

Sections D-F

Disciplinary Process

Appeals Process

Authorised Officer

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SECTION D – DISCIPLINARY PROCESS

1 GENERAL

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

2 DEFINITIONS

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

Appeal Committee of the Commission means the Committee that has been appointed to hear an appeal in accordance with Section 9F(7)(b) of the Act;

Appeals Officer means an officer who has been appointed under Section 9F(8)(a) of the Act to prepare a report to be furnished to the Appeal Committee of the Commission;

Appeals Panel means the Panel appointed by the Body further to the direction of the Commission, the purpose of which is to hear an appeal of the Order of the Disciplinary Committee by the RGI subject to that Order;

Complaint means any complaint, allegation, expression of concern, matter or event touching or apparently touching upon the conduct (whether by act or omission), behaviour, performance of any RGI, in respect of any matter relating to safety as set out in Clause 3 hereof or a contravention to the rules of registration of this document whether brought to the attention of the Body by a Complainant or otherwise coming to the attention of the Body. The Body's complaint procedures are outlined in section B 5.3;

Complainant means a person who makes a

	Complaint to the Body concerning an RGI and who may be an Inspector of the Body. The Complainant shall not be appointed Complaints Officer with respect to any Complaint that he/she makes to the Body;
Complaints Officer	means the person appointed by the Body to investigate any Complaint;
Disciplinary Body	means the Complaints Officer, the Disciplinary Committee, the Appeals Panel, and the Appeals Committee of the Commission or any of them;
Disciplinary Committee	means the committee appointed by the Body, the purpose of which is to adjudicate on and impose such disciplinary sanction as it shall decide to be imposed on the Respondent, and the constitution of which shall be in accordance with any directions issued by the Commission;
Disciplinary Process	means the process and procedures applied by the Body and/or the Commission pursuant to this Section D;
Inspector	means a person appointed by the Body (including, where relevant, an Authorised Officer) or the Complaints Officer to inspect the work carried out by an RGI and to prepare and furnish a report for the Complaints Officer; and
Order	means any order of a Disciplinary Body made pursuant to this Disciplinary Process;

3 LIABILITY OF THE RGI TO DISCIPLINARY ACTION

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

- (i) Furnishing incorrect, misleading or fraudulent information or documentation in an application for registration to the Body or at any subsequent renewal application.
- (ii) Any material breach of the Rules of Registration or any material breach of the Criteria Document, including, but not limited to, the following:
 - (a) any failure to carry out work in compliance with the requirements of the Criteria Document and specifically the industry standards set out therein;
 - (b) any failure to respond adequately to or at all to correspondence or other communications from the Body, the Commission, an Inspector, a Complaints Officer or from any Disciplinary Body, or failure to cooperate fully with any inquiry or investigation being conducted by or on behalf of the Body;
 - (c) providing a Certificate in respect of Gas Work that has not been completed by the RGI (except in circumstances so permitted by the Body); and
 - (d) failure to meet the Inspection Performance Criteria (as approved by the Commission and as per the arrangements pursuant to Section B 3.4).

3.2 If, following a Complaint being made to the Body, an RGI resigns from the Body or their registration otherwise expires prior to the determination of the Complaint/Disciplinary Process, any such resignation (purported or otherwise) shall not be considered effective until the conclusion of any Disciplinary Process and the Body shall be entitled to pursue the Disciplinary Process (to which the RGI would be subject) in absentia. The process of investigation, and any subsequent steps arising from that, as described in this Section D, shall be adhered to.

3.3 The Body shall be entitled, where it considers it appropriate in the interests of safety, to suspend the RGI's entitlement to undertake gas works, where it undertakes a Disciplinary Process against an RGI.

4 DUTIES OF THE RGI

- 4.1.1 Any RGI who is the subject of a Disciplinary Process must cooperate fully with every phase of the Disciplinary Process. Every RGI (including any RGI who is not subject to the Disciplinary Process) must provide such information, explanations, documents (electronic or otherwise) and other records as shall be required during every phase of the Disciplinary Process.
- 4.1.2 Where an Order is made pursuant to the Disciplinary Process for the imposition of the sanction of suspension or revocation of the registration of the RGI, it shall return to the Body all unused Certificates, all documentation pertaining to the RGI Brand and other such material as requested by the Body. The RGI shall comply with the requirements imposed by the Disciplinary Body as a consequence of the suspension or revocation or other such disciplinary action.
- 4.1.3 Any RGI shall not purport to act as an RGI while imposed with the sanction of suspension or revocation.

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

5.1 The Body shall appoint from time to time:

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

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

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

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

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

6 PROCESSING OF COMPLAINTS BY THE BODY.

- 6.1 The Body may, where it considers it appropriate, attempt to resolve any Complaint in a way not involving disciplinary action under this process. The Body may only do so in accordance with any requirements specified by the Commission.
- 6.2 Unless a Complaint has been resolved in accordance with the provisions of Clause 6.1, the Body shall remit each Complaint to the Complaints Officer.
- 6.3 The Body may, if it deems it necessary in the interest of safety¹, order that the RGI's right to undertake gas works is withdrawn, pending the resolution of the Complaint.

¹ The Body's procedure for the discovery of unsafe work is set out in section B, clause 3.5

7 INVESTIGATION OF COMPLAINT BY THE COMPLAINTS OFFICER.

- 7.1 When a Complaint has been conveyed to the Complaints Officer, he/she shall carry out an initial inquiry to establish if the Complaint is one which is legitimate, non-vexatious and within the remit of the Body to deal with and, if so, shall furthermore establish if the Complaint involves a matter specified relating to Clause 3 hereof. If so, then it shall be dealt with pursuant to the remainder of this Section D.
- 7.2 The Complaints Officer shall notify the RGI of the Complaint in writing and shall confirm that the Complaint is being dealt with pursuant to this Disciplinary Process.
- 7.3 The Complaints Officer shall be obliged to investigate the Complaint and to provide a factual report within 10 working days or such other period as may be specified by the Body.
- 7.4 In preparing such a report, the Complaints Officer shall have the power to engage any technical or special expert (including an Inspector of the Body) to assist or to give any advice to them, to procure legal advice or assistance or to authorise an Inspector to do all such things as they may consider reasonable and necessary/conducive to carrying out their inspection and preparing their report ("Complaint Report"). The RGI will be required to comply with any requests by the Complaints Officer. This may include attendance at the site subject to inspection if deemed appropriate.
- 7.5 The RGI is required to comply with any reasonable requests of the Complaints Officer (and such other party as may be engaged in assisting the Complaints Officer) in the preparation of their Complaint Report. This may include attendance at the site subject to inspection, if deemed appropriate.
- 7.6 Where applicable, an Inspector shall indicate in their report whether or not, in their opinion, the works carried out by the RGI meet the standards and requirements of IS 813 and any other relevant industry technical standards and to the extent that they do not where, in their opinion, the deficiencies lie.
- 7.7 The Complaints Officer shall furnish the RGI with a copy of the Complaint Report by registered post within 10 working days of its issue. The RGI will then have the opportunity (but will not be obliged) to provide a written response to the Complaints Officer within 10 working days from receipt of the Complaint Report.
- 7.8 The Complaints Officer shall, having reviewed all relevant information and submissions pertaining to the investigation, decide whether or not there is a case to be answered by the RGI.

- 7.9 The Complaints Officer shall present a final Complaint Report, setting out the facts and details of their investigation and their recommendation on whether or not there is a case to be answered by the RGI to the Disciplinary Committee and any other such recommendation they may make with respect to competency and/or the Inspection Performance Criteria (further to the system established by the Body under section B 3.4).
- 7.10 The Complaints Officer may, if they deem it necessary in the interest of safety, make a recommendation to withdraw the RGI's right to undertake gas works pending the conclusion of the Complaints/Disciplinary Process.

8 CONSIDERATION OF THE REPORT OF THE COMPLAINTS OFFICER BY THE DISCIPLINARY COMMITTEE

- 8.1 The Disciplinary Committee shall consider the Complaint Report of the Complaints Officer. Where the Disciplinary Committee is of the opinion that there is no case to be answered by the RGI, it shall advise (in writing) the Complainant and the RGI of its decision which shall, in such circumstances be final.
- 8.2 Where the Disciplinary Committee finds that there is a case to be answered by the RGI, it shall progress this matter in accordance with the procedures set out in this section. In this regard, the Disciplinary Committee may determine that all, or part, of the matters in the Complaint Report are to be progressed.
- 8.3 The Disciplinary Committee may, if it deems it necessary in the interest of safety, order that the RGI's entitlement to undertake gas works is withdrawn.
- 8.4 The Disciplinary Committee on deciding to adjudicate on the Complaint shall inform the Body that the Disciplinary Process has been commenced against the RGI in question.

9 ADJUDICATION OF THE COMPLAINT BY THE DISCIPLINARY COMMITTEE.

9.1 Where the Disciplinary Committee decides to adjudicate on all or part of any Complaint referred to it, it shall send to the RGI the following:

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

9.2 In adjudicating on all or part of the Complaint referred to it, the Disciplinary Committee shall hold a hearing. As soon as practicable after the Complaint is remitted to it, the Disciplinary Committee shall notify the RGI, the Complaints Officer and any Complainant of the time and place fixed for the hearing. The Disciplinary Committee shall give the RGI the opportunity of:

- (i) Attending and being heard at the hearing;
- (ii) Hearing the evidence against them;
- (iii) Providing for legal or other representation at the hearing;
- (iv) Cross examining, through the Chair, witnesses called by the person or persons presenting and prosecuting the Complaint;
- (v) Adding to the documentary evidence;
- (vi) Calling witnesses to give evidence on their behalf;
- (vii) Making such submissions, as they wish, to the Disciplinary Committee.

9.3 The Disciplinary Committee shall give the person or persons presenting and prosecuting the Complaint on behalf of the Body the opportunity of:

- (i) Attending and being heard at the hearing;
- (ii) Adding to the documentary evidence;

- (iii) Calling witnesses (including the Complainant or Inspector) to give evidence;
 - (iv) Cross examining witnesses, called by the RGI, through the Chairperson of the Hearing;
 - (v) Making such submissions as they wish to the Disciplinary Committee.
- 9.4 The Complainant, as may be determined by the Disciplinary Committee, may be requested to attend the hearing and participate in the hearing as a witness but shall not have any right to otherwise participate in the hearing.
- 9.5 At least 14 calendar days in advance of the hearing, the RGI will be furnished with a copy of any documents or materials the persons presenting and prosecuting the Complaint intend to rely on and/or a list of any witnesses to be called at the hearing.
- 9.6 If any party seeks to rely on expert evidence, the report by such expert must be served on the other party at least 14 calendar days in advance of the hearing.
- 9.7 If the RGI does not attend the hearing on the appointed day and time, the Disciplinary Committee may in its absolute discretion:
 - (i) sit and hear the Complaint provided it is satisfied that the notice of the hearing was given to the RGI; or
 - (ii) adjourn the hearing to such other date, as it may in its absolute discretion, decide,
- and the Disciplinary Committee shall give to the RGI notice of its decision.
- 9.8 The Body, in disciplining the RGI, may appoint legal representation to present the Complaint before the Disciplinary Committee as well as any appeal arising from same.
- 9.9 The Disciplinary Committee shall adjudicate upon the Complaint fairly and impartially and in accordance with the requirements of natural justice. A decision by the Disciplinary Committee shall be by majority vote.
- 9.10 Membership of the Disciplinary Committee shall comprise at least 3 members and shall always comprise an odd number in order to allow for a majority decision to be made. In the interest of transparency, the membership of the Disciplinary Committee must contain one independent member who is not a permanent employee of the Body.

10 FINDINGS AND ORDERS OF THE DISCIPLINARY COMMITTEE

- 10.1 The Disciplinary Committee shall issue a written decision setting out its findings and setting out any Order to be made pursuant to its determination in respect of the Complaint.
- 10.2 The standard of proof applicable shall be proof “on the balance of probability”. If the Disciplinary Committee makes a finding that the Complaint has been proved or upheld in whole or in part, it may make any one or more of the following Orders as it considers appropriate:
- (i) That the RGI be reprimanded by way of an oral warning;
 - (ii) That the RGI be reprimanded by way of a written warning;
 - (iii) That the RGI be required to give a written undertaking to the Body on the terms set out by the Disciplinary Committee;
 - (iv) Requirement that the RGI undergo a formal competency assessment or attend specified courses;
 - (v) Requirement that the RGI be subject to a higher frequency of inspection and/or fees and charges;
 - (vi) Suspension of the RGI’s registration for a defined period and the terms upon which the suspension shall be lifted; and/or,
 - (vii) Revocation of the RGI’s registration with the Body.
- 10.3 Any other such Order that may be made upon such terms and conditions as decided by the Disciplinary Committee in its absolute discretion.
- 10.4 Such Order shall include specification by the Disciplinary Committee with respect to any further sanction or sanctions which may be imposed further to the failure of the RGI to comply with the order and its terms and conditions.
- 10.5 In the case where the Order of the Disciplinary Committee is to suspend or revoke the registration of the RGI, that Order shall be required to have immediate effect and the Disciplinary Committee (or the Body) shall immediately notify the Commission of its Order.

11 APPEALS TO THE APPEALS PANEL.

- 11.1 The RGI may appeal the Order of the Disciplinary Committee to the Appeals Panel on the following grounds:
- (i) The finding on which the Order was based was materially wrong;
 - (ii) The Order imposed a sanction that was excessive;
 - (iii) The Order should be set aside because of a serious procedural or other irregularity in the hearing before the Disciplinary Committee.
- 11.2 The Order of the Disciplinary Committee shall stand pending the outcome of the appeal.
- 11.3 If the RGI wishes to appeal an Order of a Disciplinary Committee, it must do so, to the Appeals Panel, within 28 calendar days of the date of the decision of the Disciplinary Committee being notified to the RGI.
- 11.4 Any such notice of appeal shall state the grounds of appeal and enclose the legal submissions of the RGI (if any) together with a copy of all documents to be relied upon by the RGI including expert reports and witness statements.
- 11.5 The Appeals Panel shall write to the RGI advising them of the time, date and venue for the Appeal Hearing. Such a date for the Appeal Hearing must be within 14 calendar days of receipt of the notice of appeal.
- 11.6 No former member of the Disciplinary Committee or an Inspector who has been concerned with the Complaint which is the subject of the Appeal, shall be eligible for appointment to the Appeals Panel.
- 11.7 Membership of the Appeals Panel shall comprise at least 3 members and shall always comprise an odd number in order to allow for a majority decision to be made. In the interest of transparency, the membership of the Appeals Panel must contain one independent member who is not a permanent employee of the Body.

11.8 Where, in the grounds of appeal, the RGI is seeking a re-hearing of the matter, that re-hearing should be conducted and heard by the Appeals Panel, in which case the Complaints Officer or Inspector, as relevant, shall first present the case to the Appeals Panel with the same burden and standard of proof as applied before the Disciplinary Committee and the RGI may then present its case.

11.9 If the grounds of appeal are in respect of procedural irregularities only, the appeal shall be heard in such manner as the Appeals Panel shall in its absolute discretion decide.

11.10 The Appeals Panel may in its absolute discretion admit any evidence not presented at the hearing before the Disciplinary Committee. If either party wishes to introduce any new evidence not presented at the hearing before the Disciplinary Committee they shall give the other party notice, including the new evidence, at least 14 calendar days prior to the date set for the hearing of the appeal.

11.11 The Appeals Panel shall give the RGI the opportunity of:

- (i) Attending and being heard at the hearing of the Appeal;
- (ii) If they so desire, being represented legally or otherwise before the Appeals Panel;
- (iii) Hearing evidence put forward by or on behalf of the Complaints Officer/the Body;
- (iv) Cross examining witnesses, through the Chair, called by the Complaints Officer;
- (v) Adding to the documentary evidence;
- (vi) Calling witnesses to give evidence on their behalf;
- (vii) Make such submissions as they wish to the Appeals Panel.

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

- (i) Attending and being heard at the hearing of the Appeal;
- (ii) Adding to the documentary evidence;
- (iii) Calling witnesses (including, if desired any Complainant to give evidence);
- (iv) Cross examining witnesses, through the Chair, called by the RGI;
- (v) Making such submissions as they wish to the Appeals Panel.

- 11.13 The Appeals Panel may invite the Complainant to attend the hearing of the Appeal as an observer. The Complainant shall have no right to participate, other than if called as a witness.
- 11.14 On any Appeal, the Appeals Panel may affirm, vary or rescind any Order of the Disciplinary Committee in respect of which the Appeal was brought and may substitute any other finding or Order (on such terms and conditions) as it, in its absolute discretion, considers appropriate.
- 11.15 An Order of the Appeals Panel shall take effect as and from the date thereof, unless the Appeals Panel, in its absolute discretion, directs that it shall take effect from some other date (not being earlier than the date of the Order of the Disciplinary Committee which is subject to the Appeal) as shall be specified in the Order.
- 11.16 Notice of any finding or Order of the Appeals Panel, together with the reasons thereof, shall be given to the RGI, the Complainant and to the Body as soon as practicable. In the case where the Order of the Appeals Panel is to suspend or revoke the registration of the RGI then the Body shall immediately notify the Commission.
- 11.17 The Order of the Appeals Panel will be final unless the Order is for the revocation or suspension of the registration of the RGI. If the order of the Appeals Panel is the suspension or revocation of the registration of the RGI, the RGI may appeal the matter to the Commission, but not otherwise.
- 11.18 Any RGI who appeals the Order of the Disciplinary Committee may be required to pay an administration fee to the Appeals Panel of a reasonable amount specified by the Appeals Panel (and approved by the Commission).
- 11.19 In the event that the appeal of the RGI is successful, the administration fee will be returned in full to the RGI.

12 APPEAL TO THE APPEALS COMMITTEE OF THE COMMISSION.

- 12.1 The RGI may appeal against the finding or Order of an Appeals Panel to the Commission only in such circumstances where the sanction imposed/confirmed by the Appeals Panel is for the suspension or revocation of the registration of the RGI.
- 12.2 The RGI must submit its appeal in accordance with the requirements of Section E (Appeals to the Commission).

13 APPLICATION OF DISCIPLINARY SANCTIONS BY THE BODY

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

GUIDANCE AND CONSULTATION

The Commission welcomes comments on its proposals with respect to Section D and the disciplinary process outlined therein. In particular, the Commission invites specific comment concerning its proposals regarding:

- 1. The obligations of the Body in dealing with a complaint initially and the requirements relating to the processing of that complaint up to the Disciplinary Committee;*
- 2. The constitution of both the Disciplinary Committee and Appeals Committee;*
- 3. The procedures proposed with respect to the consideration of complaints by the Body and their escalation to the Disciplinary Committee;*
- 4. The functions, rights, entitlements of, and the obligations placed on, the various parties involved in a disciplinary matter.*

SECTION E - APPEALS PROCESS

1 APPEAL BY THE RGI

1.1 Entitlement to Appeal

1.1.1 An RGI may appeal against the finding or Order of an Appeals Panel to the Commission only in such circumstances where the sanction imposed/confirmed by the Appeals Panel is for the suspension or revocation of the registration of the RGI.

1.2 Form of Appeal

1.2.1 The appeal shall be in writing (“Notice of Appeal”).

1.2.2 In order to be valid, the Notice of Appeal shall include:

- (i) the details of the RGI;
- (ii) the specific grounds of the appeal;
- (iii) any legal submissions, if any, in respect of the appeal which the RGI intends to rely on;
- (iv) all documentation and evidence the RGI intends to rely on;
- (v) all witness statements and expert reports the RGI intends to rely on; and,
- (vi) copies of the notifications by the Body (including its Complaints Officer, Disciplinary Committee, or the Appeals Panel of the Body) relating to the disciplinary proceedings.

1.2.3 In order to be valid, the Notice of Appeal must be lodged with the Commission within 28 calendar days from the date of the notification of the decision of the Appeals Panel of the Body.

1.2.4 The Commission reserves the right to consider only a Notice of Appeal which meets all of the above requirements.

2 COMMISSION APPEALS OFFICER AND PROCEDURES

2.1 Appointment of Commission Appeals Officer

2.1.1 The Commission, in considering an Appeal for the purposes of this Section, shall appoint one or more persons to act as an Appeals Officer (Commission Appeals Officer). The Commission Appeals Officer(s) shall be responsible for the handling of the appeal within the Commission and in line with the provisions set out in this section and under the Act.

2.1.2 The RGI and the Body will be notified by the Commission of the appointment of the Commission Appeals Officer(s) within 10 calendar days of the receipt of the valid Notice of Appeal.

2.2 Procedures of Commission Appeals Officer

2.2.1 The Commission Appeals Officer(s) shall review all documentation submitted as part of the Notice of Appeal by the RGI together with all submissions made (if any) and all expert reports and witness statements provided (if any) with the RGI's Notice of Appeal.

2.2.2 Having reviewed all of the documentation and all submissions, the Commission Appeals Officer(s) will evaluate the factual, legal and procedural issues raised by the RGI and will prepare a Report for the Commission's approval (Commission Appeals Report).

2.2.3 The Commission's Appeals Officer(s) will forward the Commission Appeals Report to the Commission within such timeline as is agreed with the Commission.

2.2.4 The Commission Appeals Report will set out whether or not, in the opinion of the Commission Appeals Officer(s), a prima facie case has been established against the RGI and a recommendation as to whether or not the Commission should confirm, vary or set aside the decision of the Body's Appeals Panel.

2.2.5 The RGI will comply with any requirements or procedures specified by the Commission or the Commission Appeals Officer relating to the Appeal.

2.3 Commission's Decision on Appeal

2.3.1 Further to its consideration of the Commission Appeals Report, the Commission will, in accordance with the procedures to be determined by the Commission, make a decision to confirm, vary or set aside the decision of the Body's Appeals Panel

2.3.2 The Commission shall advise the Body, the Commission Appeals Officer(s), the RGI and the Complainant of its decision to confirm, vary or set aside the decision of the Body.

- 2.3.3 The Commission may furnish, in addition to a written copy of its decision, a copy of the Commission Appeals Report to the Body, the RGI and the Complainant.
- 2.3.4 The Commission's decision on the Appeal shall be final.

GUIDANCE AND CONSULTATION

The Commission invites comment on the proposed process for the handling of an Appeal made by the RGI to the Commission.

It should be noted that the main requirements concerning this process are set out under the Act.

SECTION F - AUTHORISED OFFICER

1 AUTHORISED OFFICER

1.1 Appointment of Authorised Officer

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

1.2 Powers and Duties of an Authorised Officer

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

- (vii) require the person who issued the Completion Certificate in respect of the gas work to assist them in the carrying out of the inspection; and,
- (viii) require that documents relating to the gas work are produced and explained to them (and where they deem necessary, require responses and explanations in writing).

1.2.3 The Authorised Officer shall present the Certificate of Appointment for inspection to any party affected by the actions of the Authorised Officer in their capacity as Authorised Officer.

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

2 INSPECTION CARRIED OUT BY AN AUTHORISED OFFICER

2.1 Notice of Inspection

- 2.1.1 Where the Authorised Officer has been appointed to carry out an inspection of work by an RGI, the Body (or the Commission, as appropriate) may notify the RGI in writing two (2) working days prior to the inspection.
- 2.1.2 The owner and/or occupier of such premises shall not obstruct the Authorised Officer in carrying out their duties.

2.2 Co-operation with Authorised Officer

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

2.3 Carrying out of the Inspection

- 2.3.1 The Body shall have documented procedures (which shall be subject to approval by the Commission) for the Authorised Officer in the carrying out of the functions associated with their appointment. These procedures shall include those matters and requirements relating to:
- (i) the entry onto premises or land by the Authorised Officer;
 - (ii) the inspection of gas works;
 - (iii) interviewing relevant parties and requesting information from them to assist in their investigation/inspection;
 - (iv) the documenting of evidence and facts further to the carrying out of the investigation/inspection; and/or,
 - (v) the preparation of a report on the investigation (the Authorised Officer's Inspection Report as set out in Section 3 hereunder).
- 2.3.2 These procedures shall be made available to any party upon request during or prior to an inspection by an Authorised Officer.

3 AUTHORISED OFFICER INSPECTION REPORT

3.1.1 The Authorised Officer shall complete a Report on the Inspection (Authorised Officer's Report).

3.1.2 The Authorised Officer's Report shall:

- (i) set out the details of the investigation and circumstances leading up to the investigation;
- (ii) set out the Authorised Officer's findings of fact;
- (iii) confirm whether or not the gas installation, the gas works and the certification associated with such works comply with IS 813 and any other relevant industry technical standards and/or sections of the Criteria Document and the Act. This shall include any other requirements/procedures relating to the RGI and their gas works and certification (for example, storage of certificates, insurance, etc.).

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

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

GUIDANCE AND CONSULTATION

The Commission invites comment on this Section F.

It should be noted that in considering the responses on this matter, the requirements relating to the appointment and operation of an Authorised Officer emanate directly from the Act and are therefore bound by the provisions of the Act.