

Section A

Introduction and Interpretation

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PREAMBLE

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

Section 4(9) (C) to 4(9) (D) of the Act sets out that the Commission shall publish criteria relating to:

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

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

This document sets out the detailed rules, procedures and requirements in relation to fulfilling the obligations and functions of the new regulatory system by Registered Electrical Contractors (“RECs”) and any Body (designated by the Commission as an Electrical Safety Supervisory Body), the DSO and any other relevant party.

1 OBJECTIVE OF CRITERIA DOCUMENT

The Commission's Regulatory Objective with regard to the implementation and operation of its function with respect to electrical contractors is:

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

The aim of the Criteria Document is to facilitate the achievement of a stable and robust regulatory system that sets out clear and transparent rules for the REC, the Body, the DSO and other relevant parties.

It will achieve this through setting out the detailed rules for the operation of the regulatory system and to which all parties subject to the Criteria Document will be bound. In doing so, it will provide clarification of the roles and responsibilities of such parties and will provide for the harmonisation of standards/procedures operated in so far as such harmonisation/standardisation is appropriate for the purposes of the regulatory model. The Commission will amend the Criteria Document from time to time as deemed appropriate and further to consultation, as appropriate, with the parties bound by the Criteria Document.

2 COMMON PROCEDURES

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

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

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

3 SCOPE

When electrical installation work is carried out in any premises, responsibility for that installation resides with the contractor who carries out the work. It is important, from a public safety viewpoint, that such a contractor is technically competent and that they are registered with a Body which has in Rules of Registration that ensure competence, or the Body has itself inspected the installation to ensure that it is in compliance with the Technical Rules (as defined in the "Definitions" section).

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

4 PROVISIONS

General:

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

The Body shall make its services accessible to all RECs and applicants whose activities fall within its declared field of operation. There shall not be undue financial or other conditions other than as provided for in the criteria for registration.

Legal and Governance:

This Criteria Document shall be interpreted, construed and governed in accordance with the Laws of Ireland.

Priority:

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

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

Interpretation:

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

- The table of contents, any preambles, indexes and headings in this document, are for ease of reference only and do not form part of the contents of this document and do not and shall not affect its interpretation;
- Any reference to legislation, primary or secondary, in this Document includes statutory interpretation, amendment, or modification re-enactment or consolidation of any such legislation and any regulations or orders made thereunder.

Data Protection:

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

Freedom of Information Acts:

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

Publication of the Criteria Document:

The Body shall, at all times, make available to any party who so requests, the current, effective version of the Criteria Document. The published version of the Criteria Document shall be amended to reflect any changes as soon as such changes take effect. The date of publication of the complete amended version of the Criteria Document shall not affect the date of coming into effect of the relevant change. The Body shall also make available a list of pending changes which have been approved by the Commission (if any) but have not yet come into effect.

Subcontracting:

The Body shall not subcontract work related to registration or certification (e.g. testing or inspection) to an external Body or person.

[Note: This does not preclude the Body from employing inspectors on a contract basis.]

Term:

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

5 DEFINITIONS

Act	means the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto);
Appeals Officer	means an officer who has been appointed under paragraph (8)(a) of the Act to prepare a report to be furnished to the Commission;
Application	An application by any party seeking registration with the Body which meets the requirements for application as set out in the Rules of Registration and Section B.2 of this document;
Authorised Officer	means an officer who has been appointed by the Commission under paragraph 9(D)(21) of the Act;
Body	means any person or persons appointed by the Commission, pursuant to the Act, to act as an Electrical Safety Supervisory Body;
Body's Appeals Panel	means the Appeal Panel of the Body as established in accordance with the requirements of Section D of this document and the requirements of the Commission, which may direct the Body with respect to its constitution;
Brand	means the name, logo and associated promotional materials/activities, associated with the Regulatory System, and as specified by the Commission;

Certificate of Appointment (Authorised Officer)	means the certificate issued by the Commission to an Authorised Officer, confirming their appointment, functions, duties and powers and the terms and conditions associated with such appointment, including the period of validity of the appointment, and which must be presented, on request, by the Authorised Officer to any person affected when exercising a power conferred by the appointment;
Certification System	means the system for the certification of electrical works as prescribed by the Commission further to “Common Procedure No.1 – Certification”;
Commission	means the Commission for Energy Regulation;
Commission Appeals Officer	means the Appeals Officer appointed by the Commission in accordance with, and for the purposes of, Section 9(D)(7), (8) and (9) of the Act;
Common Procedure(s)	means those procedures set out under this document and approved by the Commission and which may be amended from time to time and which shall be interpreted as being part of this document;
Conditions of Registration	means all of those conditions specified in Section C.1 and as may otherwise be specified by the Body or the Commission and upon which the entitlement to registration and to maintain registration is contingent;
Controlled Work	means electrical work which requires a Completion Certificate and which is deemed to be a Specified Work as defined and published by the Commission in accordance with the requirements of the Act;

Core Activities	means those activities prescribed by the Commission, in accordance with the Act, and pursuant to Section B of this document, which must be undertaken by the Body and carried out in accordance with the requirements specified by the Commission;
Criteria Document	means this document which is specified and published by the Commission pursuant to the Act and as may be amended from time to time;
De-Designation	means the loss of designation of the Body, or any other Body as the case may be, as an Electricity Safety Supervisory Body, further to a determination or direction by the Commission;
Designation Conditions	means those conditions prescribed by the Commission in designating a Body;
Disciplinary Procedure	means the process and procedures applied by the Body and/or the Commission pursuant to Section D;
DSO or Distribution System Operator	means the Business Division (ESB Networks) of the Electricity Supply Board licenced to exercise the functions of the distribution system operator by the Commission;
Electrical works	means the design, construction, inspection, testing, verification and/or certification of electrical installations;
Entitlement to Self-Certify	means the entitlement granted by the Body to the REC and its Qualified Certifier(s) which allows the Qualified Certifier of the REC to certify, on behalf of the REC, works carried out by the REC in accordance with the requirements of this document;
ESB Networks	means the DSO or Distribution System Operator;
ETCI	means the Electro-Technical Council of Ireland;

Non-Registered Electrical Contractor or Non-REC	means an electrical contractor who is not registered with a Body but who meets the requirements to qualify for a Third Party Inspection in accordance with the “Common Procedure No. 2 – Third Party Inspection”;
Notice of Appeal	means to notice, as set out under, and in accordance with the requirements of the Act, and Section E, submitted by an REC appealing the decision of the Body to suspend or revoke the registration of the REC further to the conclusion of a Disciplinary Process as set out in Section D;
Permitted Activities	means those activities which, in addition to the Core Activities, may be undertaken by the Body further to the requirements of Section B and the approval of the Commission, and which must be carried out in accordance with any requirements specified by the Commission;
Principal Duty Holder	means the person appointed by the REC to the role of Principal Duty Holder as set out in Section C.1.2 and as approved by the Body further to that section and the procedure pursuant to that section;
Publish	means the release and distribution to the industry and the general public of documentation and information in the form approved by the Commission, which shall include the presentation of the documentation and information through the website of the Body and the email distribution list (and/or postal distribution list) of all RECs registered with the Body;
Qualified Certifier	means the person(s) employed by the REC for the role of Qualified Certifier as set out in Section C.1.2 and as approved by the Body further to that section and in accordance with the procedure pursuant to that section;

Register	means the Register of Electrical Contractors published by the Body in accordance with Section B.5.2 of this document;
Registered Associate	means a party who meets the criteria for registration as specified by the Body further to Section B but who does not carry out electrical installation works on a commercial basis for any other party;
Registered Electrical Contractor or REC	means any party who is registered by the Body further to the requirements of this document;
Registered Specialist Contractor	means a party who is competent to construct or install, test and certify specialised sub-system installations for connection to the main electrical installation;
Registration	means the confirming of a party's registration further to the completion of the Applications Procedure and the associated entitlements arising from same;
Registration Number	means the unique number issued by the Body to an REC upon the granting of registration to the REC and shall be in accordance with any requirements specified by the Commission with respect to its format;
Regulated Work	means any electrical work which is either a Controlled Work or a Restricted Work, as defined and published by the Commission further to the requirements of the Act;
Regulatory Arrangements	means the requirements set out in, or arising further to the 2006 Act, the Criteria Document, the Designation Conditions and any directions/determinations made by the Commission or such other requirements pertaining to these as may be specified by the Commission from time to time, insofar as applicable to the context;

Regulatory System	means the system for the regulation of electrical contractors with respect to safety established by the Commission pursuant to the powers and provisions of Section 4 of the Act and as set out in this document;
Restricted Work	means any electrical work which is deemed to be a Designated Work in accordance with the requirements of the Act and as defined and published by the Commission;
Revocation of Registration	means the permanent withdrawal by the Body of a party's registration;
Rules of Registration	means those Rules of Registration as specified by the Body and approved by the Commission further to the provisions of Section B.2.6 of this document;
Suspension of Registration	means the withdrawal by the Body of a party's registration for a period of time specified by the Body;
Technical Rules	means the ETCI National Wiring Rules and other applicable standards currently in force, for the electrical works being undertaken and any other technical rules or standards as may otherwise be specified by the Commission;
Third Parties	means any party who has carried out electrical installation works (Regulated Works) who is not an REC;

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

GUIDANCE AND CONSULTATION

The Commission welcomes specific comment from respondents with respect to:

- *The objective of the Criteria Document; and,*
- *The definitions specified, with regard to:*
 - *The list of terms defined;*
 - *The drafting of the definition of each term.*