



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

***CRITERIA DOCUMENT
VERSION 1.1***

CER08130 V1.1

***THE REGULATION OF GAS
INSTALLERS WITH RESPECT TO
SAFETY***

28th January 2010

Document Control

| | |
|---------------|----------------------------------|
| Version: | 1.1 |
| Release Date: | 28th January 2010 |
| Reference: | CER/08/130 |
| Author: | Commission for Energy Regulation |

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APPENDIX 1 – OPERATIONAL PROCEDURES

Section A

Introduction and Interpretation

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 committed to developing 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”

This is described in the Commission's *“Vision for the Regulation of Gas Installers with Respect to Safety”* (ref. CER/07/225).

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;

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.

- establishing the standards for parties undergoing the designation process to be measured against;
- 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 OPERATIONAL PROCEDURES

In addition to the rules and requirements as set out in this Criteria Document, there will be put in place a number of Operational Procedures. The Operational Procedures will set out, in detail, the procedures to be followed by relevant parties in performing certain obligations and functions under this Criteria

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

The Operational Procedures will be developed by the Commission in consultation with the Body and the wider industry post designation.

4 SCOPE

When Gas Works, as defined by regulations, are carried out in any premises, responsibility for those Gas Works resides with the installer who carries out the work. As required under the Act and from a public safety viewpoint, it is necessary that such an installer is registered with the Body. This Registration confirms that the installer has carried out Gas Works 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 IS 813 and any other relevant industry standard referenced therein 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 this 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 this 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 Terms & 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

| | |
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| Act | means the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto); |
| Applicable Laws | means any requirements imposed by or under any Irish or EU law applicable to the Body, including any legislative provision, common law, order, direction, licence, decision, determination, rule or code and which shall include but not be limited to the Regulatory System and The Data Protection Acts 1998 and 2003; |
| 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; |

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| 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 “Operational Procedure No.1 – Certification”; |
| Commission | means the Commission for Energy Regulation; |
| Competency Assessment | means a competency assessment conducted by an Assessment Body accredited by INAB or equivalent Accreditation Body against centralised competency assessment criteria approved by the Commission and ISO 17024; |
| 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; |

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| 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; |
| Customer | means, as the case may be, a customer of an RGI or another Third Party; |
| 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 further to a request from an RGI or determination by the 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; |

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| 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 Works 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) and which may be amended from time to time; |
| Network System Operator | means the Body licensed 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; |
| Operational 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; |

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 RGIs 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;

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| 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 this Criteria Document; |
| 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 an RGI hired by another 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).

Section B

The Body

1 STRUCTURE AND ORGANISATION OF THE BODY

1.1 Organisation Structure

1.1.1 The Body shall be a not-for-profit organisation and shall be structured, organised and have in place corporate governance arrangements and arrangements with respect to the Brand such that they are in accordance with the Terms and Conditions of Appointment.

1.2 Overall Function of the Body and Permitted Activities

1.2.1 The Body's primary function shall be the regulation of gas installers with respect to safety.

1.2.2 In discharging this function, the Body shall be obliged to undertake certain Core Activities. These will include:

- (i) Receipt, processing and evaluation of Applications for Registration;
- (ii) Registration of gas installers and publication of a Register;
- (iii) Monitoring, Inspection and Audit of RGIs;
- (iv) Investigation of gas safety related complaints received from the public with respect to RGI's and Gas Works;
- (v) Disciplining of RGIs;
- (vi) Management of the distribution, sale, recording, control and the validation of Completion Certificates;
- (vii) Management of the "Notification of Hazard" process with respect to Gas Works;
- (viii) Public and Industry awareness activities which may include promotional activities aimed at increasing the membership of the Body;
- (ix) Interaction and co-ordination of activities with at least the following entities as the Commission may direct from time to time:
 - the HSA with respect to general safety;
 - the NSAI with respect to standards;
 - the Network Operator with respect to Certification, Notice of Hazards and other issues as directed;
 - FETAC with respect to gas training awards;

- Training providers with respect to gas training courses;
 - INAB with respect to accreditation of competency assessment bodies;
 - Competency Assessment Bodies accredited by INAB or equivalent with respect to formal competency assessments;
 - Gas Appliance Suppliers with respect to obtaining an overview of the level and range of activities in the market; and
 - Other interested parties for information/communication purposes as appropriate.
- (x) Maintaining records of, and reporting on, the activities of the Body; and,
- (xi) The operation, and use, of the Brand in accordance with the requirements specified by the Commission.

1.2.3 The Commission shall specify activities, in addition to its Core Activities, which the Body will be permitted to undertake (Permitted Activities) in accordance with approval granted by the Commission. The Permitted Activities shall include, but are not limited to the following:

- (i) The development, publication and sale of safety related reference material which is not specifically required elsewhere in this Criteria Document; and
- (ii) Where appropriate, the investigation of Gas Incidents, which are not specifically covered by the Body's Core Activities.

1.2.4 The Body, in carrying out its Core Activities and Permitted Activities, shall be required to operate in a reasonable, fair, consistent, timely, efficient and effective manner.

1.2.5 The Body, pursuant to the Terms and Conditions of Appointment and the Act, shall not:

- (i) act in the capacity of a trade organisation;
- (ii) perform any representative function on behalf of any persons working in the gas industry;
- (iii) engage in Gas Works and/or consultancy with respect to Gas Works;

- (iv) provide any other products or services, which could compromise the confidentiality, objectivity or impartiality of its Registration or certification process and decisions; and/or
- (v) provide preferential treatment to one RGI over another. Any customer requesting RGI details should be referred by the Body to a complete list of RGI's or be referred to its online Register.

1.3 Legal Requirements and Confidentiality

- 1.3.1 The Body shall adhere to and be compliant with all Applicable Laws pertaining to its functions, activities and operations, insofar as applicable to it and its operations.
- 1.3.2 The Body shall have adequate arrangements consistent with Applicable Laws to safeguard confidentiality of the information obtained in the course of it carrying out its Core Activities and Permitted Activities. Where the law requires information to be disclosed to a third-party, the party to whom the information concerned relates shall be informed of the information provided as permitted by the law. For the avoidance of doubt, the Commission shall not be considered a third party for the purposes of this section.
- 1.3.3 For the avoidance of doubt, for the purposes of the Data Protection Acts 1988 and 2003, the Commission is "data controller" in relation to personal data pertaining to the Core Activities of the Body. The Body is "data processor" in that regard. The Body shall ensure that it gives legal effect to these arrangements in drafting and operating its procedures, policies, agreements, etc. and in soliciting, obtaining and storing information on its Core Activities.
- 1.3.4 For the avoidance of doubt, where required by the Commission to do so, the Body shall disclose to the Commission (or any other third party as the Commission may direct), such information relating to its Core Activities and the RGIs registered with it as may be directed by the Commission.

1.4 Policies and Procedures of the Body

- 1.4.1 The Body shall have statements of policy relating to all of its Core Activities and Permitted Activities and procedures pursuant to the Terms and Conditions of Appointment and any other legal obligations arising from any Applicable Law.
- 1.4.2 The Body shall prepare the following documentation in accordance with the requirements specified in this Criteria Document and/or as may furthermore and otherwise be specified by the Commission:

- (i) Application Procedure;
- (ii) Registration Decision Appeal;
- (iii) Registration Renewal Procedure;
- (iv) Rules of Registration;
- (v) Risk Monitoring System;
- (vi) Performance Marking Scheme;
- (vii) Inspection Procedure;
- (viii) Audit Procedure;
- (ix) Certification Procedure in respect of gas works undertaken;
- (x) Disciplinary Procedures in accordance with Section D;
- (xi) Suspension and Revocation Procedures;
- (xii) Customer Charter;
- (xiii) The Register; and,
- (xiv) Complaints Procedures.

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

1.4.3 In addition to the requirements of Section B 1.4.2, the Body shall make publicly available (through publications, electronic media or other means, including further to a direct request by any party), updated at regular intervals, information pertaining to how the Body operates. This shall include the following:

- (i) a documented statement of its systems for Registration, Certification, Inspection and Audit, Monitoring and Disciplining parties registered with it; and,
- (ii) a description of the means by which the organisation obtains financial support and general information on the fees charged to registered members for Registration or Certification Services.

1.5 Record-keeping and Documentation

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

- (i) A full record of each Application for Registration received and processed;
- (ii) Records of the RGI's insurance cover, which shall show that it is both valid and does not breach the Regulatory Arrangements;
- (iii) Records of Inspections, Audits and Non-Compliance Reports relating to RGI's and follow-up actions;
- (iv) All disciplinary matters relating to an RGI; and,
- (v) Completion Certificates received by the Body and validated.

1.5.2 The Body shall ensure that it has in place adequate systems for record keeping and documentation management.

1.5.3 The system shall, at a minimum, have the capability to track and report with respect to the operation of its Core Activities and Permitted Activities.

1.5.4 The Body shall establish and maintain procedures to control all documents and data that relate to its Core Activities and Permitted Activities. These documents shall be reviewed and approved for adequacy by the Commission prior to issuing any documents following initial development or any subsequent amendment or change being made.

1.5.5 The distribution of all such documents shall be controlled to ensure that the appropriate documentation is made available to personnel of the Body or RGIs, as the case may be, when they are required to perform any function relating to the Body's Core Activities, Permitted Activities and/or the Terms and Conditions of Appointment.

1.6 Systems and Accreditations

1.6.1 The Body shall have in place a fit for purpose Quality Management System for facilitating it in meeting the requirements specified in Section B 1.5.1 to 1.5.5.

1.6.2 The Body shall meet such other requirements relating to:

- (i) Accreditation and certification with external parties;
- (ii) The adoption of best practice;
- (iii) The adoption of and/or compliance with standards; and
- (iv) Other ancillary requirements.

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

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

1.7 Financial and Insurance Requirements

1.7.1 Any financial requirements of the Body will be confirmed through the Terms and Conditions of Appointment.

1.7.2 The Body shall have the financial stability and resources required for the operation of its Core Activities and Permitted Activities which shall be carried out in accordance with Section B 1.2.2 and 1.2.3.

1.7.3 The fees and charges imposed by the Body relating to its functions and services further to carrying out its Core Activities shall be subject to review and approval by the Commission.

1.7.4 For the avoidance of doubt, revenues from the operation of its Core Activities shall not be used to subsidise any Permitted Activities undertaken by the Body.

1.7.5 The Body shall maintain insurance in accordance with the requirements specified by the Commission in the Terms and Conditions of Appointment.

1.7.6 The Body shall also prepare, maintain and present its accounts in accordance with the requirements specified by the Commission in the Terms and Conditions of Appointment.

1.8 Personnel

- 1.8.1 The Body shall ensure that there are appropriate resources available and in place to carry out its functions as set out in Section B 1.2.
- 1.8.2 Information on the relevant qualifications training and experience of each staff member of the Body involved in the certification, Registration, Inspection, Audit and evaluation processes shall be maintained by the Body. Records of training and experience shall be kept up to date.
- 1.8.3 Inspections of Gas Works which have been carried out by RGIs, as outlined in Section B 2.1, shall only be carried out by a person or persons employed by the Body as an Inspector and who meet the requirements set out in Section B 3.2 of this Criteria Document.
- 1.8.4 Audits of RGIs will be carried out by appropriate competent people as set out in Section B 3.2.
- 1.8.5 The Body shall require its personnel to comply with the rules specified by the Body, which shall include appropriate provisions relating to confidentiality and shall include an obligation for parties engaged by the Body to be independent from commercial and other interests, (including any party registered with the Body), unless as may otherwise be excepted/approved by the Commission.

1.9 Direction from the Commission and Audit/Inspection

- 1.9.1 The Body shall comply with any directions or determinations made by the Commission.
- 1.9.2 The Body shall be audited with respect to its compliance with the Terms and Conditions of Appointment and by extension this Criteria Document and shall comply with the requests of Auditors, the Commission, Authorised Officers and Inspectors appointed by the Commission in that regard.

1.10 Co-Ordination and Co-Operation with Other Entities

- 1.10.1 The Body shall co-ordinate and co-operate with any other Entities in carrying out its Core Activities and Permitted Activities, as set out in Section B 1.2.2 and 1.2.3, and as may otherwise be directed by the Commission.
- 1.10.2 The Body shall comply with any requirements specified by the Commission, including the type and levels of interaction with other parties, in relation to the commencement of its Core Activities and Permitted Activities, receipt of data, records, system interfaces and other such requirements as specified.

- 1.10.3 The Body must report to the Network Operator on any gas escape/emergencies notified to them.
- 1.10.4 The Body will operate in line with the Network Operator's procedures in instances where the Body requires interaction with the Network Operators processes in dispatching its duties.

2 FUNCTIONS RELATING TO RGI's

2.1 Membership Categories of Registration

2.1.1 For the purposes of this Criteria Document, the terms "Registered Gas Installer" or "RGI" shall be deemed to refer to the below classes of registration, unless otherwise stated.

- (i) Domestic Gas Works – Installation and commissioning; and/or
- (ii) Domestic Gas Works - Servicing

[Note: Non-domestic membership categories to be included in due course post Gas Works consultation]

2.1.2 There are two (2) membership categories of Registration with the Body – Full Membership, Trainee Membership. Each membership category will have the following General Membership conditions:

- a. Hold appropriate commercial insurance.
- b. Pay the appropriate membership fee to the Body (see Section B 1.7).
- c. Sign and accept the Rules of Registration (see Section B 2.3).

2.1.3 The specific requirements for each membership category are as follows:

1) Full Membership - Domestic

- a. will be open to individuals who hold a GID award or equivalent or have been a member of the Bord Gáis Register of Gas Installers in a domestic category on [1st January 2009].

2) Trainee membership - Domestic

- a. will be open to individuals who are undertaking or have completed a plumbing apprenticeship (or a similar such craft certificate) and are working towards full membership;
- b. who, while holding trainee membership, have their work supervised by an individual granted Full Membership of the Body; and
- c. who will ensure that an individual granted Full Membership of the Body certifies their gas work. Such certification must also include the details and signature of the trainee member.

2.1.4 Company Registration

The Regulatory System provides for individually registered gas installers to operate under company registration. The specific requirements of such registration are as follows:

- a. Each RGI who will undertake gas works on behalf of the company must have full, trainee or provisional membership of the Body as outlined in Section B 2.1.3.
- b. The General Membership conditions set out in Section B 2.1.2 can be met at a company level.
- c. Those RGI's operating under the company registration can only carry out gas works to which the company registration pertains.
- d. Those RGI's operating under the company registration can not operate outside of company membership unless they can satisfy the General Membership conditions set out in Section B 2.1.2 on an individual registration basis.
- e. Each company must nominate a responsible person to act as a first line of contact with the Body. This person's responsibilities will include ensuring that appropriate documentation and insurance is held by company.
- f. The Body shall include only the name, registration status and no other details of each RGI working under company registration on its Register of Gas Installers.

2.1.5 Provisional Membership

There will be allowance for the Body to provide Provisional Membership of the Body for a strictly limited time period at the commencement of the new Regulatory system. This membership category is for individuals who meet the General Membership conditions but do not meet the specified qualification requirements for Full Membership. The Body will have the authority to grant Provisional Membership on a case by case basis subject to the following conditions being met:

- a. Any installer wishing to apply for Provisional Membership must be able to demonstrate that they are active and have experience within the industry for a time period of four (4) years or over.

- b. Any installer who applies for Provisional Membership will only be allowed to remain on Provisional Membership for a strictly limited time period as determined by the Body. Within that time period, the installer must obtain the necessary requirements for Full Membership. If an installer fails to achieve these requirements, their Provisional Membership will lapse and the installer will be required to apply for full membership.
- c. A suitable assessment process for Provisional Membership as deemed appropriate by the Body will apply and such criteria will be clearly outlined to the applicant.
- d. Examples of potential applicant's that the Body may deem worthy to qualify for Provisional Membership include a gas installer with significant previous experience in carrying out Gas Works in another jurisdiction or a gas installer who is seeking to re-enter the industry after a period of absence.
- e. Upon granting of Provisional Membership, the installer will have full membership rights for the timeframe specified by the Body.
- f. RGIs will not be permitted to reapply for Provisional Membership.
- g. RGIs included in the Provisional Membership category may also be subject to higher registration fees.

2.1.6 Any individual who provides GID or equivalent training must meet the Full Membership requirements as set out in Section B 2.1.3. Such an individual will be permitted to operate under the auspices of a training body providing the specific company membership requirements set out in Section B 2.1.4 are met.

2.2 Body's procedure for dealing with Applications for Registration

- 2.2.1 The Body shall have a documented procedure covering the requirements for Registration, the processing of applications for Registration and specifying the Body's evaluation criteria and the process to be used when dealing with applications for the various categories of Registration (Application Procedure).
- 2.2.2 The Body shall ensure that this Application Procedure shall comply with the requirements specified further to Section B 2.3.
- 2.2.3 The Body shall publish a "Registration Application Form" and the associated procedure for applying for registration. The Application Procedure shall include the timeframe for reviewing and processing Applications and shall include a schedule of fees for Registration.
- 2.2.4 The Body may impose fees and charges of different amounts in respect of the different categories of membership set out in Section B 2.1.2 to 2.1.5. These fees shall be subject to the approval of the Commission in accordance with the requirements of Section B 1.7 (Financial and Insurance Requirements).

2.3 Rules of Registration

- 2.3.1 The Body shall develop Rules of Registration.
- 2.3.2 The Body shall publish its Rules of Registration and shall make a copy of these available to any party requesting same.
- 2.3.3 The Rules of Registration shall include a requirement for the RGI to comply with the Criteria Document in so far as they are applicable to it.
- 2.3.4 The Body shall take all reasonable measures to inform the RGI and any other parties of the obligations placed on the RGI further to the Rules of Registration and shall take all such reasonable measures to inform any affected party of any changes to same in a timely manner.

2.4 Evaluation and Decision on Registration

- 2.4.1 The Body shall evaluate each application in accordance with the Application Procedure.
- 2.4.2 In making its decision on whether or not to grant registration to an Applicant, the Body shall give due regard to the Applicant's previous Disciplinary history.

- 2.4.3 In making its decision on whether or not to grant Registration to an Applicant, the Body shall also remain fair and impartial at all times.
- 2.4.4 In the event that an application is rejected because of failure to meet any of the Application Procedure criteria contained within this Criteria Document, the Body shall include in its written response to the Applicant an explanation setting out the grounds for the rejection.
- 2.4.5 The Body shall have in place a procedure for any appeal of the decision of the Body with respect to rejecting the Application for Registration to be made to the Body in the first instance (Registration Decision Appeal).
- 2.4.6 The Body, in making its determination on the Registration Decision Appeal, and where the original decision to reject the application for Registration is upheld by the Body, shall inform the Applicant that the Body's decision on the Registration Decision Appeal may be appealed to the Commission.
- 2.4.7 Such appeals shall be in accordance with the procedure to be specified by the Commission and the Commission's determination on this matter shall be final and the Body and the Applicant shall be bound by same.

2.5 Granting of Registration

- 2.5.1 The Body shall update its Register of Gas Installers accordingly ("the Register").
- 2.5.2 In granting registration, the Body shall provide the RGI with documentation to act as confirmation of its registered status. The Body shall provide, to each RGI, formal Registration documents and an identification card. These formal Registration documents shall permit identification of the following:
- (i) the name and address of the RGI;
 - (ii) the membership category of Registration granted;
 - (iii) the effective date of Registration; and,
 - (iv) the year when the RGI's competency will be reassessed.
- 2.5.3 The initial date of the individual RGI's first Competency Assessment will be determined by the Body based upon a risk assessment of the RGI in question. At a minimum, it will be a condition of membership that the RGI undertakes re-assessment of competency every 5 years thereafter.

2.5.4 The Body shall have a procedure for the renewal of Registration of RGIs on an annual basis (Registration Renewal Procedure). The Registration Renewal Procedure will include, but is not limited to, the following requirements:

- (i) The RGI has a personal Competence Certificate, issued by an INAB or equivalent Accreditation Body, in accordance with centralised criteria approved by the Commission with respect to I.S. 813, in accordance with the timeframe criteria set out in Section B 2.5.3.
- (ii) The RGI has appropriate commercial insurance.
- (iii) The RGI has paid the appropriate membership fee to the Body.

3 INSPECTION AND AUDIT

3.1 Annual Inspection and Audit Programme

3.1.1 The Body shall present to the Commission, for its approval, an annual Audit and Inspection Programme (the 'Programme').

3.1.2 This Programme shall detail the Body's plan with respect to the number of inspections and audits to be carried out by the Body and the basis for determining the frequency with which an RGI shall be audited and inspected.

3.1.3 This Programme shall be submitted in accordance with the timeframe specified by the Commission.

3.1.4 The Programme must demonstrate that it:

- (i) covers a reasonably representative cross-section of the various categories of RGI;
- (ii) covers a representative range of Gas Works;
- (iii) was developed using a risk-based approach;
- (iv) meets targets as set down by the Criteria Document (see Section B 3.1.6 and 3.1.7); and,
- (v) represents an effective and efficient use of the Body's inspection resources.

3.1.5 The Programme should include provisions for planned audits and/or inspections, inspections as a result of complaints or other information, and re-visits to check on corrective actions as a result of a previous inspection and/or audits.

3.1.6 The Audit and Inspection frequency, implicit in the Programme, will be a function of a risk based assessment undertaken by the Body. However, at a minimum, the Body will provide for the following with respect to the different membership categories of RGI:

- *Upon granting of RGI status post 1st January 2010 –*
 - A new RGI will be subject to a minimum of two (2) inspections in the first year. The first inspection must take place within one (1) month of registration with one (1) further inspection to take place in the remaining eleven (11) months.
- *For installers who have been granted RGI status for 12 months or longer –* at a minimum, one (1) inspection per annum. For full members who have trainee members working under their supervision, such inspections will also include any work carried out by the trainee;

- 3.1.7 RGI's included in the Provisional Membership category will be subject to a minimum of three (3) inspections during the course of their temporary provisional membership of their work in carrying out Gas Works.
- 3.1.8 The Body may impose higher Registration fees or direct Inspection fees/charges on RGI's which require a higher level of monitoring (Inspection/Audit) on the basis of the increased costs associated with such higher levels of monitoring. This shall be subject to the approval of the Commission in accordance with the requirements of Section B 1.7 (Financial and Insurance Requirements).
- 3.1.9 In the event that an Inspector is denied access to any site where Gas Works have been undertaken by an RGI, the Body will have the opportunity to request the Commission to appoint an Authorised Officer to gain access to the site and carry out an Inspection of the Gas Works. Section F outlines the duties and powers of an Authorised Officer and the procedures which should be followed by them in carrying out their inspections of Gas Works and in preparing their reports.

3.2 Inspection and Audit Personnel

- 3.2.1 Inspections of Gas Works which have been undertaken by RGI's, shall only be inspected by a person engaged by the Body as an Inspector and who meets the following requirements:
- (i) Hold a GID award or equivalent;
 - (ii) Experience of/Responsibility for gas work for not less than three years;
 - (iii) Fully conversant with IS 813, the Building Regulations and Health and Safety legislation as appropriate;
 - (iv) Hold a City and Guilds (7317 A1/A2) Certificate, or equivalent, in Assessing Candidates using a range of methods (previously D32/33);
- 3.2.2 With respect to parties carrying out Audits on behalf of the Body, such personnel should have completed an Audit course run by an organisation certificated in Quality Systems by INAB or equivalent Accreditation Body.

3.3 Procedure for Inspection and/or Audit

- 3.3.1 The Body shall produce, in accordance with the requirements of this Section and this Criteria Document, procedures for Inspection and Audit.

Inspection Procedure

3.3.2 The Body shall ensure that all inspections of gas works are carried out in accordance with IS 813 and give due regard to appliance manufacturers instructions.

Audit Procedure

3.3.3 At a minimum, the Audit Procedure shall provide for review and assessment of records and/or documentation required to be held under Section C of this Criteria Document, or that specified by the Commission or the Body from time to time.

3.4 Inspection Performance Criteria

3.4.1 The Body shall develop and implement effective, robust and consistent 'inspection performance criteria', which will to be applied to all Inspections carried out by representatives of the Body. Such Inspection performance criteria will be subject to the approval of the Commission. Once operational, the Inspection performance criteria will be made available to RGIs by the Body.

3.4.2 The inspections will consist of a performance marking scheme (in accordance with the "Operational Procedure No 2 – Inspection Performance Criteria") which will assess the RGI's work under inspection against agreed performance criteria, with specific emphasis on safety.

3.4.3 Outcomes from the inspection will be made available to the RGI.

3.4.4 Where, as part of the Inspection an unsafe situation is identified, the inspector shall apply the gas industry procedure for non conforming installations, as set out in IS 813 and any other relevant industry standard referenced therein, to ensure that the installation is left in a safe manner.

3.4.5 Any corrective work resultant from the RGI activities will be notified to the RGI for corrective action.

3.4.6 The Body may require further inspections of the RGI's work to ascertain whether or not the RGI's work meets the standards required by the Body. Appropriate action by the Body will be taken determined by the findings of these Inspections.

3.5 Notice of Unsafe Works

3.5.1 Where the Inspector, further to the Inspection of Gas Works, discovers what he/she considers to be an unsafe installation as determined by reference to IS 813 that Inspector shall comply with the requirements of IS 813.

3.6 Reports on Inspection and Audit Programme to the Commission

3.6.1 The Body shall maintain a full record of all Inspection and Audits carried out by it.

3.6.2 The Body shall report to the Commission on a quarterly basis (or as otherwise specified by the Commission) on its progress against the approved Inspection and Audit Programme and the results of same. The Body shall incorporate any trends in relation to the performance of RGIs in the quarterly reports. This will assist the Commission in implementing continual improvements in the RGI process.

3.6.3 In addition, the Body shall submit an “Annual Audit and Inspection Programme Performance Report” to the Commission.

3.6.4 This Annual Audit and Inspection Programme Performance Report shall include details of the number of Inspections, the frequency of same and an analysis of the problems found and follow up actions taken (which shall include, informing the “risk-based” approach for the Audit /Inspection Programme for the following year). This shall be in the form specified by the Commission.

3.6.5 The Body shall, in considering the outcomes of the Inspections and Audits carried out on its behalf, advise its RGIs, the Commission and other such relevant parties as to any identified safety concerns in the interests of safe Gas Work.

3.6.6 The Body shall publish technical bulletins on its website notifying the public and the industry of any safety issues or trends identified in the course of its work.

4 CHANGES TO REGISTRATION STATUS OF AN RGI

4.1 Voluntary De-Registration of an RGI

4.1.1 In circumstances where the Body de-registers an RGI following a request from the RGI for removal from the Register, the Body shall:

- (i) notify, without delay, the Commission and the Network Operator of the de-registered installer's details;
- (ii) remove, without delay, the details of that party from the Register of Gas Installers; and
- (iii) comply with requirements set out in Section B5 (Functions relating to the Public).

4.2 Suspension of Registration

4.2.1 For purposes of this section and for the avoidance of doubt suspension refers to the suspension of the registration status of an RGI. Such suspension will include the removal of the RGI's details from the Register and the withdrawal of that RGI's entitlement to undertake Gas Works. Suspension will be lifted without delay and entitlement restored when the Body is satisfied the RGI is able to comply with the requirements of this Criteria Document;

4.2.2 The Body shall, in accordance with Section D of this Criteria Document (Disciplinary Process), have documented procedures for suspension of Registration.

4.2.3 These Disciplinary procedures shall be subject to approval by the Commission.

4.2.4 In circumstances where the Body suspends an RGI's membership the Body is required to:

- (i) notify the RGI of the fact that he/she is no longer entitled to undertake Gas Works;
- (ii) confirm the above in writing (by registered letter or equivalent);
- (iii) notify, without delay, the Commission and the Network Operator of the details of the RGI concerned;
- (iv) in so far as is practicable, ensure that:
 - 1) the RGI's identification card is returned;

- 2) all unused Completion Certificates are recovered from the RGI; and
- 3) provide that such Completion Certificates issued after the date from which the RGI's entitlement to self-certification ceases shall be deemed to be invalid and rejected.

4.3 Revocation of Registration

4.3.1 For the purpose of this section and for the avoidance of doubt revocation refers to the revocation of the registration status of the RGI, the loss of all benefits associated with the status of the RGI and the removal of that installer's details from the Register on a permanent basis. The RGI will have recourse to reapply for membership of the Body but he/she must follow in full the Body's application procedure as set out in Section B 2.2 of this Criteria Document. The Body will then decide upon the RGI's reinstatement based upon its Registration & Evaluation Decision procedure as set out in Section B 2.4 of this Criteria Document.

4.3.2 The Body shall, in accordance with Section D of this Criteria Document (Disciplinary Process), have documented procedures for revocation of registration.

4.3.3 These Disciplinary procedures shall be subject to approval by the Commission.

4.3.4 In circumstances where the Body revokes an RGI's membership the Body is required to:

- a. notify the RGI of the fact that he/she is no longer entitled to undertake Gas Works;
- b. remove, without delay, the details of that party from the Register of Gas Installers;
- c. confirm the above in writing (by registered letter or equivalent);
- d. notify, without delay, the Commission and the Network Operator of the de-registered installer's details and the reason for de-registration;
- e. comply with requirements set out in Section B5 (Functions relating to the Public); and
- f. in so far as practicable, ensure that:

1. the RGI's identification card is returned;
2. all unused Completion Certificates are recovered from the RGI; and
3. provide that such Completion Certificates issued after the date from which the RGI's entitlement to self-certification ceases shall be deemed to be invalid and rejected.

5 FUNCTIONS RELATING TO THE PUBLIC

5.1 Customer Charter

5.1.1 The Body shall, in a form approved by the Commission, develop, make available, adhere to and keep up to date a Customer Charter, in respect of:

- (i) RGIs;
- (ii) Customers of RGI's;
- (iii) Third Parties; and,
- (iv) the general public.

5.1.2 The Customer Charter shall set out statements regarding the level of service each of the above parties can expect from the Body and that such services shall be delivered in a fair, consistent and timely manner.

5.1.3 The Body shall report to the Commission annually on the levels of service achieved in accordance with the requirements for such reports as specified by the Commission.

5.2 Publication of a Register of Gas Installers

5.2.1 The Body shall make available a list of RGIs who are registered with it ("the Register") on its website and through any other such website/publication and in such manner as may be directed by the Commission from time to time.

5.2.2 The form and type of information published by the Body in its Register shall be subject to approval by the Commission. The Commission may issue directions as to the form and format of the Register, form/means of its publication and the details published on the Register.

5.2.3 The Body is required to ensure that the Register is updated and amended as soon as practicable following any changes to the list of the Body's RGIs.

5.3 Complaints

5.3.1 The Body shall deal with all complaints received on matters associated with Registration and certification and other such matters relating to the Body's function to regulate the activities of gas installers with respect to safety. Such complaints shall be dealt with by the Body in a fair, timely and consistent manner.

5.3.2 The Body shall have a documented procedure ("Complaints Procedures") for processing, investigating and resolving complaints relating to its safety function from each of the following: RGIs, Customers and Other Parties. The Body shall also publish a Complaints Form for parties making complaints. The Complaints Procedures shall include the timeframe for dealing with complaints. The Complaints Procedures will also include provision for the escalation of unresolved complaints to the Commission. These procedures shall be subject to approval by the Commission.

5.3.3 The Body shall only be required to deal with complaints in so far as they relate to:

- (i) aspects relating to the safety regulation of RGIs by the Body;
- (ii) the safety of the Gas Works carried out by an RGI;
- (iii) the operations of the Body.

5.4 Public Awareness

5.4.1 The Body shall establish and maintain a website for the purposes of presenting information relating to its operation of its Core Activities and Permitted Activities to RGIs and the general public. This website shall present such information, and be in such a format, as may be specified by the Commission.

5.4.2 The website shall be a key promotional tool for the Body and must include information pertaining to the following:

- (iv) Core and Permitted Activities undertaken by the Body;
- (v) Safety Statistics; and
- (vi) Technical bulletins notifying the public and the industry of any safety issues or trends identified in the course of its work.

5.4.3 The Body shall be obliged to carry out such activities relating to raising public awareness of the Regulatory System, RGIs and such other issues relating to gas safety, as may be directed by the Commission from time-to-time.

5.4.4 The Body shall be responsible for providing information to the public on the operation of the Regulatory System and dealing with enquiries from the public on gas safety related matters.

5.5 Completion Certificates as Documents of Public Record

5.5.1 The Body shall ensure that it has a system in place to provide appropriate details in order to confirm the forms of Certification associated with a particular installation to any such party requesting same. This system shall be subject to the approval of the Commission.

6 OTHER OBLIGATIONS

6.1 Certification Process

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

6.2 Authorised Officers

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

6.3 Appeals Officers

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

6.4 Prosecution of Offences of Non Registered Parties

6.4.1 In the case where the Commission pursues a prosecution with respect to an offence committed by any non registered party under the Act, the Body shall comply with any requirements specified by the Commission.

7 REPORTING OBLIGATIONS

7.1 Reporting to the Commission

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

- (i) Operational Performance Reports;
- (ii) Financial Reports;
- (iii) Annual Report;
- (iv) A report outlining strategy/recommended actions for the next 12 months; and/or,
- (v) A report on any activity further to this Criteria Document or the Act,

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

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

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

Section C
The Registered Gas Installer

1 HOW TO BECOME A MEMBER OF THE BODY:

1.1 Who can become a member of the Body

1.1.1 Each individual who wishes to undertake gas works must be registered. Registration will cover the following types of gas works:

(i) Domestic gas works – Installation and commissioning; and/or

(ii) Domestic gas works – Servicing

[Non-domestic membership categories to be included in due course]

1.2 Membership Categories

1.2.1 There are two (2) membership categories of Registration with the Body – Full Membership and Trainee Membership. Each membership category will have the following General Membership conditions:

- a. Hold appropriate commercial insurance.
- b. Pay the appropriate membership fee to the Body (see Section B 1.7).
- c. Sign and accept the Rules of Registration (see Section B 2.3).

1.2.2 The specific requirements for each membership category are as follows:

2) Full Membership - Domestic

- a. will be open to individuals who hold a GID award or equivalent or have been a member of the Bord Gáis Register of Gas Installers in a domestic category on [1st January 2009].

3) Trainee membership – Domestic

- a. will be open to individuals who are undertaking or have completed a plumbing apprenticeship (or a similar such craft certificate) and are working towards full membership; and

- b. will be open who, while holding trainee membership, have their work supervised by an individual granted Full Membership of the Body; and
- c. who will ensure that an individual granted Full Membership of the Body certifies their gas work. Such certification must also include the details and signature of the trainee member.

1.2.3 Company Registration

The Regulatory System provides for individually registered gas installers to operate under company Registration. The specific requirements of such Registration are as follows:

- a. Each RGI who will undertake gas works on behalf of the company must have full, trainee or provisional membership of the Body as outlined in Section C 1.2.2.
- b. The General Membership conditions set out in Section C 1.2.1 can be met at a company level.
- c. Those RGI's operating under the company Registration can only carry out gas works to which the company Registration pertains.
- d. Those RGI's operating under the company Registration can not operate outside of company membership unless they can satisfy the General Membership conditions set out in Section C 1.2.1 on an individual Registration basis.
- e. Each company must nominate a responsible person to act as a first line of contact with the Body. This person's responsibilities will include ensuring that appropriate documentation and insurance is held by the company.
- f. The Body shall include only the name, Registration status and no other details of each RGI working under company registration on its Register.

1.2.4 Provisional Membership

There will be allowance for the Body to provide Provisional Membership of the Body for a strictly limited time period at the commencement of the new regulatory regime. This membership category is for individuals who meet the General Membership conditions but do not meet the specified qualification requirements for Full Membership. The Body will have the authority to grant Provisional Membership on a case by case basis subject to the following conditions being met:

- a. Any installer wishing to apply for Provisional Membership must be able to demonstrate that they are active and have experience within the industry for a time period of four (4) years or over.
- b. Any installer who applies for Provisional Membership will only be allowed to remain on Provisional Membership for a strictly limited time period as determined by the Body. Within that time period, the installer must obtain the necessary requirements for Full Membership. If an installer fails to achieve these requirements, their Provisional Membership will lapse and the installer will be required to apply for full membership.
- c. A suitable assessment process for Provisional Membership as deemed appropriate by the Body will apply and such criteria will be clearly outlined to the applicant.
- d. Examples of potential applicant's that the Body may deem worthy to qualify for Provisional Membership include a gas installer with significant previous experience in carrying out gas works in another jurisdiction or a gas installer who is seeking to re-enter the industry after a period of absence.
- e. Upon granting of Provisional Membership, the installer will have full membership rights for the timeframe specified by the Body.
- f. RGIs will not be permitted to reapply for Provisional Membership.
- g. RGIs included in the Provisional Membership category may also be subject to higher registration fees.

1.2.5 Any individual who provides GID or equivalent training must meet the Full Membership requirements as set out in Section C 1.2.2. Such an individual will be permitted to operate under the auspices of a training body providing the specific company membership requirements set out in Section B 2.1.4 are met.

1.2.6 Any company or RGI who engages a sub contractor to carry out gas works is responsible for ensuring that the sub contractor is an RGI. If a company or RGI fails to comply with such a requirement, he/she will be subject to disciplinary procedures as set out in Section D.

1.3 Application for Registration

- 1.3.1 For any Application for Registration with the Body to be valid (an Application), it must be made, and completed, in accordance with the Application Procedure published by the Body.
- 1.3.2 The person making the Application (the Applicant) is required to ensure that all information provided is accurate and correct as at the time of submission of the application and is required to provide a declaration to that effect.
- 1.3.3 Any (material) changes to the accuracy of the information submitted as part of the application are required to be notified to the Body immediately. In the case of company Registration, the company must notify the Body immediately of any RGI no longer operating under company Registration and of any new RGI who has been granted their status under company Registration.
- 1.3.4 Any material information provided that is subsequently discovered to be false or misleading will result in the cancellation of the application for Registration, or where Registration has taken place on the basis of such false or misleading information, cancellation of Registration will take place with immediate effect.
- 1.3.5 The Body has the right to inspect and/or seek evidence of compliance with all of its requirements for Registration in its Application Procedure as part of the assessment for Registration.
- 1.3.6 The Applicant is required to comply with the Body's appeal procedure if he/she wishes to appeal the decision of the Body with respect to the rejection of the Application.
- 1.3.7 Where the original decision to reject the Application is upheld by the Body upon appeal, the Applicant may appeal the decision to the Commission.
- 1.3.8 Such appeals are to be in accordance with the procedure to be specified by the Commission and the Commission's determination on this matter will be final and the Body and Applicant are to be bound by same.

1.4 Granting of Registration

- 1.4.1 The Applicant shall be conferred with RGI status if all requirements within the application are formally accepted by the Body and the Rules of Registration are signed by the Applicant.
- 1.4.2 Registration will take effect from the date confirmed in writing by the Body.
- 1.4.3 If registration has been granted by the Body, the RGI's name will be added to the Register.

- 1.4.4 When granted Registration, the RGI shall receive documentation to act as confirmation of its registered status. The Body shall provide, to each RGI, an identification card and other formal Registration documents such as a letter or a certificate of Registration. In instances where an RGI is covered under company registration, such documentation will stress that the RGIs Registration is only valid when undertaking gas works on the company's behalf. These formal Registration documents shall permit identification of the following:
- (v) the name and address of the RGI;
 - (vi) the membership category of Registration granted;
 - (vii) the effective date of registration;
 - (viii) the year when the RGI's competency will be reassessed;
and
 - (ix) where applicable, the Registration details of the company on whose behalf the RGI is undertaking gas works.
- 1.4.5 If registration is granted to an RGI under company Registration, each individual RGI will be added to the Register under the company name.
- 1.4.6 An RGI granted company registration status will receive a company Registration number that they must quote on all certificates issued for Gas Works.

2 RIGHTS OF AN RGI

2.1 General Rights of an RGI

- 2.1.1 Only RGIs are entitled to use the title “Registered Gas Installer.
- 2.1.2 The RGI has the right to undertake gas works appropriate to the membership category to which his/her membership pertains.
- 2.1.3 Each RGI who operates under company membership has the right to undertake gas works appropriate to the Registration category to which his/her membership pertains on behalf of the company.
- 2.1.4 Each RGI has the right to receive membership information from the Body upon Registration. The format of presentation of such information will be set out in the Rules of Registration.
- 2.1.5 In accordance with the Terms & Conditions outlined in the Rules of Registration, an RGI is entitled to use the logo of the Body and the Brand on business documentation and/or vehicles.

2.2 Rights with respect to the Body:

- 2.2.1 The RGI has the right to a reasonable, fair, consistent, timely, efficient and effective service from the Body at all times.

Inspection of RGI’s Work by the Body

- 2.2.2 The Body will provide each RGI with a copy of its Inspection Procedure as part of the membership information set out in Section C 2.1.4.
- 2.2.3 In the case of an *announced* inspection, the RGI is to be given prior notice of the inspection and the timeframe for its occurrence. This does not preclude the Body from having the authority to undertake unannounced inspections.
- 2.2.4 The RGI is to be provided with a copy of the Inspection Report from the Body’s Inspector once the Inspection has been carried out. This Inspection Report will outline any non-conformances that have been identified and the corrective actions that may be required. The Inspection Report will also specify the timeframe in which these must be completed.

Audit of RGI by the Body

- 2.2.5 The Body will provide each RGI with a copy of its Audit Procedure as part of the start up pack set out in Section C 2.1.4.
- 2.2.6 In the case of an *announced* audit, the RGI is to be given prior notice of the Inspection and the timeframe for its occurrence. This does not preclude the Body from having the authority to undertake unannounced audits.

2.2.7 The RGI is to be provided with an Audit Report from the Body's Auditor once the Audit has been carried out. This report will outline any non-conformances that have been identified and the corrective actions that may be required. The Audit Report will also contain the timeframe in which these must be completed.

Complaints on the Performance of the Body

2.2.8 After exhausting the Body's appeals process, the RGI will have the right to complain to the Commission on the performance of the Body.

2.2.9 The RGI will have the right to refer any unresolved complaints between the RGI and the Body to the Commission regarding any aspect of operation and/or performance of the Body.

2.2.10 Such complaints are required to be made in accordance with any requirements specified by the Commission for the making of such a complaint.

3 RESPONSIBILITIES OF AN RGI

3.1 Responsibilities in relation to Compliance with Regulatory Arrangements & Legislation

- 3.1.1 The RGI is required to ensure he/she is in compliance with the 2006 Act, this Criteria Document and the Rules of Registration.
- 3.1.2 An RGI found to be in breach of any of the provisions/conditions of this Criteria Document or the Rules of Registration may be subject to disciplinary proceedings by the Body under, and in accordance with, the provisions of the Disciplinary Procedure as set out in Section D.
- 3.1.3 The RGI is to comply with the provisions of the Disciplinary Procedure as set out in Section D of this Criteria Document.

3.2 Responsibilities in relation to Domestic Classes of Gas Works:

Responsibilities in relation to the certification of gas works

- 3.2.1 An RGI must undertake Gas Works in accordance with IS 813 and any other relevant industry standard referenced therein. Each RGI is to be conversant with the current edition of IS 813 for the range of Gas Works being undertaken, including all published amendments to same, and any other relevant standard or publication as may be specified by the Body from time to time.
- 3.2.2 An RGI is required to certify **all** gas works carried out for which it is responsible. An RGI must issue a Completion Certificate for all gas works. An RGI will only issue Completion Certificates provided to it by the Body. The conditions for issuing a Completion Certificate are outlined in the "Operational Procedure No.1 – Certification".
- 3.2.3 The RGI is to have the overall responsibility for ensuring that:
 - (i) Completion Certificates are only used to certify gas works in accordance with the requirements specified;
 - (ii) Completion Certificates are securely stored so as to prevent their loss, theft or misuse;
 - (iii) a copy is properly recorded and maintained of each Completion Certificate issued by the RGI;
 - (iv) all such records are kept in an appropriate manner and available for Audit and Inspection by the Body; and
 - (v) copies of all Completion Certificates issued for Gas Works are returned to the Body within a specified period.

- 3.2.4 Once a Completion Certificate has been issued for Gas Works, the person who requested the works to be carried out is to be furnished with the appropriate copy of the Completion Certificate.

Responsibilities in relation to the safety of unfinished gas works

- 3.2.5 In accordance with IS 813 and any other relevant industry standard referenced therein and the interests of safety, all RGI's are required to ensure that Gas Works which are in progress but not yet completed by them (unfinished works), are left in such a manner, so as to ensure they do not pose a danger to persons or property.

Responsibilities with respect to unsafe gas works encountered

- 3.2.6 Where an RGI identifies an unsafe situation, the RGI shall apply the appropriate procedure for non conforming installations, as set out in IS 813 and any other relevant industry standard referenced therein, to ensure that the installation is left in a safe manner.

3.3 Responsibilities with respect to the Customer:

- 3.3.1 In addition to such other requirements as set out in this Criteria Document, the RGI is responsible for the following with respect to the Customer:
- (i) Providing confirmation of the status of the RGI to the customer, including providing their Registration Number and the details for the Customer to independently verify these with the Body. The RGI must satisfy these requirements by presenting their RGI identification card to the customer for inspection;
 - (ii) Providing copies of certification for the Gas Works carried out by the RGI to the Customer in accordance with IS 813 and the Operational Procedure on Certification;
 - (iii) Providing the Customer with all manufacturers instructions relating to the appliances being installed;
 - (iv) Informing the Customer of any safety concerns discovered during the course of their work and advising them of the appropriate measures taken; and
 - (v) Informing the Customer on the safe use and maintenance of the installation concerned and relevant appropriate action that can be undertaken by the customer if the appliance ever poses a safety risk and must be made safe.

3.4 Responsibilities with respect to the Body:

Responsibilities with respect to the requirement to use title of “Registered Gas Installer”, the brand and name/logo/brand of the Body

- 3.4.1 An RGI is required, at all times, to present/detail its Registration Number on business documentation where it presents itself as a Registered Gas Installer and/or uses the Name/Logo of the Body or the Brand.
- 3.4.2 An RGI is required to furnish, to any party, confirmation of its Registration and Registration details upon the request of any such party. Such confirmation is to be in the form specified by the Body.

Unsafe Gas Works/Inappropriate Certification

- 3.4.3 In addition to such other requirements as set out in this Criteria Document, the RGI is responsible for the following with respect to the Body:
 - (i) Notifying the Body of any unsafe gas works encountered as a result of poor workmanship or negligence, but not as a result of normal appliance operation;
 - (ii) Notifying the Body where certificates are issued by a Non-Registered Person; and
 - (iii) Notifying the Body of any invalid gas works encountered whereby an RGI signs off on a Certificate for gas work in an inappropriate manner in contravention of the safety requirements of IS 813 (the exception here is when an RGI signs off on work completed by a trainee working under the RGIs supervision as set out in clause 1.2.2(2)).

Responsibilities with respect to inspections undertaken by the Body

- 3.4.4 Inspection refers to the Inspection of the Gas Work carried out to ensure its compliance with IS 813 and any other relevant industry standard referenced therein.
- 3.4.5 Any work carried out by an RGI is eligible for Inspection by the Body.
- 3.4.6 The RGI is required to comply with any requirements of the Inspector during the carrying out of an Inspection and/or Audit.

- 3.4.7 This includes being present if requested during an Inspection/Audit, answering any questions posed by the Inspector relating to the work and/or the provision of relevant documentation and/or records of relevant documentation.
- 3.4.8 In the case of an *unannounced* Inspection, the RGI is to fully comply with the conditions of the Body with regard to the Inspection and/or Audit to be carried out.
- 3.4.9 The RGI is required to carry out all corrective actions within the specified timeframe that have been identified in the course of an Inspection by the Body and as outlined in the Inspection report. The Body may carry out a follow up Inspection to ensure that corrective actions have been carried out. The RGI will be obliged to comply with the conditions for that inspection as would be the case for any other Inspection.

Responsibilities with respect to audits undertaken by the Body

- 3.4.10 The RGI is required to comply with any requirements of the Body in carrying out an audit, including:
- (i) providing copies and/or originals, if appropriate, of requested documentation;
 - (ii) making an appropriate person from the organisation available to answer any questions in relation to the documentation; and,
 - (iii) giving details of third parties who may need to be contacted to verify relevant information.
- 3.4.11 The RGI is required to carry out all corrective actions that have been identified in the course of an audit by the Body and as may be specified in the Audit Report.
- 3.4.12 The Body may carry out a follow-up audit to ensure that all necessary corrective actions have been completed. The RGI will be obliged to comply with the conditions for that Audit as would be the case for any other audit.
- 3.4.13 Disciplinary action may result where corrective actions have not been carried out within the specified timeframe.

Responsibilities in relation to qualification & competency assessment records

- 3.4.14 The RGI is to ensure that evidence of his/her qualifications and competency assessment records, as required under clause 1.2.1 of this section, are held at all times.
- 3.4.15 An RGI is to undertake any course/training/instruction as specified by the Body (which may be deemed necessary in response to an inspection, Audit, a change in IS 813 and any other relevant industry standard referenced therein, etc.).

3.5 Responsibilities in relation to Interaction with the Network Operator

- 3.5.1 An RGI must report to the Network System Operator any uncontrolled gas escapes/emergencies encountered.
- 3.5.2 The RGI will operate in line with the Network System Operator's procedures in instances where the RGI requires interaction with the Network Operators processes in dispatching his/her duties.

3.6 Responsibilities in relation to compliance with requirements of Authorised Officers

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

3.7 Responsibilities in relation to compliance with requirements of Appeals Officers

- 3.7.1 An RGI is required to comply with any request from an Appeals Officer in accordance with the provisions set out under Section F and/or pursuant to the provisions of the Act.

4 CONTINUANCE OF REGISTRATION

4.1 Renewal of Registration

4.1.1 An RGI will be eligible to renew its Registration by the Body, provided that the Rules of Registration continue to be met and the Body's annual Registration Renewal Procedure requirements adhered to. These requirements include:

- a. Ensuring that his/her personal Competence Certificate, issued by an INAB or equivalent Accreditation Body, in accordance with centralised criteria approved by the Commission with respect to I.S. 813, is up to date.
- b. Renewing appropriate commercial insurance.
- c. Paying the appropriate membership fee to the Body.
- d. Ensuring that his/her membership is not suspended or revoked as set out in Section B 4.

4.1.2 The initial date of the individual RGI's first Competency Assessment will be determined by the Body based upon a risk assessment of the RGI in question. At a minimum, it will be a condition of membership that the RGI undertakes re-assessment of competency every 5 years thereafter.

4.2 Insurance

4.2.1 The RGI, is required to have in place and maintain the following insurance cover:

- (i) public liability insurance to a minimum level of indemnity as may be specified by the Body, the Network System Operator and/or the Commission;
- (ii) appropriate employer's liability insurance (if applicable).

- 4.2.2 The onus to hold insurance cover over and above the specified minimum rests with the RGI in such cases where it is appropriate to the work being carried out.
- 4.2.3 Such insurance policies will, as appropriate, indemnify (jointly and separately) the Body, the Commission and/or any party acting on either's behalf.
- 4.2.4 The specified levels of insurance cover will be subject to review from time to time, as appropriate.
- 4.2.5 Failure to maintain insurance and/or provide the Body with proof of such when requested to do so will result in automatic suspension of Registration, and, for the avoidance of doubt, this will result in the automatic and immediate suspension of the entitlement to undertake gas works.
- 4.2.6 Such suspension and withdrawal of the entitlement to undertake Gas Works will continue in force until appropriate insurance is put in place, confirmed to the Body and same is acknowledged and the Body confirms suspension is lifted and full entitlement to undertake Gas Works rights are resumed.

4.3 Change in Registration Details

- 4.3.1 Any changes required to be notified to the Body shall be done in accordance with its procedure for notification of change in particulars of an RGI and on the "Change in Particulars Notification Form" as published by the Body. In the event that an RGI changes any particulars upon which its original Application for Registration was approved, it is required to inform the Body immediately by way of written notice.
- 4.3.2 Any changes required to be notified to the Body regarding company Registration shall be completed by the company in accordance with its procedure for notification of change in particulars of an RGI and on the "Change in Particulars Notification Form" as published by the Body. In the event that a company changes any particulars upon which its original Application for Registration was approved, it is required to inform the Body immediately by way of written notice.
- 4.3.3 The RGI will be responsible for updating the Body when his/her competency has been reassessed in accordance with the timeframe criteria set out in Section C 4.1.2.
- 4.3.4 Following any change, continued Registration will be at the discretion of the Body, in accordance with its procedures for the evaluation of Applicants.

5 CESSATION OF REGISTRATION

5.1 De-Registration

- 5.1.1 Where the RGI is de-registered, either voluntarily or further to a decision by the Body or the Commission, the RGI is required to return all outstanding Completion Certificates and all documentation pertaining to the RGI brand. For the avoidance of doubt, this will include those Completion Certificates issued but not yet remitted to the Body. The RGI must also cease to display any logos on vehicles or letterheads pertaining to the RGI brand.
- 5.1.2 Where the RGI is de-registered from performing Gas Works on behalf of a company, it is the responsibility of the company to satisfy the criteria set out in clause 5.1.1.
- 5.1.3 The RGI is required to also return the form of confirmation of registration issued to it by the Body.
- 5.1.4 Further clarification regarding the de-registration process will be set out in the Body's Rules of Registration and in Section D of this Criteria Document, the Disciplinary Process.

6 RE-INSTATEMENT OF AN RGI TO THE REGISTER

- 6.1.1 When an RGI's suspension period is completed, the Body shall re-instate his/her Registration and restore and all rights pertaining to his/her membership category.
- 6.1.2 Re-instatement of an RGI who has had their membership revoked shall be at the behest of the Body as outlined below:
- (i) The RGI will have recourse to reapply for membership of the Body but he/she must follow in full the Body's Application procedure as set out in Section B 2.1.4 of this Criteria Document.
 - (ii) The Body will then decide upon the RGI's instatement based upon its Registration & Evaluation Decision procedure as set out in Section B 2.3 of this Criteria Document.

Sections 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 this Criteria Document, including, but not limited to, the following:
 - (a) any failure to carry out work in compliance with the requirements of this 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 Completion 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 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.
- 4.2 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, he/she (in the case of a company the nominated person) shall return to the Body all unused Completion 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.
- 4.3 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 safety³, order that the RGI's right to undertake gas works is withdrawn, pending the resolution of the Complaint.

³ 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 standard referenced therein 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, present a final Complaint Report, setting out the facts and details of their investigation 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).
- 7.9 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 ADJUDICATION OF THE COMPLAINT BY THE DISCIPLINARY COMMITTEE

8.1 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.

8.2 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, trade 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.

8.3 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.

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

8.5 At least 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.

8.6 If any party seeks to rely on expert evidence, the report by such expert must be served on the other party at least 14 calendar days in advance of the hearing.

8.7 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.

8.8 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.

- 8.9 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.
- 8.10 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.

9 FINDINGS AND ORDERS OF THE DISCIPLINARY COMMITTEE

- 9.1 The Disciplinary Committee shall issue a written decision setting out its findings and setting out any Order to be made pursuant to its determination in respect of the Complaint.
- 9.2 The standard of proof applicable shall be proof “on the balance of probability”. If the Disciplinary Committee makes a finding that the Complaint has been proved or upheld in whole or in part, it may make any one or more of the following Orders as it considers appropriate:
- (i) That the 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.
- 9.3 Any other such Order that may be made upon such terms and conditions as decided by the Disciplinary Committee in its absolute discretion.
- 9.4 Such Order shall include specification by the Disciplinary Committee with respect to any further sanction or sanctions which may be imposed further to the failure of the RGI to comply with the order and its terms and conditions.
- 9.5 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.

10 APPEALS TO THE APPEALS PANEL

- 10.1 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.
- 10.2 The Order of the Disciplinary Committee shall stand pending the outcome of the appeal.
- 10.3 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.
- 10.4 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.
- 10.5 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, if no new evidence as set out in Section D 11.10 is presented. If new evidence is presented the date for the Appeal Hearing must be within 28 calendar days of receipt of the notice of appeal, in accordance with Section D 11.10.
- 10.6 No former member of the Disciplinary Committee or an Inspector who has been concerned with the Complaint which is the subject of the Appeal, shall be eligible for appointment to the Appeals Panel.
- 10.7 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.

10.8 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.

10.9 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.

10.10 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.

10.11 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.

10.12 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.

10.13 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.

10.14 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.

10.15 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.

10.16 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.

10.17 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.

10.18 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).

10.19 In the event that the appeal of the RGI is successful, the administration fee will be returned in full to the RGI.

11 APPEAL TO THE APPEALS COMMITTEE OF THE COMMISSION

- 11.1 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.
- 11.2 The RGI must submit its appeal in accordance with the requirements of Section E (Appeals to the Commission).

12 APPLICATION OF DISCIPLINARY SANCTIONS BY THE BODY

- 12.1 The Body shall apply any decision of the Disciplinary Committee or the Appeals Panel with respect to sanctions to be imposed on the 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).

SECTION E - APPEALS PROCESS

1 APPEAL BY THE RGI

1.1 Entitlement to Appeal

- a. 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.

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

3.2 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 standard referenced therein 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 Completion Certificates, insurance, etc.).

3.3 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.

APPENDIX 1

OPERATIONAL PROCEDURES

Note:

The Commission has not published Operational Procedures in Version 1.1 of the Criteria Document. Such Procedures cannot be fully finalised until the Body is designated and the Commission convenes appropriate working groups to support the development of same. The Commission will engage with the industry further on the development of these finalised Operational Procedures over the period to full implementation of the new regulatory system. Once a final decision is made regarding appropriate Operational Procedures, the Criteria Document will be amended to include same.