

Section A

Introduction and Interpretation

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1 OBJECTIVE OF CRITERIA DOCUMENT

Under the provisions of the *Energy (Miscellaneous Provisions) Act 2006* (the ‘Act’), the Commission for Energy Regulation (the ‘Commission’) has the responsibility to regulate the activities of natural gas undertakings and natural gas installers with respect to safety. As required under the Act, the Commission will discharge this responsibility through the establishment and implementation of a natural gas safety regulatory framework (the ‘Framework’).

As part of the Framework¹ the Commission will develop a comprehensive system for the regulation of the activities of natural gas installers with respect to safety which will incorporate

“a system for the regulation, certification, ongoing inspection of the work and assessment of competence of individual trained natural gas installers²”

The Act requires the Commission to develop a Criteria Document which will set out how the natural gas installer safety regime will operate and be governed. The Act provides that the Criteria Document relates to gas safety supervision, safety standards to be achieved and maintained by gas installers and the procedures to be operated by the Gas Safety Supervisory Body (the Body).

The Criteria Document will operate in adherence to the provisions of the Framework. The aim of the Criteria Document is to facilitate the achievement of a stable and robust regulatory system that adheres to legislative requirements and sets out clear and transparent rules for the Registered Gas Installer, the Gas Safety Supervisory Body and other relevant parties under the Regulatory System.

2 ROLE OF THE CRITERIA DOCUMENT

The Criteria Document is intended to serve as an open and transparent means of:

- outlining the rights, duties and functions to be fulfilled by the Body and RGIs;
- establishing the standards for parties undergoing the designation process to be measured against;

¹ A Natural Gas Safety Regulatory Framework for Ireland, Approach Paper, Decision, CER/07/172.

² Section 12(b) of the 2006 Act which inserts Section 9(1G)(b)(ii) and (iii) of the 1999 Act.

- providing a basis for the on-going assessment/audit of the Body by the Commission;
- providing a basis for the on-going assessment/audit of the RGIs by the Body;
- prescribing the technical rules which all RGIs will be obliged to comply with;
- prescribing the qualification and competency requirements for different membership categories of RGIs;
- specifying broad principles on how the Certification Process will operate;
- specifying the procedures to be employed at interfaces between industry participants necessary to ensure the effective operation of the regulatory system; and,
- specifying the overall governance arrangements to be applied in overseeing the regulatory system.

RGIs and the Body will be required to accede to the requirements and procedures of the Criteria Document. The Act requires that the Commission shall only designate a party to act as a Gas Safety Supervisory Body if it is satisfied that the party is capable of complying with the requirements of the Criteria Document.

As provided for in the Act, the Commission “*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.

In this regard, the Commission has committed to on-going stakeholder involvement in the review of the Criteria Document and its operation and this review and modification process will be formalised through the Criteria Review Panel for the Regulation of Natural Gas Installers (“CRP”), as described in the Vision Document. The core function of the CRP will be to act as the mechanism for the industry to propose and discuss modifications to the Criteria Document in an open and transparent manner. Further to this, any such modification proposals will be presented to the Commission for decision.

3 AGREED PROCEDURES

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

The Agreed Procedures will set out, in detail, the procedures to be followed by relevant parties in performing certain obligations and functions under the Criteria Document. These Agreed Procedures will cover the following areas:

- Certification;
- Inspection Performance Criteria; and
- Modifications Procedure.

The Agreed Procedures will be developed by the Commission in consultation with the Body and the wider industry post designation. In the interim, this Criteria Document includes a brief high level description of each Agreed Procedure. The Agreed Procedures (as amended or modified from time-to-time) shall be construed as being part of the Criteria Document.

4 SCOPE

When gas work, as defined by regulations, is carried out in any premises, responsibility for that gas work resides with the installer who carries out the work. It is important, from a public safety viewpoint, that such an installer is technically competent and that he/she is registered with the Body which has in place Rules of Registration that ensure competence, or the Body has itself inspected the gas work to ensure that it is in compliance with the Relevant Industry Technical Standards.

This Criteria Document sets out the criteria to be met by an RGI to maintain registration with the Body. The Body must ensure each RGI registered with it adheres to and complies with this Criteria Document. It also sets out the requirements placed on the Body itself.

5 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 gas works, other than as provided for in the criteria for registration or the relevant industry technical standards or such other rules as approved/specified by the Commission.

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

Legal and Governance:

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

The legal instruments that will be employed to enforce compliance with the provisions of the Act and the Criteria Document will be:

- the *Terms and Conditions of Appointment* in the case of the Supervisory Body; and
- the *Terms and Conditions of Registration* in the case of the natural gas installers.

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 Criteria Document.

Interpretation:

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

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

Term:

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

6 DEFINITIONS

Act	means the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto);
Agreed Procedure(s)	means those procedures which will be developed by the Commission and the Body and included in the Criteria Document post designation and which may be amended from time to time thereafter;
Application	means an application by any party seeking registration with the Body which meets the requirements for application as set out in the Rules of Registration and Section B.2 of the Criteria Document;
Audit	means review of the procedures and processes carried out by the RGI in order to ensure compliance with the requirements placed upon him/her by this Criteria Document, other requirements as specified by the Body and/or the Commission and/or any directions further to a Disciplinary Procedure (Section D);
Authorised Officer	means an officer who has been appointed by the Commission under paragraph 9(F)(20) of the Act;
Body	means any person appointed by the Commission, pursuant to the Act, to act as the Gas Safety Supervisory Body;
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 that appointment;
Certification System	means the system for the certification of gas works as prescribed by the Commission further to “Agreed Procedure No.1 – Certification”;
Commission	means the Commission for Energy Regulation;
Core Activities	means those activities prescribed by the Commission, in accordance with the Act, and pursuant to Section B of the Criteria Document, which must be undertaken by the Body and carried out in accordance with the requirements specified by the Commission;
Criteria Document	means the Criteria 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 as the Gas Safety Supervisory Body, further to a determination or direction by the Commission;
De-Registration	means the loss of a person’s RGI status and removal from the register of RGIs further to a request from an RGI or determination by the Body;
Designation Conditions	means those conditions prescribed by the Commission in designating a Body;

Disciplinary Process	means the process and procedures applied by the Body and/or the Commission pursuant to Section D;
Domestic Gas Works	means a category of gas works designated as such by regulations;
FETAC	means the Further Education and Training Awards Council which is national awarding body for further education and training in Ireland;
Gas Works	classes of gas works as provided for under regulations;
GID	means the Gas Installer Domestic training qualification;
HSA	means the Health and Safety Authority of Ireland;
INAB	means the Irish National Accreditation Board which is the national body with responsibility for accreditation in accordance with the relevant International Organisation for Standardisation ISO 17000 series of standards and guides and the harmonised EN 45000 series of European standards;
Inspection	means the inspection of the gas work carried out (completed or work in progress), by RGIs;
IS 813	Means the official standard covering the domestic installation of natural gas for Ireland which is governed by the National Standards Authority of Ireland (NSAI);
Network System Operator	means the Body licenced to exercise the functions of the Network System Operator by the Commission;

Notification of Hazard	means a notice submitted by the RGI to the Body, outlining gas works encountered which are not compliant with IS 813. This includes identification of gas works with a potential for harm in terms of human injury or ill health, damage to property, damage to the environment or a combination of these;
NSAI	means the National Standards Authority of Ireland;
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, subject to the prior and express approval of the Commission, and which must be carried out in accordance with any requirements specified by the Commission;
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 RGIs registered with the Body;
Register	means the Register of Gas Installers published by the Body in accordance with Section B.5.2 of this Criteria Document;
Registered Gas Installer or RGI	means any party who is registered by the Body pursuant to the Act;
Registration	means the confirming of a party's registration further to the completion of the Applications Procedure (specified in Section B) and the associated entitlements arising from same;

Registration Number	means the unique number issued by the Body to an RGI upon the granting of registration to the RGI and shall be in accordance with any requirements specified by the Commission with respect to its format;
Regulatory System	means the system for the regulation of gas installers with respect to safety established by the Commission pursuant to the powers and provisions of Section 13 of the Act and as set out in the Criteria Document;
Relevant Industry Technical Standards	means IS 813 and other applicable standards currently in force, for the gas works being undertaken and any other technical rules or standards as may otherwise be specified by the Commission;
Revocation of Registration	means the permanent withdrawal by the Body of an RGI'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.2.3 of the Criteria Document;
Sub-Contractor	means a person hired by an RGI to undergo a certain part of the gas work being undertaken by the RGI;
Suspension of Registration	means the withdrawal by the Body of an RGI's registration for a period of time specified by the Body;
Technical Rules	means IS 813 and other applicable standards currently in force, for the gas works being undertaken and any other technical rules or standards as may otherwise be specified by the Commission; and
Terms and Conditions of Appointment	means the terms and conditions of designation of the Gas Safety Supervisory Body.

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.*