document and its proposals relating to the transition from the current regulatory model to the new regulatory model.

The above will need to take cognisance of the issue of recognition of the training and qualifications of electrical contractors registered and/or trained in different jurisdictions insofar as this is an issue for the new regulatory model.

6.6 Completion Certificates as Documents of Public Record

The Commission is of the view that, in designing the new regulatory model, consideration should be given to the uses of the new regulatory model for public safety.

It is clear that, first and foremost, the model aims to provide confirmation to the customer as to the safety of an electrical installation. This is achieved by providing for the electrical installation works to be tested in accordance with the

requirements of the National Wiring Rules and confirmation of compliance with same through the Completion Certificate.

However, in addition to providing that direct confirmation to certain parties (such as the DSO), the Commission is of the view that consideration needs to be given to the wider use and dispersal of issued Completion Certificates. The Commission is of the view that the issued Completion Certificate should become a document of public record such that any party may request a copy of the Completion Certificate from a Designated Body. This copy might be requested in the following circumstances, for example:

- Where a customer has lost or destroyed the original copy of the Completion Certificate issued;
- Where the customer may have been unable to obtain the original “Customer Copy” of the Completion Certificate – for example, where the developer/builder of the house has not provided a copy;
- Where a party is purchasing a house/premises and wishes to ascertain, as part of the surveying and due diligence exercise associated with that purchase, whether or not the original electrical installation was certified or wishes to obtain a copy of the most recent Completion Certificate or Inspection Certificate for installation in question; or,
- Where a party is renting/leasing a premises and wishes to obtain confirmation or ascertain whether the original electrical installation was certified or wishes to obtain a copy of the most recent Completion Certificate or Inspection Certificate/Report issued.

The Commission is of the view that making Completion Certificates available as documents of public record will assist the promotion and use of Completion Certificates and emphasise their importance in the minds of the electrical contracting industry and the public.

It is clear that in achieving the above, consideration will have to be given to the requirements concerning the Completion Certificate, the information it contains (for example, compliance with Data Protection legislation) and the recording and administration associated with certificates in light of this requirement. Consideration would also have to be given to the reasonable costs, and therefore reasonable charges, associated with this.

Section 6 - Key Areas for Comment

The Commission invites comment on the proposals concerning the following issues identified:

1. The regulation of Registered Electrical Contractors
2. the Commission's approach whereby it is proposing it will not be prescribing the competency and training of all parties carrying out electrical works but rather will only be specifying the requirements in terms of competency and training of those certifying Regulated Works – i.e. the Qualified Certifier;
3. The treatment of non-Registered Electrical Contractors;
4. Enforcement of the New Regulatory Model and the Customer's Role;
5. Funding of the New Regulatory Model and the considerations for the financial structure of the Designated Body;
6. Training;
7. Completion Certificates being made Documents of Public Record and therefore accessible by any party.

7. Legal Framework

The statutory basis upon which the Commission will discharge its function to regulate the activities of electrical contractors with respect to safety is provided for in the Act. As has been presented in this Vision document, this will require placing obligations on a number of parties and entering into appropriate arrangements to ensure the full discharge of the Commission's duties under the legislation. It is therefore necessary for the Commission to have the appropriate formalised legal arrangements with all of the actors in the new regulatory model in order to support and enforce this function and achieve the Regulatory Objective.

The above is of critical importance in ensuring the success of the new regulatory model and in addressing one of the key weaknesses of the current system, as outlined in Section 2, it being that the current system is operated on a voluntary basis and does not have any statutory backing.

In order for the core regulatory system to operate effectively, the Commission proposes to implement a regulatory framework involving:

1. Designated Body (or Bodies);
2. The Distribution System Operator;
3. Registered Electrical Contractors;
4. Authorised Officers;
5. Appeals Officers; and,
6. Other arrangements (as appropriate).

The underpinning legal arrangements are outlined below.

7.1 Designation Conditions

The Designation Conditions constitute the terms and conditions of appointment of a Designated Body and provide the legal underpinning of the designation decision. By requiring compliance with the Designation Conditions specified, the Commission, in designating a Body, will require each Designated Body to accede to those conditions and be bound by them. This is the key requirement in entitling the Body to describe itself as a Designated Body and have all associated privileges and responsibilities with that role.

It is envisaged that the Designation Conditions would include, among other things:

- the functions and duties of the Designated Body;
- restrictions on the activities of the Designated Body;
- non-conflict provisions;
- an undertaking to adhere to the obligations set out in the Criteria Document;
- the required legal structure for a Designated Body (which may include, if considered appropriate that it form a company limited by guarantee);
- the term for which the designation applies;
- reporting/audit requirements;
- sanctions to be imposed by the Commission in the event of breach of the Designation Conditions (including de-designation)

- procedures and obligations in the event of de-designation to provide for smooth hand-over to another Designated Body;
- obligations with respect to interaction, and co-ordination of activities, with any other Designated Body or bodies and other relevant organisations/bodies (such as the DSO and the ETCI); and,
- the obligation to implement any decision of the Commission in relation to an appeal of a decision by the Designated Body.

It is proposed that the Designation Conditions will be designed to enable the effective and efficient regulation and supervision of the Designated Body (or Bodies) (and by extension registered electrical contactors) by the Commission on an on-going basis post-designation.

7.2 Terms & Conditions of Registration

The “Terms & Conditions of Registration” are those which a Registered Electrical Contractor will be bound by. These will provide the contractual basis upon which the Designated Body will allow registration and allow an applicant to describe themselves as a “Registered Electrical Contractor” with all the associated rights and responsibilities including:

- The right of self certification; and,
- The right to undertake Restricted Works.

By accepting the Terms & Conditions of Registration, the electrical contractor is agreeing to accede to:

- The rules of registration of the Designated Body with which they are registered;
- All requirements of the Criteria Document; and,
- Disciplinary proceedings that will be undertaken by the Body in the event of non-adherence to the Terms & Conditions of Registration.

7.3 DSO Licence

In accordance with S.I.445 of 2000, in exercise of the powers conferred by the Electricity Regulation Act, 1999, the Commission has licenced ESB Networks to act as the DSO.

In the context of the DSO’s role in relation to the new regulatory model, it may be deemed necessary to amend the DSO licence to include a provision requiring the DSO to adhere to the Criteria Document. The requirements surrounding this will be considered once the details of the Criteria Document, and the requirements therein relating to the role of the DSO, are finalised. This will subsequently act as the legal basis upon which the DSO will be required to undertake any responsibilities specified under the Criteria Document.

7.4 Authorised Officer - Certificate of Appointment

The Act provides for the Commission to appoint a party to be an Authorised Officer and requires that such a party should be provided with a certificate confirming that appointment. By issuing an *Authorised Officer - Certificate of Appointment*, the Commission is formally entrusting all the powers, rights and responsibilities of an Authorised Officer to a named individual.

At a minimum, the *Certificate of Appointment* will contain:

- Name of Authorised Officer and Designated Body of which they are an employee (or otherwise, as the case may be);
- Date of issue and expiry and Location upon which it is to be used.

The Criteria Document will outline the process for the appointment of an employee of a Designated Body as an Authorised Officer, the procedures they must follow, and the responsibilities of all stakeholders towards an Authorised Officer.

7.5 Completion Certificate

Under the Terms & Conditions of Registration, a Registered Electrical Contractor is given the right of self-certification⁸. A Registered Electrical Contractor can only exercise this right in accordance with the Criteria Document. Where a Registered Electrical Contractor carries out electrical works, they will certify those works and issue the certificate to the person who requested the works to be carried out, the customer or a party acting on behalf of the customer, in accordance with the statutory requirements as required and enforced through the Act, Criteria Document and Terms & Conditions of Registration.

Through the issuing of a Completion Certificate to a customer, the Registered Electrical Contractor is providing a declaration that the work undertaken is verified and certified as complying with the National Wiring Rules. As such, the Completion Certificate is fundamental to the effective operation of the new regulatory model, insofar as it is the thread that links the work of the Registered Electrical Contractor on the ground to the Regulatory Objective of the new regulatory model.

7.6 Other Arrangements:

- *CER-ETCI Arrangements*

Through the development of a Memorandum of Understanding and a Service Level Agreement, the Commission and ETCI will confirm the arrangements for their interaction and the respective responsibilities of each in this relationship. It may include specifying the form of Completion Certificates to be used and conditions of their use (further to the statutory responsibilities placed on the Commission in that regard), the IT system supporting the Completion Certificate process, confirming changes to the National Wiring Rules and other relevant matters.

- *Arrangements with Other Parties*

The Commission is to enter into further dialogue and suitable arrangements, as deemed necessary and agreed with other relevant parties. These are parties which undertake roles that are ancillary, complementary or supportive of the new regulatory model.⁹

Section 7 - Key Areas for Comment

The Commission invites comment on the proposals concerning the legal framework, the scope and design of each of the tools identified

⁸ Unless such party is subject to disciplinary procedures/sanction or under-going initial registration assessment

⁹ Such parties may include NSAI, HSA, Fáis, FETAC and the Department of the Environment.

8. Governance Arrangements

The Commission has overall responsibility for the effective and efficient operation of the regulatory system in order to achieve the Regulatory Objective of the new regulatory model, as presented in Section 4 and has outlined how it intends to achieve this throughout this document.

The Commission now presents its proposals on the governance arrangements supporting this new regulatory model – these are the means by which the Commission will review and make changes to the key elements of the new regulatory model. These have been identified as being:

1. Governance of a Designated Body;
2. Electrical Contractors' Criteria Review Panel; and
3. Electrical Installation Safety Review Panel.

The Commission's proposals on each of the above are now presented.

8.1 Governance of a Designated Body

The Commission proposes that it will meet formally with any Designated Bodies every quarter. The purpose of this meeting will be:

- discussion on reports from the Designated Body pursuant to the reporting obligations under Criteria Document and/or Designation Conditions;
- Audit issues;
- discuss other issues of relevance to the new regulatory model; and,
- review of annual plans and progress in the delivery of these.

8.2 Electrical Contractors' Criteria Review Panel

The Commission will act as owner and manager of the Criteria Document and "*may review or amend the criteria as often as it considers necessary*". The Commission intends to establish an industry forum, called the Electrical Contractors' Criteria Review Panel ("ECCRP"). This will act as the mechanism for the stakeholders, to propose modifications to the Criteria Document.

The Commission proposes that the ECCRP will be constituted of representatives from the following stakeholders/stakeholder groups:

- Designated Bodies;
- Registered Electrical Contractors;
- ESB Networks;
- ETCL.

The roles and responsibilities of the Commission in relation to the Criteria Document will be:

- to be the owner and manager of the Criteria Document;
- to make decisions relating to the Criteria Document in line with its statutory authority and responsibilities;

- to manage the process whereby ECCRP Members and other parties may propose modifications;
- to be the final decision maker in relation to any modifications that are made to the document;
- to communicate matters in relation to the Criteria Document to all stakeholders through the ECCRP in the first instance and provide for wider communication and consultation as appropriate.

The Commission intends for the ECCRP to meet on a quarterly basis (or more frequently, as may be decided by the Commission).

8.3 Electrical Installation Safety Review Panel

The governance arrangements for safety monitoring involves the appointment of a body with responsibility for the collection and review of pertinent information on incidents, accidents and activities from various sources relating to the safety of electrical installations (on the customers' side of the meter) and their impact on the safety of the public, analysis and review of such reports and the production of summary reports and recommendations to improve standards and promote safe practices. This body is to be known as the "Electrical Installation Safety Review Panel" and will be established by the Commission and will operate as set out below.

Objectives

The objective of the Electrical Installation Safety Review Panel will be to monitor the levels of safety in installation practice and the efficiency of regulation in this area. This will involve the collection of information and the establishment of a database of comparable data to allow monitoring of safety trends in electrical installations. It is intended that this will entail the identification of high-risk groups, sectors and activities for focussed attention and the underlying causes of poor performance.

Reports and recommendations arising from these activities will subsequently influence the Commission with respect to the on-going operation of the new regulatory model with respect to such areas as the scope of the new regulatory model, the scope of Regulated Works, the requirements specified through the Criteria Document, the requirements/obligations/procedures of the Designated Body, electrical safety promotion and/or other areas.

Methodology

The methodologies adopted in collecting and analysing information should conform to best practice in this area with a view to facilitating international comparison of performance.

The types of basic information required should be carefully defined to identify where the safety failure occurred and any damage or injuries arising, the identification of the cause, and information on the nature and seriousness of the incident. Duplication in the collection of data should be avoided.

Remit of the Body.

The composition of this body should include representatives from other relevant organisations. Working with other bodies is a key requirement

involving collaborations and partnerships as appropriate and with access to sources of information. The role of the body should be proactive as well as reactive with activities ranging from safety information dissemination (websites, advertising, media) to supporting initiatives which may be embarked upon with other relevant organisations/bodies (running Safety Awards Schemes, Safety Weeks, undertaking surveys, etc.).

Possible sources of information include ETCI, Insurance Industry, Fire Officers' Reports, Designated Bodies (including Audit statistics), Government Departments, Coroners' Offices, Registered Electrical Contractors (example: for material defect problems, unsafe practices by other service providers).

Structure/Composition of the Electrical Installation Safety Review Panel

The Electrical Installation Safety Review Panel will be chaired by the Commission and its composition will be confirmed further to the completion of the Criteria Document. However, the Commission proposes that it will comprise of representatives from at least the following:

- the ETCI;
- the DSO;
- Designated Body/Bodies;
- Registered Electrical Contractors;
- Other relevant parties, including:
 - o Consumer organisation representatives;
 - o Electrical Wholesalers representatives;
 - o Other bodies as deemed appropriate.

Section 8 - Key Areas for Comment

The Commission invites comment on the proposals concerning the governance arrangements it is proposing to put in place and the scope of each of the tools identified, namely:

1. Governance of a Designated Body
2. Electrical Contractors' Criteria Review Panel (role and terms of reference, composition, etc.)
3. Electrical Installation Safety Review Panel (role and terms of reference, composition, etc.)

9. Conclusion

In Section 2 of this document, the Commission outlined its intention to build on the strengths of the current voluntary self-certification model in designing the new regulatory model for electrical safety.

Further to the requirements of the 2006 Act, the Commission has set its objective for the new regulatory model as being:

To protect the safety interests of customers with respect to their interaction with the electrical contracting industry through creating a regulatory system which provides for specified electrical works to be carried out, tested and certified in compliance with the appropriate safety standards.

The Commission has presented its proposals throughout Sections 4 to 8 of this document – these are all aimed at implementing the requirements of the 2006 Act and achieving the above objective. At a high-level, the Commission has proposed the following:

- certain works will require a Completion Certificate and certain of these works may only be carried out by Registered Electrical Contractors;
- only Registered Electrical Contractors will be entitled to self-certify (issue Completion Certificates for their work);
- electrical works will be required to conform with the standard prescribed by the Commission – the ETCI National Wiring Rules;
- the requirements for registration will be prescribed (and will relate to training, competence and other requirements, such as insurance);
- The Commission will appoint a Designated Body or Bodies. A Designated Body will be responsible for the operation and management of registration, monitoring, audit and inspection of electrical contractors together with other duties (relating to dealing with complaints from the public, public awareness campaigns, etc.);
- the detailed rules concerning registration and regulation will be set out in the “Criteria Document”. This is currently being drafted by the Commission and will be subject to a separate consultation process;
- the Commission is also embark upon a process to appoint parties to act as Designated Bodies.

The Commission’s proposals have sought to build on the key strengths of the current model, namely:

- the recognition of the Wiring Rules as the standard to be applied for all electrical installation works;
- The ETCI will continue to manage and own the central IT system which supports the Completion Certificate Process and will fund the cost of

management of the central IT system and producing the Completion Certificates through charging a fee;

- All Designated Bodies will be required to ensure that their IT systems interface with the ETCI's central IT system for the Completion Certificate Process;

Furthermore, in light of the success in the operation of the current model, the Commission has proposed that the new regulatory model, at its commencement, operate on a broadly similar scope whereby electrical works on Low Voltage electrical installations will be regulated.

The Commission identified certain weaknesses in the current model to be addressed in the new regulatory model. These were:

- The lack of statutory backing for the regulation of electrical contractors with respect to safety;
- The differences in the operating standards/procedures of the existing self-regulatory bodies;
- The existing Completion Certificate system does not adequately cater for those works which do not require network connection;
- The comparative lack of awareness among customers of the importance of the Completion Certificate as a declaration/confirmation of good installation practice; and,

The Commission has sought to address the above weaknesses in the design of the new regulatory model through the following:

- To put in place, through its prescription of Regulated Works and the requirements set out in the Criteria Document, statutory backing for the arrangements for the new regulatory model;
- To prescribe the National Wiring Rules as the standard to be adhered to for electrical installation works, through the requirements set out in the Criteria Document for registration, the carrying out of electrical works and certification;
- To ensure consistency in operating requirements and standards of Designated Bodies through the Criteria Document, the Designation Conditions and the Commission's oversight role involving monitoring, auditing and inspection of any Designated Bodies;
- To provide for other works to be certified and require the certification of these by Registered Electrical Contractors;
- To promote the new regulatory model through embarking on extensive public and industry awareness campaigns, manage the brand of the new regulatory framework such that it is clear and independent and enforce the rules concerning Regulated Works.

The Commission sees this consultation, eliciting feedback from the industry and interested parties, as a key step in the implementation of new regulatory model and the achievement of the objective of the 2006 Act and the Commission's regulatory objective for the regulation of electrical contractors with respect to safety.

Appendix A - Legislation

Sections 9C – 9E of the Energy Regulation Acts 1999 and 2000, as inserted by the Electricity (Miscellaneous Provisions) Act 2006

Function of Commission relating to Electrical Safety

9C.—It shall be a function of the Commission to regulate the activities of electrical contractors with respect to safety.

Regulation of Electrical Contractors

9D.—(1) (a) The Commission may appoint a person or persons to be a designated body for the purposes of this section and such body may be referred to as an Electrical Safety Supervisory Body.

(b) Where the Commission has not appointed a person or persons to be a designated body, or a designated body is, in the opinion of the Commission, no longer able to carry out its functions under this section, the Commission may, with the consent of the Minister, appoint an employee of the Commission to carry out those functions on a temporary basis.

(2) (a) In determining the number of persons appointed under subsection (1) the Commission shall have regard to the costs likely to be incurred—

- (i) by the Commission in carrying out its functions under this section, and
- (ii) by final customers.

(b) Paragraph 16 of Schedule 1 shall apply to any costs incurred by the Commission in carrying out its functions under this section.

(c) In paragraph (b) the words ‘any costs incurred by the Commission’ includes any moneys provided by the Commission to a designated body, following its appointment under subsection (1), to facilitate that body in establishing and carrying out its functions.

(3) A person shall not be appointed to be a designated body, or if so appointed shall cease to act as a designated body, if that person is or becomes a trade association or performs representative functions on behalf of persons working in the electrical industry.

(4) A person who does not for the time being stand appointed as a designated body shall not describe himself or herself as an Electrical Safety Supervisory Body or in a manner likely to suggest that such person is a designated body for the purposes of this section.

(5) (a) The Commission shall publish criteria (in this section referred to as ‘the criteria’) relating to—

- (i) electrical safety supervision,
- (ii) the safety standards to be achieved and maintained by electrical contractors, and
- (iii) the procedures to be operated by a person appointed as a designated body.

(b) The criteria to be published in connection with paragraph (a) shall include, but shall not be limited to, the following information:

- (i) the procedures to be adopted by a designated body for the registration of its members;
- (ii) the procedures to be followed by a person applying for membership of a designated body;
- (iii) the services which a designated body may carry out on behalf of its members to facilitate the performance of its functions;
- (iv) the standards of training and safety to be achieved and maintained by members of a designated body and the procedures to be followed by a designated body in monitoring such standards;
- (v) the procedures to be followed by a designated body for the inspection of any work carried out by one of its members, or by a person who is not a registered electrical contractor;
- (vi) the procedures to be followed by a designated body in connection with the suspension or revocation of the membership of one of its members;
- (vii) the matters to be covered by a Completion Certificate in respect of different categories or classes of electrical works and the circumstances in which each such class of certificate shall be used;
- (viii) the type of accounts to be kept by the designated body, and the manner in which such accounts should be audited;
- (ix) the method by which the accounts kept under subparagraph (viii) should be published; and
- (x) the procedures to be followed, and the records to be maintained, by a designated body or its members (where appropriate), in connection with subparagraphs (i) to (ix).

(c) The Commission may review or amend the criteria as often as it considers necessary.

(6) The Commission shall not appoint a person to be a designated body unless it is satisfied that the person is capable of complying with the

criteria, and as respects each person who is a member (in this section referred to as a 'registered electrical contractor') of that designated body that the body has, or will have if appointed, the capability and entitlement to—

- (a) inspect any work carried out by a registered electrical contractor,
- (b) monitor the training and safety standards of a person who is a registered electrical contractor,
- (c) review training undertaken by a person engaged either as an employee or as an independent contractor of a registered electrical contractor,
- (d) issue directions to a registered electrical contractor regarding the training to be given to or undertaken by a class or classes of persons engaged either as employees or as independent contractors,
- (e) suspend the membership of a registered electrical contractor in a designated body where that registered electrical contractor is the subject of an investigation by that body into whether—

- (i) work carried out by the registered electrical contractor concerned is unsafe or otherwise of an unsatisfactory standard,
- (ii) the training of employees and independent contractors engaged by the registered electrical contractor concerned is materially inadequate, or
- (iii) the registered electrical contractor has acted in contravention of the criteria to a material extent,

(f) suspend or revoke the membership of a registered electrical contractor in the designated body where that body is satisfied that any of the matters specified in subparagraphs (i) to (iii) of paragraph (e) apply as respects the contractor concerned.

(7) (a) Where a designated body decides to suspend or revoke the membership of a registered electrical contractor in that body, such designated body shall inform, in writing, both—

- (i) the Commission, and
- (ii) the registered electrical contractor concerned,

of its decision to suspend or revoke the membership of a registered electrical contractor in the designated body.

(b) A registered electrical contractor, the subject of a decision under paragraph (a), may submit an appeal, in writing, of the

decision to the Commission within 28 days of being informed of the decision.

(8) (a) The Commission shall appoint one or more persons ('Appeals Officer') to—

- (i) duly consider, and
- (ii) furnish a report to the Commission on,

any appeal submitted by a registered electrical contractor relating to a decision made by the designated body to suspend or revoke his or her membership in the designated body.

(b) The Commission shall have regard to the report of the Appeals Officer under paragraph (a) and shall advise the designated body, the Appeals Officer and the registered electrical contractor concerned of its decision to confirm, vary or set aside the decision of the designated body concerned.

(c) An appeal shall not be considered under this subsection if—

- (i) it relates to any matter the subject of proceedings before a court or other tribunal, until those proceedings are determined, or
- (ii) it is not submitted to the Commission within 28 days of the registered electrical contractor concerned being informed of the decision.

(9) Notwithstanding the generality of subsections (7) and (8), the Commission may specify the procedures to be followed by:

- (a) the Appeals Officer in considering the appeal;
- (b) the Appeals Officer in drafting his or her report to the Commission;
- (c) the designated body when suspending or revoking the membership of a registered electrical contractor; and
- (d) a registered electrical contractor who is the subject of a decision by the designated body to suspend or revoke his or her membership in the designated body, in the criteria published under subsection (5).

(10) (a) The tariff of fees and charges imposed by a designated body relating to—

- (i) membership of an electrical contractor in that body,

(ii) registration of an electrical contractor as a registered electrical contractor,
(iii) inspections of electrical works, and
(iv) any service provided to a member of a designated body by or on behalf of that body, shall be subject to the approval of the Commission.

(b) All expenses and costs incurred by a designated body in carrying out any of its functions under this section shall be defrayed by the designated body out of funds at its disposal which are obtained in accordance with paragraph (a).

(11) A person may not be a member of more than one designated body.

(12) Where a registered electrical contractor carries out electrical works, the works shall be carried out in accordance with the safety requirements approved by the Commission from time to time.

(13) Where a registered electrical contractor carries out electrical works, which by reason of a determination by the Commission under subsection (27) are specified works, the registered electrical contractor concerned shall issue a Completion Certificate to the person who requested the works to be carried out.

(14) Where specified works are carried out by an electrical contractor who is not a member of a designated body, the person on whose behalf the specified works are being carried out shall request a designated body to arrange for the carrying out of an inspection of the works and, if the works meet the safety requirements approved by the Commission, for the issue of a Completion Certificate.

(15) A designated body which receives a request under subsection (14) shall arrange for the carrying out of the inspection as soon as practicable and, if appropriate, the issue of a Completion Certificate.

(16) Subject to subsection (17), a designated body shall be entitled to payment of fees and charges in respect of the inspection of the works, and those fees and charges shall be no greater than is set out in the tariff of fees and charges published by the designated body concerned.

(17) The tariff of fees and charges referred to in subsection (16) shall not have effect until approved by the Commission, which approval shall not be given unless the Commission is satisfied that the fees and charges are calculated on the basis of the reasonable costs attributable to the carrying out of inspections under this section.

(18) The Commission shall specify a form of Completion Certificate to be used for the purposes of this section and may specify different forms for different circumstances or different classes of electrical work and may make provision relating to—

- (a) procedures to be followed, and
- (b) records to be maintained,

by registered electrical contractors and a designated body in connection with the issue of such certificates.

(19) (a) The Commission may conduct an inspection or audit of a designated body to verify compliance by the designated body with the requirements of this section, the terms and conditions of appointment and the criteria of the Commission.

- (b) The Commission may appoint a person to assist it in performing inspections or audits referred to in paragraph (a).

(20) The Commission may determine the appointment of a designated body—

- (a) in accordance with the terms and conditions of the appointment,
- (b) where the Commission is of the opinion that an act or default by the designated body is a cause of serious danger to the public, with immediate effect, or
- (c) where it is, in the opinion of the Commission, in the interests of consumers that the appointment be determined, and paragraph (b) does not apply, on giving not less than 3 months notice or such shorter period as may be specified in the terms and conditions of appointment in that respect.

(21) The Commission may appoint a person, including a person who is an employee of a designated body, to be an authorised officer for the purposes of carrying out inspections of electrical work—

- (a) of registered electrical contractors on any land where the authorised officer believes such work is being or has been carried out by such a contractor, or
- (b) which has been the subject of a Completion Certificate, but an authorised officer who is an employee of a designated body shall not exercise the powers conferred under this section as respects the work of a person who is a member of a designated body other than the designated body by which the authorised officer concerned is employed.

(22) A person appointed to be an authorised officer under subsection (21) shall on his or her appointment be furnished with a certificate of his or

her appointment, and when exercising a power conferred by this section shall, if requested by any person thereby affected, produce such certificate to that person for inspection.

(23) A registered electrical contractor and every employee or independent contractor of a registered electrical contractor shall give all reasonable assistance to—

(a) an authorised officer in the exercise of his or her powers under this section, and

(b) the Commission in exercising its powers under subsection (19) including a person assisting the Commission pursuant to subsection (19).

(24) A person shall not obstruct—

(a) an authorised officer performing any function he or she is authorised to exercise or perform under this section,

(b) the Commission in exercising its powers under this section, or

(c) a person assisting the Commission pursuant to subsection (19).

(25) A person shall not describe himself or herself as a registered electrical contractor or in a manner likely to suggest that such person is a registered electrical contractor unless that person is for the time being a member of a designated body.

(26) A person who contravenes subsection (4), (24) or (25) is guilty of an offence and liable—

(a) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €15,000 or a term of imprisonment not exceeding 3 years or to both.

(27) The Commission, having consulted with such persons as it considers appropriate, may determine that a class or classes of electrical works be specified works.

(28) In this section—

‘Completion Certificate’ means a certificate the form of which has been specified by the Commission under subsection (18);

‘designated body’ means a person appointed under subsection (1) to be a designated body for the purposes of this section; ‘specified works’ means such class or classes of works as have been determined to be such by the Commission in accordance with subsection (27).

Designated electrical works

9E.—(1) The Commission, having consulted with such persons as it considers appropriate, and with the consent of the Minister, may by regulations designate a class or classes of electrical works to be designated electrical works.

(2) Where the Commission proposes to make regulations under subsection (1) the Minister, where he or she has approved the draft of such regulations, shall cause a draft of the regulations to be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

(3) A person shall not carry out electrical works which are designated electrical works unless that person is a registered electrical contractor.

(4) A person who contravenes subsection (3) is guilty of an offence and liable—

(a) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €15,000 or a term of imprisonment not exceeding 3 years or to both.

Appendix B – Current Certification System

In the existing regulatory model, the Completion Certificate System operates in the following manner:

1. The ETCI produces a number of different types of Completion Certificates which are used to verify and certify that electrical work, such as new installations and alterations/extensions to existing installations, complies with the relevant ETCI Wiring Rules;
2. The most commonly used certificate is ETCI Certificate No.1 which is used for domestic and small commercial/industrial installations where the load can be handled by whole current metering¹⁰;
3. The ETCI restrict the sale of Completion Certificates to each of the self-regulatory bodies only. A set fee is charged to cover administration costs;
4. The self-regulatory bodies in turn allow their members to purchase ETCI Completion Certificates to enable them to self-certify an installation;
5. Only those contractors, who are registered members of a self-regulatory body, can issue a certificate. These certificates may only be used by the contractor to whom they are issued for work or tests carried out by that contractor. Certification of work undertaken by a registered electrical contractor is mandatory. Each Completion Certificate is numbered and subsequently tracked by the self-regulatory bodies;
6. Following the completion of an electrical installation, the registered electrical contractor tests the installation, completes the Completion Certificate in full (including post-connection tests) and subsequently issues a paper copy of the Completion Certificate to the customer and his/her regulatory body. The registered electrical contractor is also required to retain a copy of the Completion Certificate;
7. The registered electrical contractor who constructs and/or tests the installation, and who subsequently signs the Completion Certificate, is making a formal declaration that the installation as installed/tested by him/her complies with the relevant ETCI Wiring Rules and that the installation and, as the case may be, is ready for connection to the electricity network;
8. Upon receipt of a valid copy of an ETCI Certificate No.1 Completion Certificate, the Regulatory Body will subsequently contact the DSO to confirm it is in order to make a connection available to an isolator, which is the boundary point between the customer's installation and the network;
9. The self-regulatory body shall not accept certificates that are invalid. Any certificate considered invalid is returned to the contractor immediately for appropriate follow up;
10. Upon receipt of a valid ETCI Certificate No.1 Completion Certificate, the DSO will energise the installation;

¹⁰ This is the valid certificate which the DSO require before it will energise an installation.

11. Further to energisation, the Registered Electrical Contractor makes the installation live and carries out the appropriate post-connection tests which are recorded on the Completion Certificate.

The ETCI administer the central IT system which underpins the above process. The process requires IT communication arrangements between the ETCI, DSO and the self-regulatory bodies. A substantial amount of investment has been undertaken in the last number of years to implement this process. There is also provision for electronic Completion Certificates.

Current types of ETCI Completion Certificates in use

The ETCI certificates currently in use are as follows:

1. ETCI Certificate No.1-used for domestic and small commercial/industrial installations where the load can be handled by whole current metering – normally limited to 80 amps per phase.
2. ETCI Certificate No.2 – Industrial Completion Certificate. Used for CT metered loads¹¹.
3. ETCI Certificate No.3. – Subsystem Certificate - used for subsystems wired by electrical or specialist contractors.
4. ETCI Certificate No.4- Certificate for Existing Installations (since 2004)
5. Interim Completion Certificate – an over-stamped version of Certificate No.2 which is to be used only in exceptional circumstances and with a final Certificate issued and copy given to the self-regulatory body within 6 months.
6. Temporary Certificate – Certificate No.1 with the “temporary” field selected.
7. ETCI Periodic Inspection Report Forms – recently introduced and used for reporting on the condition of electrical installations on a periodic basis. Often required by Fire Officers for places of entertainment and hotels for License renewal (in addition to Fire Alarm and Emergency lighting Certificates)

ETCI Certificated No. 1 and No. 2 are the “main Completion Certificates” issued to the DSO before connection to the distribution system.

Other Certificates in Use relating to the Wiring Rules

In addition to the above there are a number of other ETCI reports and Certificates used (including as back-up documentation) such as Agricultural Certificates (specific wiring rule requirements apply to farm installations- Milking parlours, grain processing and storage, workshops etc), Test Record sheets.

¹¹ Electronic versions of ETCI Certificate 1 and ETCI Certificate 2 are also available.