



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

## Regulation of the Gas Installer Industry with respect to Safety from 2016

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## CER Information Sheet

### **Abstract:**

The CER is committed to ensuring that its approach to regulation evolves and develops over time to ensure an appropriate level of gas safety in Ireland. Therefore, to align with the end of the current designation period of the current Gas Safety Supervisory Body (Gas SSB) in 2016, the CER is, through a consultation process, reviewing how the gas installer industry is regulated with respect to safety. This paper is the first step in this consultation process.

This process will lead to a CER decision paper on matters which will:

- (1) feed into the process to designate a Gas SSB to carry out the day-to-day regulation of gas installers with respect to safety from 2016 onwards; or,
- (2) feed into the overall approach through which the CER regulates this industry.

### **Target Audience:**

This document is for the attention of the general public and industry stakeholders. It will be of particular relevance to existing and future gas installers, parties with an interest in the gas contracting industry in Ireland such as NSAI, the HSA and gas installer representative bodies along with members of the public that use the services of those involved in the gas contracting industry in Ireland.

### **Related Documents:**

By way of background, the following is a list of CER documents related to the regulation of gas installers:

- Regulation of Gas Installers with Respect to safety. Definition for the Scope of Gas Works with regard to Liquefied Petroleum Gas (CER/11/074), 21<sup>st</sup> April 2011;
- Regulation of Gas Installers with Respect to Safety. Definition for the Scope of Gas Works (CER/09/083), 19<sup>th</sup> May 2009;
- CER Criteria Document Version 1.4 The Regulation of Gas Installers with Respect to Safety;
- Economic Regulation of the Gas Safety Supervisory Body and any Electrical Safety Supervisory Bodies to be Designated by the Commission, A Decision and Response to Comments Received Document (CER/08/108), 3<sup>rd</sup> July 2008;
- Vision for the Regulation of Gas Installers with respect to Safety, A Decision Document, (CER/07/225), 17<sup>th</sup> December 2007; and

- A Natural Gas Safety Regulatory Framework for Ireland – Approach Paper (CER/07/172), 24<sup>th</sup> October 2007.

Further relevant documents are available at [www.cer.ie](http://www.cer.ie)

## Executive Summary

Section 9 (1) (ea) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* confers on the CER the power to regulate the activities of gas installers with respect to safety. Section 9F (1) (a) of that Act further grants the CER the authority to designate a body to carry out this role on a day-to-day basis on behalf of the CER. This body is known as the Gas Safety Supervisory Body (Gas SSB).

In 2007, the CER published its Vision for the Regulation of Gas Installers with respect to Safety (ref. CER/07/225). Since that time the CER has implemented certain tasks outlined in that Vision Document including:

- The **designation** of a body to *inter alia* maintain a register of gas installers and to inspect those gas installers;
- Publication of a **Criteria Document**<sup>1</sup> which, amongst other things, outlines the rules which the designated body and individuals registered with it must comply;
- Implementation of **Statutory Instruments** which defined the scope of domestic Gas Works which, by law, only Registered Gas Installers (RGIs) may carry out;<sup>2</sup>
- Initiation of criminal **prosecutions** against unregistered individuals who have carried out Gas Works illegally;
- Putting in place a requirement for **assessment** of gas installers which is necessary to demonstrate their ongoing competency.

All of the above have improved the overall safety relating to gas installers which consequently gives customers confidence in the Registered Gas Installers (RGIs) they are hiring to carry out Gas Works in their home.

In 2008, the CER designated the Register of Gas Installers of Ireland (RGI), following a competitive tendering process, to be the Gas SSB in respect of gas installers with their role commencing in 2009 for a period of seven years. RGI's role as the Gas SSB will therefore terminate in January 2016. In 2015, the CER expects to embark on a competitive tendering process to appoint a Gas SSB for a fixed term period commencing January 2016 onwards.

The CER is committed to ensuring that its approach to regulation evolves and develops over time to ensure an appropriate level of gas safety in Ireland. Therefore, to align with the end of the current designation period, the CER is, through this consultation process, reviewing how the gas installer industry in Ireland is regulated with respect to safety.

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<sup>1</sup> In accordance with Section 9F (5) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*.

<sup>2</sup> *Electricity Regulation Act 1999 (Gas Works) Regulations 2009* S.I. No. 225 of 2009 and *Electricity Regulation Act 1999 (Liquefied Petroleum Gas Works) Regulations 2011* S.I. No. 2999 of 2011

This paper is the first step in this consultation process. This process will lead to a CER decision paper on matters which will:

- feed into the process of designating a Gas SSB to carry out the day-to-day regulation of gas installers with respect to safety from 2016 onwards; or,
- feed into the overall approach through which the CER regulates this industry.

It is intended that the designation process will be carried out in 2015, with one Gas SSB being designated in mid-2015 and becoming operational in January 2016.

A similar consultation is also currently taking place with regard to the corresponding Registered Electrical Contractors regulatory scheme (ref. CER/14/130).

Based on the CER's experience of the scheme to date, both consultation papers raise issues such as how to improve compliance with the current arrangements (for example, to ensure certificates are issued to customers and a copy returned to the appropriate SSB for all relevant works) as well as to continue to improve safety by covering possible changes that could be made to the current arrangements (such as introducing new categories of registration).

The observations raised throughout this paper are as a result of the CER's experience of the scheme since 2009 along with our interaction with stakeholders and the public throughout that time.

## Table of Contents

<b>CER Information Sheet .....</b>	<b>i</b>
<b>Executive Summary .....</b>	<b>iii</b>
<b>Table of Contents .....</b>	<b>v</b>
<b>1.0 Introduction and Background.....</b>	<b>1</b>
1.1 The Commission for Energy Regulation.....	1
1.2 Introduction to the Regulation of Gas Installers.....	1
1.3 Development of the Regulation of Gas Installers .....	3
1.4 Purpose and Scope of this Paper.....	4
1.5 Structure of this Paper .....	4
1.6 Responding to this Paper.....	5
1.7 Next Steps .....	5
<b>2.0 Overview of the Existing Regulatory Regime .....</b>	<b>7</b>
2.1 Introduction.....	7
2.2 Components of the Regulatory Regime .....	7
2.3 Performance of the Regulatory Regime .....	8
2.4 Conclusion.....	14
<b>3.0 The Designated Body .....</b>	<b>15</b>
3.1 Introduction.....	15
3.2 Financial Structure of the Gas SSB.....	16
3.3 Term of Designation.....	18
3.4 Corresponding Terms for both Electrical and Gas SSBs.....	19
3.5 Fees of Registered Individuals.....	19
3.6 Permitted activities.....	20
3.7 Regulating the Operation of the Designated Body .....	21
3.8 Investigations of Gas Incidents .....	22
3.9 Gas SSB Inspectors.....	23
3.10 Conclusion.....	23
<b>4.0 The Criteria Document .....</b>	<b>24</b>
4.1 Introduction.....	24
4.2 Conclusion.....	26
<b>5.0 Technical Standards, Training and Assessments.....</b>	<b>27</b>
5.1 Background .....	27
5.2 Technical Standards to which Work must be Carried Out .....	27
5.3 Training Prior to Registration .....	28
5.4 Assessments for RGIs .....	29
5.5 Conclusion.....	31
<b>6.0 Registered Gas Installer Membership.....</b>	<b>32</b>
6.1 Background .....	32
6.2 Requirements for Registration .....	32
6.3 Craft Certificates as a Registration Requirement .....	33
6.4 Different Categories.....	34
6.5 Conclusion.....	35
<b>7.0 Definition of Gas Works and Certification .....</b>	<b>36</b>
7.1 Introduction.....	36
7.2 Background on Designation of Gas Works.....	36
7.3 Gas Works and RGIs .....	38
7.4 Certification of Gas Works .....	38

7.5	Conclusion.....	40
<b>8.0</b>	<b>Gas Works by Unregistered Individuals .....</b>	<b>41</b>
8.1	Background .....	41
8.2	Detection and Investigation.....	41
8.3	Conclusion.....	44
<b>9.0</b>	<b>Communication between the CER and Stakeholders .....</b>	<b>45</b>
9.1	Introduction.....	45
9.2	Background and Current Arrangements.....	45
9.3	Proposed Future Communication Arrangements .....	47
9.4	Conclusion.....	48
<b>10.0</b>	<b>Public Awareness.....</b>	<b>49</b>
10.1	Introduction.....	49
10.2	Activities undertaken.....	49
10.3	The RGI Logo .....	50
10.4	Conclusion.....	52
<b>11.0</b>	<b>Interaction with the Electrical Scheme.....</b>	<b>53</b>
11.1	Introduction.....	53
11.2	A Joint SSB for Gas and Electrical.....	54
11.3	Conclusion.....	55
<b>12.0</b>	<b>Conclusion and Next Steps .....</b>	<b>56</b>

## 1.0 Introduction and Background

### 1.1 The Commission for Energy Regulation<sup>3</sup>

The Commission for Energy Regulation (CER) is Ireland's independent energy and water regulator. The CER was established in 1999 and now has a wide range of economic, customer protection and safety responsibilities in energy. The CER is also the regulator of Ireland's public water and wastewater system.

The CER's primary economic responsibilities in energy cover electricity generation, electricity and gas networks, and electricity and gas supply activities. As part of its role, the CER jointly regulates the all-island wholesale Single Electricity Market (SEM) with the Utility Regulator in Belfast. The SEM is governed by a decision-making body known as the SEM Committee, consisting of the CER, the Utility Regulator and an independent member. The overall aim of the CER's economic role is to protect the interests of energy customers. The CER has an important related function in customer protection by resolving complaints that customers have with energy companies.

In 2014 the CER was appointed as Ireland's economic regulator of the Irish public water and wastewater sector. The CER's functions and duties in the water sector are set out in the Water Services Act 2013 and in more recent legislation in the Water Services (No.2) Act 2013.

The CER's core focus in safety is to protect lives and property across a range of areas in the energy sector. This includes safety regulation of electrical contractors, gas installers and gas pipelines. In addition the CER is the safety regulator of upstream petroleum safety extraction and exploration activities, including on-shore and off-shore gas and oil.

### 1.2 Introduction to the Regulation of Gas Installers

Under section 9 (1) (ea) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*, the CER has responsibility to regulate gas installers with respect to safety.

Prior to the 2006 Act, there was no specific legislative provision in place to require all fittings, installations and maintenance work on gas appliances to be conducted by a certified and competent installer. Under condition 10 of its Distribution Licence, Bord Gáis Networks was required by the CER to keep and publish a register of gas installers who possess the requisite qualifications, skills and experience for the safe and proper

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<sup>3</sup> Further information on the CER's role and relevant legislation can be found on the CER's website at [www.cer.ie](http://www.cer.ie).



installation, commissioning, testing, repair, removal, replacement and maintenance of gas fittings.

To this end, Bord Gáis Networks had established and operated a voluntary scheme for gas installers. However, registration was not mandatory. Thus only approximately 800 individuals that worked in the gas installation industry were captured within the voluntary registration scheme.

The relatively low number of people registered demonstrated a need for the process to be formalised. Thus, the legislature granted the power to regulate the activities of gas installers to the CER through the *Energy (Miscellaneous Provisions) Act 2006*. In order to fulfil this safety function the CER appointed the Register of Gas Installers of Ireland (RGII) as the Gas Safety Supervisory Body (hereinafter referred to as the Gas SSB), in accordance with section 9F (1) (a) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*, commencing in 2009 for a period of seven years. As the Gas SSB, the RGII is responsible for registering and regulating gas installers with respect to safety on a day-to-day basis. The operation of the Registered Gas Installers (RGIs) scheme went live in 2009, replacing the earlier self-regulatory regime. Initially the scheme applied to domestic natural gas installers only but was extended to include domestic Liquefied Petroleum Gas (LPG) installers in June 2011.<sup>4</sup> In time, the scheme may be further extended to include commercial gas installers.

RGII is responsible for the day-to-day activities of registering natural gas and LPG installers and regulating their activities with respect to safety. RGII registers natural gas and LPG installers, ensuring that people looking to become RGIs are appropriately qualified and insured. The RGII also carry out ongoing audit and inspections of each RGI to confirm they are working to the appropriate national safety standards. They also issue, validate and process Completion Certificates. These certificates are provided by RGIs to the customer on completion of Gas Works and certify that the work has been carried out by an approved gas installer and in accordance with the relevant national safety standard.

From a customer perspective, anyone who wishes to carry out Gas Works in the home - for example to service, replace or install a domestic natural gas or LPG appliance or boiler - must be an RGI registered with the RGII, at the time they carry out Gas Works. RGIs must hold suitable qualifications, carry out gas work in line with the relevant Irish standards and undergo regular audit and inspection by the RGII. This provides confidence to the customer that registered installers, who carry out Gas Works in their homes, operate to an appropriate safety standard which in turn protects lives and property.

Four broad safety risks associated with the utilisation of gas are:

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<sup>4</sup> Through S.I. No. 299 of 2011 – *Electricity Regulation Act 1999(Liquefied Petroleum Gas Works) Regulations 2011*

1. the competency of gas installers;
2. the use of approved gas fittings and appliances;
3. working to an appropriate national standard; and
4. the levels of gas safety awareness amongst end use customers and the general public.

Gas installers must be competent, assessed as such, and registered to undertake installation and maintenance activities on gas fittings and appliances. The potential outcomes of improper gas installation and maintenance include:

- gas leaks inside the property resulting in fire and/or explosion; and
- inadequate ventilation and/or incomplete combustion resulting in the potential for carbon monoxide poisoning.

Gas customers and the public at large should have a level of gas safety awareness to ensure that they understand the potential dangers of not hiring Registered Gas Installers to carry out Gas Works and to have their installation and appliances serviced regularly.

The work which has been carried out in this area to date aims to ensure an appropriate level of safety in relation to gas installers in Ireland.

### **1.3 Development of the Regulation of Gas Installers**

Prior to the implementation of the scheme, the CER, in 2007, outlined its vision for the regulation of the gas installer industry with respect to safety. This vision outlined the CER's intended approach on how the scheme would be structured and would operate.

At the centre of this scheme is the Criteria Document which the CER has published as required under section 9F (5) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*. This Document outlines how the Gas SSB should operate on a day-to-day basis. This document was originally published in 2008, following a consultation, and the most recent version is available on the CER website.<sup>5</sup>

Separately, the CER, in accordance with section 9G (1) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*, has defined Gas Works which may only be carried out by an RGI. These works have been defined as the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of a natural gas or LPG fitting covered by I.S. 813 or I.S. EN 1949, which is used or designed to be used by a domestic customer or which is designed to be used by a domestic customer but which is located in a commercial or industrial premises.<sup>6</sup> It is an offence for an unregistered individual to carry out such Gas Works

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<sup>5</sup> At time of publication the most recent Criteria Document Version 1.4, The Regulation of Gas Installers with Respect to Safety, available [here](#).

<sup>6</sup> These have been designated as Gas Works by means of Regulations through the following Statutory Instruments:

S.I. Number 225 of 2009 – *Electricity Regulation Act 1999 (Gas Works) Regulations 2009*

S.I. Number 299 of 2011 *Electricity Regulation Act 1999 (Liquefied Petroleum Gas Works) Regulations 2011*

under section 9G (3) and (4) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*. The CER also has a role in prosecuting individuals who have undertaken relevant Gas Works while not being registered.

This work and other matters relating to the regulation of gas installers are discussed further in this document.

## 1.4 Purpose and Scope of this Paper

The CER is committed to ensuring that its approach to regulation evolves over time to ensure an appropriate level of gas safety in Ireland. Therefore, to align with the end of the current designation period<sup>7</sup>, the CER is, through this consultation process, reviewing how the gas installer industry is regulated with respect to safety. This process will lead to a CER decision paper on matters which will:

- feed into the process to designate a Gas SSB to carry out the day-to-day regulation of gas installers with respect to safety from 2016 onwards; or,
- feed into the overall approach through which the CER regulates this industry.

This paper is the first step in this consultation process. The CER would encourage all interested parties to provide their opinions to the aspects raised and any other matter they wish to raise.

It is intended that the designation process will be carried out in 2015, with one Gas SSB being designated in mid-2015 and becoming operational in January 2016.

Changes to primary legislation are outside the scope of this consultation.

## 1.5 Structure of this Paper

The structure of this Consultation Paper is as follows:

- This section provides an **introduction** and a **background** along with a **purpose** for this paper;
- Section 2.0 provides an **overview of the regulatory regime** to date and performance thereof;
- Section 3.0 provides information on the **Designated Body** and poses questions relating to the Designated Body from 2016 onwards;
- Section 4.0 gives an overview of the **Criteria Document** and seeks opinions on same;
- Section 5.0 outlines the **Technical Standards, Training and Assessment** associated with the scheme and seeks views on same;
- Section 6.0 gives an explanation of **RGI Membership** and invites comments on same;

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<sup>7</sup> The designation period for the current Gas SSB is due to expire in January 2016.

- Section 7.0 outlines **Gas Works and Certification** thereof
- Section 8.0 provides information on **Investigations and Prosecutions relating to Unregistered Individuals** and seeks comments on same;
- Section 9.0 gives an outline of the **Communication between CER and Stakeholders**;
- Section 10.0 provides information on the **Public Awareness** aspect of the scheme and invites comments on various related aspects;
- Section 11.0 provides information on the corresponding electrical contractors scheme and seeks views on the possibility of a **joint Gas and Electrical SSB**;
- Finally Section 12.0 provides information on the **next steps** for the consultation.

Throughout this paper, various questions are posed to which comments from interested parties are invited on. However, any other relevant comments are also welcome.

## 1.6 Responding to this Paper

Interested parties are invited to comment on the issues raised in this paper along with any further relevant comments by close of business on Friday, 25<sup>th</sup> July 2014. In the interests of transparency, the CER intends to publish all responses in full on its website. In the event that a respondent does not wish for its response to be published, the response should be clearly marked as confidential or any confidential information should be included in a separate annex.

Comments should be sent to Tara O'Beirne [tobeirne@cer.ie](mailto:tobeirne@cer.ie) no later than close of business on **Friday, 25<sup>th</sup> July 2014**.

Comments in electronic format are preferable. However comments may also be posted to the CER at the following address:

Tara O'Beirne  
Commission for Energy Regulation  
The Exchange  
Belgard Square North  
Tallaght  
Dublin 24

## 1.7 Next Steps

Following consideration of all responses received to this consultation document, the CER expects to publish a Proposed Decision during Q3 of 2014. Parties will have a further opportunity to respond to that document and the CER will then publish a final Decision Paper in Q4 of 2014.

That decision will cover matters which will:

- feed into the process to designate a Gas SSB to carry out the day-to-day regulation of gas installers with respect to safety from 2016 onwards; or,
- feed into the overall approach through which the CER regulates this industry.

It is intended that the designation process will be carried out in 2015, with one Gas SSB being designated in mid-2015 and becoming operational in January 2016.

The CER would encourage all interested parties to provide their opinions to the aspects raised and any other matter they wish to raise.

## 2.0 Overview of the Existing Regulatory Regime

### 2.1 Introduction

This section outlines the main components of the regulatory scheme which are fundamental to the effective operation of the scheme. This section then goes on to describe the performance of the scheme to date.

### 2.2 Components of the Regulatory Regime

In December 2007, the CER published the “*Vision for the Regulation of Gas Installers with Respect to Safety*” (ref. CER/07/225), which set out the CER’s high level approach to the regulation of natural gas installers with respect to safety within the Gas Safety Framework. Section 9 (1) (ea) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* gave the CER the authority to address the gap between the voluntary regulatory scheme which Bord Gáis were managing by conferring on it the authority to regulate the activities of gas installers with respect to safety and by moving to a mandatory scheme for gas installers.

Since that time the CER developed a regulatory regime consisting of the following main components:

- The CER has **designated a body** to regulate gas installers on a day-to-day basis. The current arrangements and the proposed approach for the period commencing January 2016 regarding this are covered within Section 3.0 of this document;
- The CER has put in place a **Criteria Document** to which the body and the installers registered with it must adhere to. This includes detail on how complaints and disciplinary proceedings are dealt with. The current arrangements and the proposed approach for the period commencing January 2016 regarding this are covered within Section 4.0 of this document;
- The CER has specified (through the Criteria Document) the **standards** to which RGIs must operate, the **qualifications** which individuals must have in order to register with the body and the **assessments** which must be completed to maintain registration with the body. The current arrangements and the proposed approach for the period commencing January 2016 regarding this are covered within Section 5.0 of this document;
- The CER has specified **works** which, by law, may only be carried out by individuals who are registered with the body and has undertaken **prosecutions** against individuals who have not complied with this requirement. The current arrangements and the proposed approach for the period commencing January 2016 regarding this are covered within Section 7.0 and Section 8.0 of this document, respectively;

- The CER has co-ordinated and participated in **promotion and public awareness** activity to ensure the public has sufficient knowledge regarding the regulatory regime. The current arrangements and the proposed arrangements for the period commencing January 2016 regarding this are covered within Section 10.0 of this document.

These functions are closely linked to the CER Strategic Plan 2010 – 2014, Strategic Goal Five – to ensure that electricity and gas are supplied safely. The strategies for achieving this goal are:

- **Safety Compliance** - The ongoing monitoring of compliance of industry with the safety regulatory systems;
- **Safety Compliance Enforcement** - Enforcing compliance with the regulatory systems when required;
- **Continuous improvements in safety** - Applying a continuous improvement philosophy to the safety regulatory systems;
- **Safety Promotion and Public Awareness** - Undertaking comprehensive promotion and public awareness campaigns; **and**
- **Governance Framework** - Putting in place the appropriate people, processes and governance structure to discharge its statutory safety functions.<sup>8</sup>

The CER is committed to the continuous improvement in safety for the gas installer industry.

The CER has also monitored the performance of the regulatory regime since 2009 in order to ensure there is compliance with the Terms and Conditions of Appointment and the Criteria Document. This is discussed in Section 2.3.

## 2.3 Performance of the Regulatory Regime

In its role of overseeing the gas installer regulatory scheme with respect to safety, the CER receives quarterly reports from the Gas SSB in order to monitor the scheme on an ongoing basis. The CER also carries out audits and inspections of the Gas SSB to ensure compliance with the relevant rules. Statistics are provided below regarding the performance of the scheme since 2009 to 2013.

### 2.3.1 Number of Registered Gas Installers (RGIs)

At the end of 2013 there were 2,982 installers (including full and trainee members) registered with the Gas SSB, this represents a 1.5% increase on the previous year. The graph below demonstrates the number of RGIs from 2009 to 2013. The number of RGIs has remained stable, with small growth in numbers, throughout the duration of the designation period.

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<sup>8</sup> To view the full Strategic Plan 2010-2014 click [here](#).

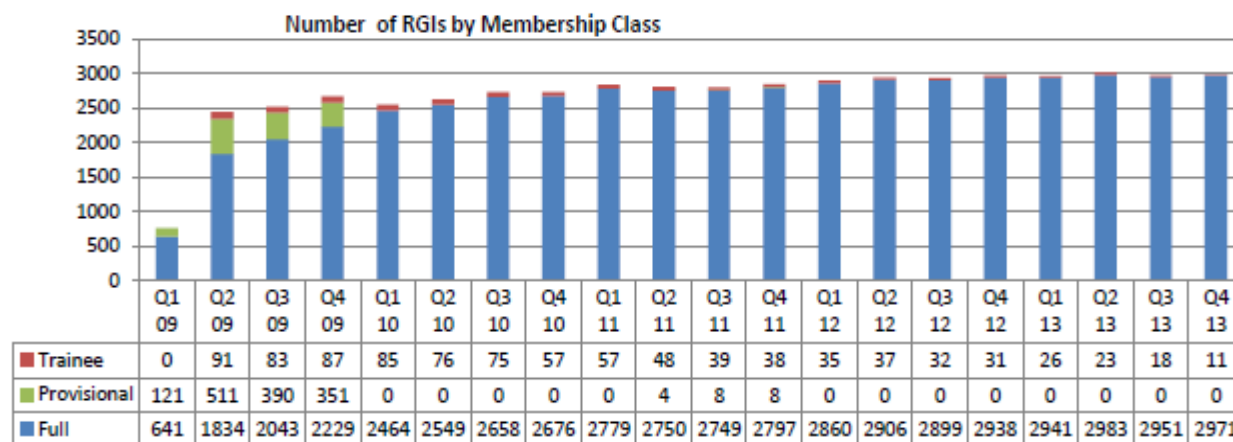


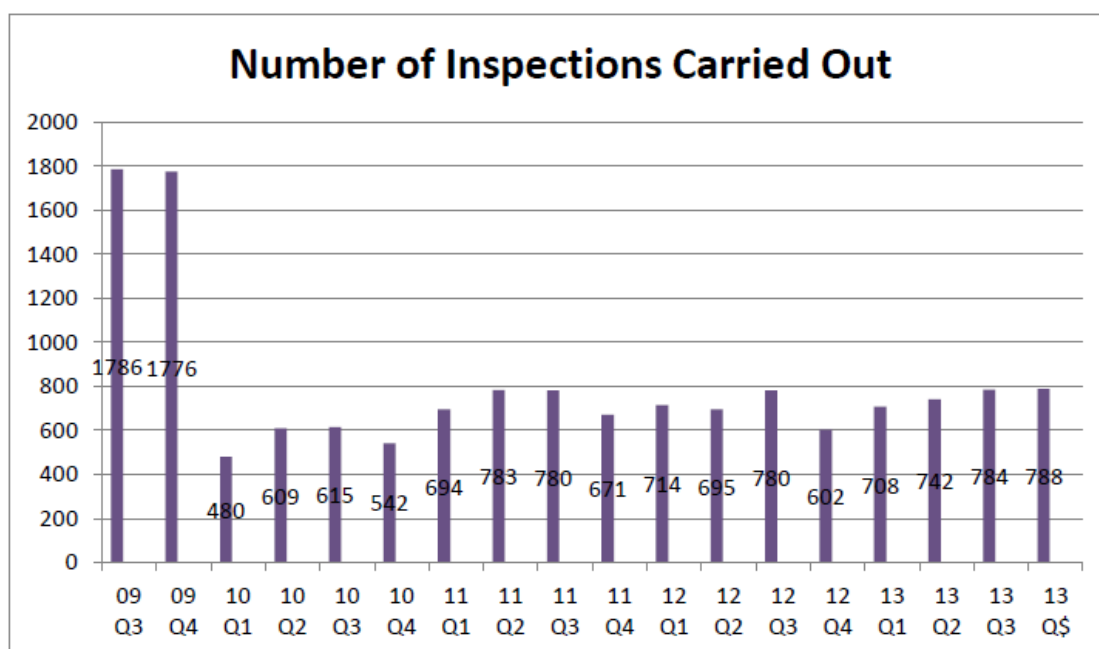
Figure 1 Registered Gas Installers by Class of Membership 2009 to 2013

### 2.3.2 Inspections Carried out by the Gas SSB

The Gas SSB is required, under the published Criteria Document, by the CER to monitor and inspect RGIs. It schedules inspections in line with the requirements of the Criteria Document. The target is to inspect each member on an annual basis (that is 2,982 Registered Gas Installers at the end of 2013).

During 2013, the Gas SSB planned to execute 3,358 routine inspections of RGIs. A final routine inspection figure of 3,022 was achieved. The graph below shows the number of inspections carried out by the Gas SSB on a quarterly basis since the scheme went live in June 2009.





**Figure 2 Number of Inspections Carried Out by the Gas SSB**

### **2.3.3 Sale of Completion Certificates by the Body**

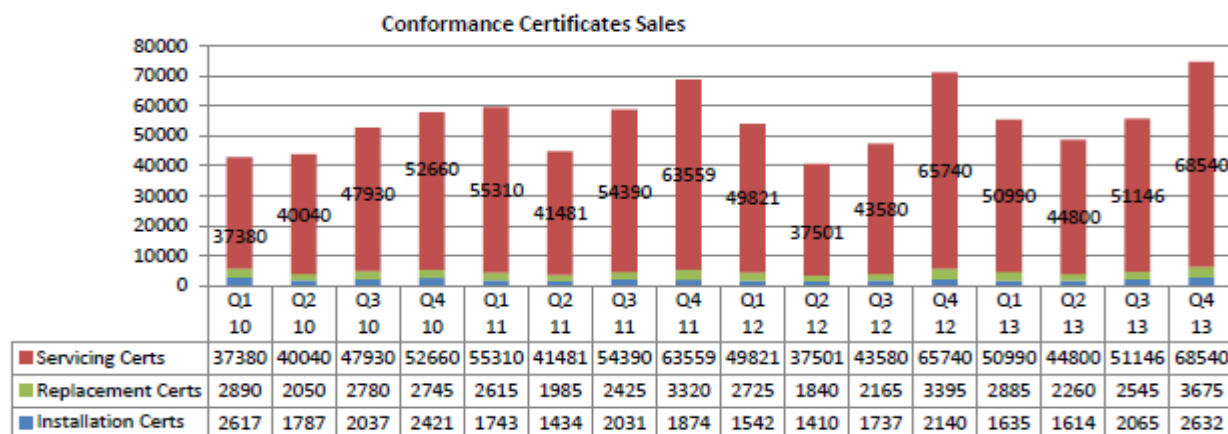
The issuance of a Completion Certificate to customers is legally required for all regulated Gas Works carried out in a domestic setting.<sup>9</sup> When a Registered Gas Installer performs work (new installation, replacement or servicing) a Completion Certificate must be provided to the customer, a carbon a copy is returned to the Gas SSB for processing and the RGI must keep one carbon copy.

The sale of certificates shows the level of Gas Work being carried out by RGIs in Ireland. There are three types of certificates.<sup>10</sup> The sale of Completion Certificates increased by 19.3% in 2013 compared to 2012. The Gas SSB sold 215,476 appliance servicing certificates, 11,365 appliance replacement certificates and 7,946 new gas installation certificates as shown in the graph below. This graph shows that broadly there is a consistent number of certificates sold.

<sup>9</sup> Under section 9F (12) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*

<sup>10</sup> The definition of certificates is outlined below:

- Cert 1: New installations or existing gas installations requiring a supply of gas and/or new meter fit
- Cert 2: Boiler replacement where a meter/gas is already supplied;
- Cert 3: Existing installations with a gas supply/gas meter for new appliance fit (except boilers), repair, safety check and/or service



**Figure 3 Registered Gas Installers certificate sales 2009 to 2013**

The CER does not have definitive statistics regarding the number of boilers installed in a domestic setting each year<sup>11</sup>. The views put forward by stakeholders have been that this would be in excess of the number of certificates sold for this type of work, with some stakeholders providing information which states that the figure for boilers sold is more than 10,000 above the number of certificates sold. This would indicate that either RGIs are not issuing certificates for this type of work or boilers were being installed by un-registered individuals. The former is a matter for the Gas SSB to deal with through the prescribed disciplinary process while the latter is a criminal offence for which the CER can prosecute. While the CER cannot give definitive numbers regarding non-compliances, it is of the view that any level of non-compliances is unacceptable. Therefore throughout this paper comments are requested on how these non-compliances can be reduced.

<sup>11</sup> The CER is currently engaging with the Central Statistics Office (CSO) with regard to determination of verifiable figures on the number of gas boilers sold.

### 2.3.4 Return of Completion Certificates to the Body

There is a relatively low level of certificates being returned to the body compared to those being sold as demonstrated in the graph below. This can be for a number of reasons, for example, not all of those sold would have been used and would therefore not (yet) be returned. However, there is likely to be scope for improvements in this area and this is discussed further in Section 7.4 of this document.

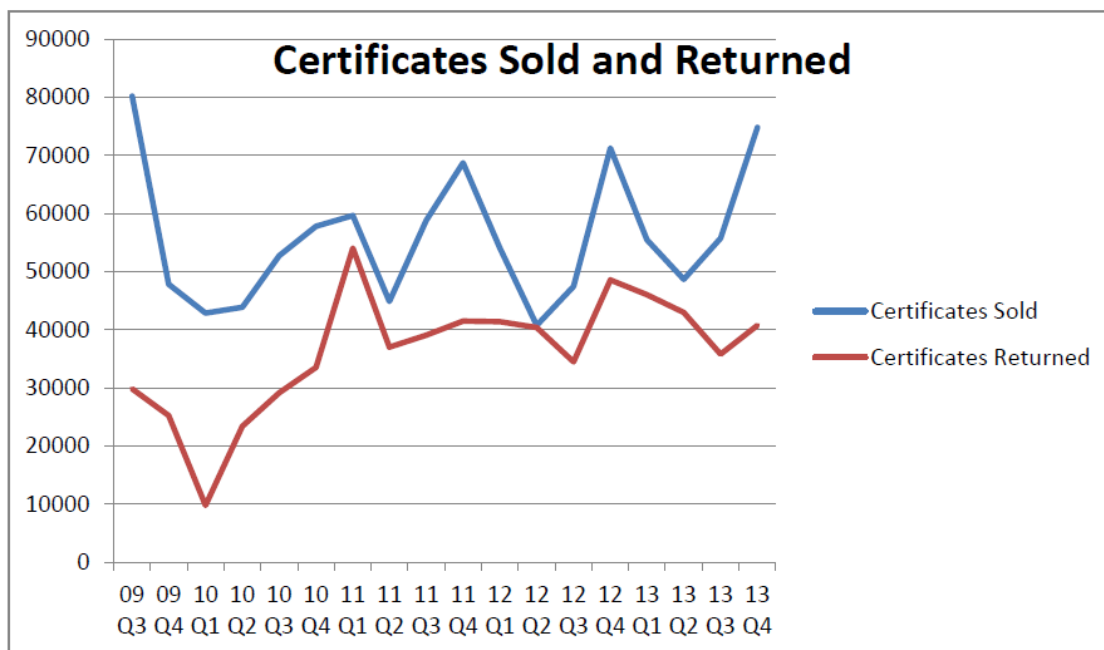


Figure 4 Certificates sold and returned from 2009 to 2013

### 2.3.5 Prosecutions

The CER has investigated or is still investigating a number of instances where unregistered individuals may have carried out illegal Gas Works or have described themselves as an RGI but are not registered as such. These investigations are carried out by CER Gas Safety Officers. Of these cases, six have resulted in successful prosecutions to date. Some of the ongoing investigations are actively being progressed and may result in the prosecution of individual parties during 2014.

The prosecutions, which were successful, were taken against individuals who were carrying out Gas Works in Cork, Limerick, Kildare, Kerry, Louth and Meath while not being registered as a gas installer. In two of these instances the individual was also prosecuted for describing themselves as a Registered Gas Installer while not being

registered. This is an offence under sections 24 and 25 of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*.

### 2.3.6 Public Awareness of the Scheme

Ultimately, the success of the scheme depends on the customer being aware of the scheme and the legal requirements thereof. The graph below shows the number of visitors to the Gas SSB website from 2010 to the end of 2013, which may reflect the level of awareness of the scheme.

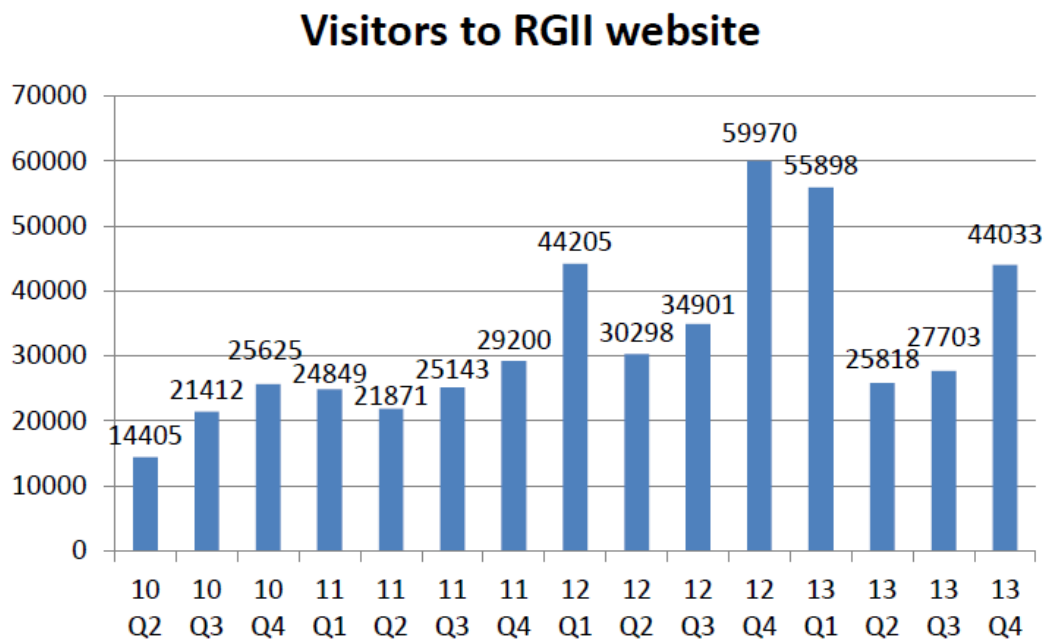


Figure 5 Unique Visitors to the website - WWW.RGII.IE

In order to further assess the awareness of the RGI scheme, surveys carried out by Bord Gáis Networks indicate that awareness has increased from 17% in 2007 to 51% in 2013 and for natural gas users the figures went from 25% to 62%. In 2012 awareness for natural gas users was at its highest at 69%. The promotional activities that have led to this increase are outlined in Section 10.0 of this document.

### 2.3.7 Financial Performance of the Body

The CER regulates the Gas SSB from a financial perspective. The CER has required that their core activities (those required under the Criteria Document) are operated on a not-for-profit basis. This means that any reserve relating to core activities that is in place at the end of the current designation period will be paid to the CER as expressly set out in the Terms and Conditions of Appointment.

The table below shows the reserve available to the Gas SSB at year end for the years 2009 to 2012. These funds are acquired through a combination of money received from RGIs through collection of membership fees, inspection fees and certificates purchased. As the Gas SSB operates on a not-for-profit basis, any funds which the Gas SSB has at the end of the designation period will be paid to the CER as per the Terms and Conditions of Appointment. It is the CER's intention, at this point, that the CER would use any such reserves solely for the RGI scheme in the future.

RESERVES AT YEAR END	€
2009	180,090
2010	448,137
2011	754,056
2012	809,891

**Table 1 Reserve at Year End 2009-2012**

There are plans in place to reduce this reserve through the provision of revenue to each RGI who successfully completes the required assessment as outlined in Section 5.0 of this document.

### **2.3.8 Audits and monitoring**

The Gas SSB has been in place since 2009. Since that time the CER has monitored it through the performance reports which are submitted on a quarterly basis and through the completion of audits and inspections. This includes audits and inspections of how the Gas SSB carries out its role, covering, for example, the processes which are in place within each body and also the manner through which individual RGIs are inspected.

Where any non-compliance (with respect to the Criteria Document and/or the Gas SSBs Terms and Conditions of Appointment) is identified, the CER works to ensure this is closed out by the Gas SSB in as quickly as possible.

### **2.3.9 Disciplinary Proceedings**

Where an RGI is found to be in breach of any provision of the Criteria Document, they may be referred to a Disciplinary Panel. The Disciplinary Panel will carry out a process in accordance with the Criteria Document and make a finding with regard to the RGI. Since 2010, there have been 23 referrals to the Disciplinary Panel.

## **2.4 Conclusion**

This section has outlined the main components of the regulatory regime as well as the performance of the scheme since 2009 to date.

## 3.0 The Designated Body

### 3.1 Introduction

This section provides information on the functions of a designated body, relevant characteristics of a designated body and details relating to the designation process. The CER seeks responses to various questions throughout this section.

#### 3.1.1 *Background*

As outlined above, the CER designated the RGII to carry out the day-to-day regulation of gas installers for a period of seven years from 2009. To avoid any confusion between the RGII and any party which may be designated to carry out this role from 2016 onwards, the term 'Gas SSB' is used for the remainder of this section. This covers the RGII in its current position and any body that is designated in the future.

#### 3.1.2 *Functions*

The functions of the Gas SSB are outlined in the Criteria Document (which is discussed in Section 4.0) and can be summarised as follows. The Gas SSB must:

- **Operate a register** of gas installers. This includes initial registration and renewal of membership in line with the requirements of the Criteria Document.
- Monitor, audit and inspect registered installers. This includes ensuring that the work of registered installers is carried out in compliance with the relevant standard. It also includes ensuring that the installer is working in accordance with the Terms and Conditions of Registration and the Criteria Document.
- **Manage the certification of Gas Works.** This includes the administration and monitoring of the completion certificate system by issuing completion certificates to RGIs, validating and processing completion certificates which are submitted by RGIs, and carrying out scheduled inspections of Gas Works performed by RGIs as well as at the request of customers.
- **Undertake promotional activities.** Examples of this work include highlighting the legal requirement to hire a registered installer.
- **Dealing with customer complaints and requests.** This includes investigating a safety related complaint or inspecting any gas work at the request of a customer who has used a registered installer.
- Taking **disciplinary actions against registered installers.** This includes, where a registered installer is found not to have worked in compliance with the Criteria Document or a required safety standard, the body taking an appropriate sanction up to and including suspension or revocation of the RGI's registration with the Gas SSB.

In addition to operating within the Criteria Document, any designated Gas SSB will be subject to Terms and Conditions of Appointment which are set out by the CER.

The CER monitors the Gas SSB through the performance reports that are submitted on a quarterly basis and through the completion of audits and inspections. This includes audits and inspections of how the Gas SSB carry out its role, covering, for example, the processes that are in place within each body and also the manner through which individual RGIs are inspected.

### **3.1.3 Legislative Restrictions on Characteristics of the Gas SSB**

The *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* places certain restrictions on the characteristics of the body including:

- Section 9F (3) of that Act states that the body shall not be or become a trade association or perform representative functions on behalf of persons working in the gas industry. It is clearly set out that a person cannot act as or must cease to act as the Gas SSB in such circumstances.
- Section 9F (10) (c) sets out that the body must be self-financing through its registration fees and the services it provides to members.
- Section 9F (10) (a) states the body must submit its fees and charges relating to the registration process and its support structure for approval by the CER.

## **3.2 Financial Structure of the Gas SSB**

### **3.2.1 Background**

The financial structure of the Designated Body is of importance to the CER as it determines how the Designated Body may operate and what type of ventures it may pursue. Under section 9F (10) (c) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*, the Designated Body must be self-financing. The Act states that the tariffs, fees and charges imposed by a Designated Body relating to registration, inspection and any other services must be approved by the CER<sup>12</sup> and that the revenue from such charges should meet the expenses and costs of the Designated Body in carrying out its functions.<sup>13</sup>

The CER considered a number of options when it was considering the financial structure of the Gas SSB in 2008. These were:

1. The Designated Body could operate on a strict not-for-profit basis.
2. The Designated Body could operate a not-for-profit registration scheme while offering optional commercial services to Registered Gas Installers.
3. The Designated Body could have a regulated return on the registration scheme.

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<sup>12</sup> Under section 9F (10) (a) of the *Electricity Regulation Act 1999* as amended by the *Energy (miscellaneous Provisions) Act 2006*

<sup>13</sup> Under section 9F (10) (c) of the *Electricity Regulation Act 1999* as amended by the *Energy (miscellaneous Provisions) Act 2006*

4. The Designated Body could have a regulated return on the registration scheme but also offer optional commercial services.
5. Use of Incentive Based Regulation.

### **3.2.2 Current Arrangements**

Under the current scheme (as defined in the Terms and Conditions of Appointment), the Gas SSB is required to operate their core activities on a not-for-profit basis. As a result, the tariffs which it levies for the services it provides as the Gas SSB shall only provide for the recovery of the efficient costs it incurs (and such surplus as may be allowed by the CER in the interest of facilitating the liquidity and on-going operations of the Gas SSB) and shall not allow for profits/surplus to be distributed to shareholders, or other third parties (save as may otherwise be permitted by the CER).

On termination, in accordance with the Terms and Conditions of Appointment, any reserves relating to core activities will be paid to the CER. Information on the reserve to be paid to the CER at the end of the designation period is outlined in Section 2.3.7 of this document.

The reason why the net funds are at the level outlined and a reduction in fees or certificate prices has not been passed on to the RGIs at this point is the build-up of reserves acts as a 'safety net' to an organisation which must operate on a not-for-profit basis. This was of particular importance as the CER, at one point, had concerns for the financial viability of the corresponding electrical scheme and therefore was in favour of ensuring this situation would not arise on the gas side and therefore the reserve was allowed to build up.

Reserves at the end of the current designation period will be paid to the CER at the end of the designation period. It is expected that the reserve will have reduced due to the fact that there is currently a system in place whereby RGIs who successfully complete their five year assessment will be reimbursed with €200 each. The CER is minded to transfer any reserve, on receipt, to the body designated from January 2016, however, comments are invited on this proposal.

### **3.2.3 Future Arrangements**

The CER is considering the financial structure options of the SSB(s) from 2016. In particular, should an SSB operate on a not-for-profit or for-profit basis. The CER is of the view that the current not-for-profit model allows the Gas SSB to focus solely on regulating gas installers on a day-to-day basis rather than on making a profit. The CER is also cognisant of the incentives to reduce costs for RGIs which may exist within a for-profit model.

The CER seeks comments from interested parties on the future financial structure of the Gas SSB when appointing a body for the period commencing January 2016.



### **Financial Structure of a Designated Body**

- Currently the Gas SSB is a not-for-profit organisation. Should the Gas SSB, which is designated commencing January 2016:
  - a) continue to operate as a not-for-profit organisation; or
  - b) be allowed to operate as a profit making business?

Please provide justification for your preferred option.

- How should the money which is paid to the CER on termination be used (i.e. do parties agree with the proposal to transfer the reserve to the body which is designated from 2016 onwards)?

## **3.3 Term of Designation**

### **3.3.1 Current Arrangements**

It was initially decided to appoint a body for a period of seven years to allow time for the new regulatory scheme and body to establish themselves. As part of that decision the CER stated that subsequent terms would be for five years. However, the CER is now reviewing that decision.

### **3.3.2 Proposed Future Arrangement**

The CER is minded to continue with a fixed term of seven years for the next designation period commencing in January 2016. This would allow any newly appointed Gas SSB or pre-existing reappointed Gas SSB a level of continuity regarding the time period during which it would be appointed for. It may be the case that a five year term would not be sufficient for a Gas SSB to be able to make significant progress in its function.

In addition, the CER intends to undertake a consultation process to determine whether commercial gas works should be introduced into the scheme. If these works are to be introduced, a seven year timeframe may be appropriate to allow this to be implemented, without a potentially disruptive change of body during the implementation or introductory period.

On the other hand, if the time period is shorter, this may potentially assist in ensuring an appropriate focus on regulation by the Gas SSB. In this respect interested parties may wish to be conscious of the matters referred to in Section 3.7 when responding on this topic.

The CER is seeking interested parties' views on the proposed timeframe of seven years as the designation period commencing January 2016.

#### **Term of Designation**

- The CER would like to hear views from interested parties on whether the fixed term for the designation period commencing January 2016 should:
  - a) move to five years as originally envisaged; or
  - b) remain at seven years mirroring the first term.

Respondents should provide justification for either answer provided.

### **3.4 Corresponding Terms for both Electrical and Gas SSBs**

#### **3.4.1 Current Arrangements**

Currently, there are two Electrical SSBs and one Gas SSB. All three were designated in late 2008 and became operational in 2009 for a period of seven years. All three SSBs terms will terminate in 2016.

#### **3.4.2 Proposed Future Arrangements**

As the periods of termination coincide, it may be of benefit in terms of administrative efficiency to stagger the end dates for the Electrical SSB(s) and Gas SSB designation periods in the future so that they do not terminate together.

It should be noted, however, that section 11.0 of this document seeks views on a potential option of a Joint Electrical and Gas SSB. Therefore, if that option were to be pursued, staggered end dates would be less suitable.

#### **Staggered end dates for Electrical and Gas SSBs**

- Comments are sought from interested parties on the possibility of having staggered designation end dates for Electrical and Gas SSBs in order to avoid coinciding termination dates.

### **3.5 Fees of Registered Individuals**

#### **3.5.1 Current Arrangements**

The current Gas SSB receives revenue through a combination of fees received from registration fees and the purchasing of certificates by RGIs. One of the benefits of this

model is that it ensures that there is some relationship between the fees paid and the level of work that specific RGI carry out and consequently their income.

In the past, parties have queried whether the fee for certificates should be abolished, however, this would result in an increase in registration fees and one set registration fee for all RGIs regardless of how much work they carry out.

### **3.5.2 Proposed Future Arrangements**

The CER is of the view that it is appropriate to continue to split cost recovery between registration fees and certificate fees. This ensures that the total amount paid by the RGI is proportionate to the amount of work the RGI carries out and the administrative cost faced by the Gas SSB when processing those RGI's certificates. However, the CER is interested to receive any comments in this regard.

#### **Cost Recovery**

- Comments are invited from interested parties on the separation of cost recovery between membership fees and certificates.

## **3.6 Permitted activities**

### **3.6.1 Background**

The activities undertaken by the SSB can generally be described as either core activities or permitted activities. Core activities are those activities which the SSB is required to carry out under the Criteria Document such as compiling a register of RGIs. These are summarised within Section 3.1.2 of this document. Permitted activities are those activities which the CER does not require the Gas SSB to undertake, but which the CER has given the Gas SSB permission to carry out.

Queries are posed below in relation to this matter and specific information is provided regarding a permitted activity which is currently allowed under the electrical scheme, but which is currently ruled out under the gas scheme.

### **3.6.2 Training and assessments**

#### **Current Arrangement and Background**

The CER requires that the Gas SSB shall not engage in or have a vested interest in the provision of training or formal competency assessment procedures. This is in addition to the legislative restrictions outlined in Section 3.1.3.

Stakeholders have, in the past, stated that allowing these activities as permitted activities could mean that an SSB could develop an inappropriate and unfair advantage in promoting its own training or formal competency assessment over similar services provided by the market. This could be a potential conflict of interest for the SSB to direct installers to complete training or formal competency assessments for financial motives rather than safety reasons or in subsequently regulating installers who have undergone training provided by the SSB.

#### Proposed Future Arrangements

It is proposed that the Gas SSB which is in place from 2016 onwards will continue to be prohibited from engaging in or have a vested interest in the provision of training or formal competency assessment procedures.

#### **Permitted activities**

- What criteria should be used if prohibiting the Gas SSB which is in place from 2016 onwards from participating in any permitted activities?

### **3.7 Regulating the Operation of the Designated Body**

The Gas SSB has been operational since 2009. Since that time the CER has monitored it through the performance reports that are submitted on a quarterly basis and through the completion of audits and inspections. This includes audits and inspections of how the Gas SSB carries out its role, covering, for example, the processes which are in place within each body and also the manner through which individual RGIs are inspected.

These steps are carried out to ensure that the Gas SSB carries out its activities in compliance with their Terms and Conditions of Appointment and the Criteria Document.

It is the role of the CER to monitor the Gas SSB to ensure that it is carrying out the function of regulating the day-to-day activities of gas installers correctly and in compliance with the Terms and Conditions of Appointment and the Criteria Document. Furthermore, the CER conducts audits of the Gas SSB and ensures that its inspectors carry out their inspections of RGIs correctly by accompanying inspectors on some of their inspections.

Currently, there are two options available to the CER where a Designated Body breaches the Criteria Document or the Terms and Conditions of Appointment. These are:

- a process through which a Remediation Plan is put in place; and
- Termination of Contract.

The CER is interested in comments regarding the introduction of any further measures to ensure compliance. In particular this could cover instances where a Gas SSB has acted inappropriately but it would not be proportionate to terminate their contract<sup>14</sup>.

#### **SSB compliance**

- The CER is interested in comments regarding the introduction of any further measures to ensure Gas SSB compliance with the Terms and Conditions of Appointment and the Criteria Document.

## **3.8 Investigations of Gas Incidents**

### **3.8.1 Current Arrangements**

When a gas incident occurs on the customer side of the meter, the Gas SSB investigates the incident if there is an indication that the incident may have been caused by unsafe workmanship carried out by an RGI. This may result in disciplinary proceedings for the RGI.

Separately, a CER Gas Safety Officer (GSO) would investigate the incident if there was an indication that it may have been caused by work since mid-2009 carried out by an unregistered individual. This may result in a prosecution of an unregistered individual.

Bord Gáis Networks also carry out investigations into specific incidents involving a death, injury requiring in-patient hospital treatment, damage above a certain monetary value and some other criteria.

### **3.8.2 Proposed Future Arrangements**

Comments are requested as to whether the Gas SSB which is in place from 2016 onwards should be required to investigate incidents where there is no indication that the incident may have been caused by an RGI or by an unregistered individual since 2009. Examples of this could include cases where the appliance itself may have been at fault.

The CER is also interested in comments on the qualifications which the investigator within the Gas SSB should have in order to carry out these investigations.

If this requirement was introduced then the cost of these investigations would be funded by the Gas SSB (through its registration and certificate fees).

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<sup>14</sup> Section 9.3 also queries whether RGIs should be more involved in the governance of the Gas SSB.

### **Investigation of Incidents**

- The CER would like to invite views from interested parties on who is best placed to investigate incidents involving an issue on the customer side of the meter.

## **3.9 Gas SSB Inspectors**

As noted in Section 2.3.2, all RGIs are subject to at least one annual inspection by a Gas SSB inspector. This is a resource provided by the Gas SSB to carry out inspections on RGIs registered with the Gas SSB as required under the Criteria Document.

### **3.9.1 Current Arrangements**

Inspections of Gas Works which have been carried out by RGIs are undertaken by a person engaged by the Gas SSB as an Inspector 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 I.S. 813, I.S. EN 1949, 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).

### **3.9.2 Proposed Future Arrangements**

The CER would like to invite views from interested parties as to whether or not the above requirements are suitable and if any changes should be made.

### **Qualifications of Inspectors**

- Comments are invited from interested parties on what qualifications Gas SSB inspectors should be expected to hold?

## **3.10 Conclusion**

This section has set out information relating to the functions and fundamental characteristics of the Gas SSB. It also provides information relating to the designation of a Gas SSB and the duration of its appointment.

A number of questions have been posed throughout this section to which the CER requests comments from interested parties on.

## 4.0 The Criteria Document

### 4.1 Introduction

#### 4.1.1 Background

The Criteria Document is the key regulatory document which details how the scheme should operate and be governed on a day-to-day basis. It is required under section 9F (5) (a) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* to publish the criteria relating to:

- Gas safety supervision;
- The safety standards to be achieved and maintained by installers; and
- The procedures to be operated by a person appointed as the designated Gas SSB.

The Criteria Document is open and transparent setting out:

1. the requirements for an installer to become registered;
2. the rights, responsibilities and functions of the Gas SSB, registered installers and other parties within the regulatory system;
3. the training and formal competency requirements to be achieved and maintained by registered gas installers;
4. the operation of the completion certificate system for all Gas Works; and,
5. the basis for the assessment of the Gas SSB and registered installers on an ongoing basis.

As provided for in the Act (outlined above), the CER publishes the Criteria Document and under section 9F (5) (c) of that Act “*may review or amend the criteria as often as it considers necessary*”. This allows the Criteria Document to be a flexible regulatory document and the mechanism through which changes to the operation of the regulatory system, be they corrective actions or improvements, are managed by the CER.

Following a consultation process the CER published the first version of the Criteria Document in July 2008. It has been updated since that time and the most recent version is available to view on the CER’s website<sup>15</sup>. The most recent modifications include a change to the entry requirements as outlined in Section 5.0 of this document.

#### 4.1.2 Modifications

As noted above, the legislation states that the CER “*may review or amend the criteria as often as it considers necessary*”. The CER believes that it is appropriate and necessary

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<sup>15</sup> At the time of publication the most recent versions of the Criteria Document is V 1.4. It can be viewed [here](#).

to consult with interested parties when making material modifications to the Criteria Document and has taken this approach to date.

It had been envisaged in the CER's 2007 Vision Document that the CER would establish an industry forum, called the Criteria Review Panel which would act as the mechanism for the industry to propose and discuss modifications to the Criteria Document. It was envisaged that this would be a relatively small group with no greater than eight people.

In practice, however, the CER has deemed it more appropriate to involve a greater number of parties on its discussions than those comprising the Criteria Review Panel regarding modifications to the Criteria Document. This has included facilitating public<sup>16</sup> and industry wide consultations to date.

#### **4.1.3 Current Arrangements**

The current Criteria Document is available to view on the CER's website<sup>15</sup>. When making changes to the Criteria Document, the CER currently either circulates proposed modifications to members of the Gas Installer Communication Forum (GICF)<sup>17</sup> and/or holds a public consultation on the modification prior to making a decision on the matter.

#### **4.1.4 Proposed Future Arrangements**

The CER proposes that when making changes to the Criteria Document these proposed changes will, in general, either be circulated for comment to members of the GICF or published for public consultation. The CER would reserve the right to make a change to the document without going through these processes if that was deemed important from a safety perspective.

Interested parties are requested to provide comments on any changes, covered elsewhere in this document or otherwise, which should be made to the Criteria Document. These comments will assist in the development of a proposed decision and then a final decision paper on matters which will:

- feed into the process to designate a Gas SSB to carry out the day-to-day regulation of gas installers from 2016 onwards; or,
- feed into the overall approach through which the CER regulates this industry.

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<sup>16</sup> The original Criteria Document was subject to public consultation prior to being finalised.

<sup>17</sup> The membership of this group included installer representatives, Bord Gáis Networks, stakeholders involved in training, the NSAI and other interested parties.



### **Criteria Document**

- The CER request comments from interested parties on the Criteria Document as it currently stands. In particular the CER wishes to receive views on:
  - where any improvements could be made; and
  - how the CER should communicate any modifications proposed to the Criteria Document to stakeholders prior to making a decision.

## **4.2 Conclusion**

This section has provided information on the Criteria Document and the process through which it is modified.

Interested parties are requested to provide comments on any changes, covered elsewhere in this document or otherwise, which should be made to the Criteria Document.

## 5.0 Technical Standards, Training and Assessments

### 5.1 Background

In developing and overseeing a regulatory scheme for gas installers, the CER acknowledges that there are a number of competency structures which are necessary and of great importance to ensure its success. The main objective of the scheme is to ensure that only competent people carry out Gas Works relating to domestic appliances<sup>18</sup>.

These competency structures include the continued development of an appropriate set of national standards, the continued provision of high quality training and the provision of competency assessments for installers.

These current arrangements and the CER's proposals for the future of each are discussed in turn below.

### 5.2 Technical Standards to which Work must be Carried Out

#### 5.2.1 Current Arrangements

All gas installers are required, by law<sup>19</sup>, to work to the two key standards relating to domestic gas. These standards, I.S. 813 (Domestic Gas Installation Standard), and I.S. EN 1949 (Specification for the installation of LPG systems for habitation purposes in leisure accommodation vehicles and accommodation purposes in other vehicles), are published by the National Standards Authority of Ireland (NSAI).

The Gas Technical Standards Committee (GTSC) is the relevant working group within the NSAI which drafts, consults and advises on these standards.

These standards are critical to the successful operation of the scheme as they set the standard to which Gas Works must be carried out. This gives the customer confidence that their Gas Works are being carried out in a safe manner which underpins the fundamental objective of the overall scheme.

I.S. 820 (Non-Domestic Gas Installation Standard) is also within the remit of the GTSC and is the relevant standard for commercial gas. As outlined in Section 7.2.4, commercial gas works may in future be introduced into the RGI scheme and will be subject to a separate consultation by the CER in the near future.

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<sup>18</sup> Please note that this may be extended to commercial Gas Works as outlined in Section 7.0.

<sup>19</sup> Through the *Electricity Regulation Act 1999 (Gas Works) Regulations 2009* and *Electricity Regulation Act 1999 (Liquefied Petroleum Gas Works) Regulations 2011*.

### **5.2.2 Proposed Future Arrangements**

Given the statutory nature of the above arrangements the CER is not proposing any changes in this area. However, if interested parties have any comments in relation to the current arrangements, the CER would invite comments in this regard and consider them accordingly.

## **5.3 Training Prior to Registration**

### **5.3.1 Current Arrangements**

Training for installers is conducted in two parts. To join the scheme, an installer must first obtain a relevant trade certificate. Following successful completion of that apprenticeship a further course or courses must be completed to become an RGI. The most common of these are the Gas Installer Safety (GIS) and the Gas Installer Domestic (GID) awards<sup>20</sup>.

The provision of training plays a key role in the ongoing success of the regulatory regime. The CER has previously outlined that it believes it is important for the relevant gas related courses to gain recognition from the Further Education Training Awards Council (FETAC) within the scope of FETAC's common award system. The appropriate body is now Quality and Qualifications Ireland, QQI.<sup>21</sup> This will ensure consistency in the level of training received by members of the Gas SSB.

The CER has worked with industry partners with the aim of achieving this. This process has involved the establishment of a Gas Standards Development Group, the purpose of which was to carry out works on standards for training and development relating to the gas industry. The group comprised of representatives from Bord Gáis Networks, the Gas SSB, the ILPGA, and other stakeholders involved in the training industry. It has provided its outputs to QQI, leading to the publication of relevant documentation on the QQI website<sup>22</sup> in December 2013. However, no course provider has as of yet gained the required recognition although the CER expects that this will occur in the near future.

### **5.3.2 Proposed Future Arrangements**

The CER has previously stated that once QQI recognise the installer courses as part of their common award system, the CER will require that only training courses which have been provided by QQI quality assured training centres will be recognised by the Gas SSB.

The CER does not propose to change this position at this time.

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<sup>20</sup> Depending on the provider these are accredited by Quality and Qualifications Ireland (QQI) or the United Kingdom Accreditation Service (UKAS).

<sup>21</sup> On 6 November 2012, FETAC completed its amalgamation with HETAC, NQAI and IUQB and a new integrated agency, Quality and Qualifications Ireland (QQI) was established.

<sup>22</sup> The award codes are as follows: 6N16017 Gas Safety Domestic and 6U16018 Domestic Gas Safety and are available [here](#).

## 5.4 Assessments for RGIs

### 5.4.1 Background

Technical standards are continuously evolving in order to reflect developments of the industry. In order to ensure that installers are competent to work to these changing standards and that a consistent and appropriate level of gas safety is maintained the CER, following a public consultation of both the Vision Document in 2007 and the Criteria Document in 2008 which included this assessment, introduced a requirement in 2009 that gas installers complete a formal competency assessment every 5 years.

A committee was established in 2011 to devise a system for the ongoing competency assessment of gas installers in line with the requirements of ISO IEC 17024<sup>23</sup>. The committee consists of the Gas SSB, Bord Gáis Networks, the ILPGA, an installer representative, training providers/assessment centres and certification bodies. The committee agreed on and produced a set of competency assessment criteria for the practical and the written aspect of the ongoing assessment. Certification bodies wanting to offer the ongoing competency assessment to RGIs must conduct their assessments in line with these criteria. This helps to ensure that all certification bodies are operating to the same standard and a consistency in the competency of RGIs. The first round of assessments is now being undertaken by RGI's.

### 5.4.2 Current Arrangements

The requirement that RGIs complete a competency assessment every five years to maintain their registered status is being implemented for the first time in 2014. The assessment is an open book exam consisting primarily of multiple choice and written questions together with a practical assessment. The assessment is typically one and a half days in duration (although installers can get additional training if they desire). For assessments completed in 2014, in the year following successful completion of the assessment the Gas SSB account of the RGI will be credited with €200. This money will be taken from the reserve which the Gas SSB has, as noted in Section 2.3.7. Any private provider can carry out these assessments once they have the requisite approval in place.<sup>24</sup>

The CER believes that this assessment is a necessary and essential development in order to ensure a continuous high standard of competency amongst RGIs within the scheme and to ensure an appropriate level of gas safety in Ireland. The approach that

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<sup>23</sup> ISO/IEC 17024 Conformity Assessment – General requirements for bodies operating certification of persons.

<sup>24</sup> Bodies wishing to conduct formal competency assessments under the regime require accreditation from the national accreditation body where the relevant certification body is located. Certification bodies located outside Ireland or the United Kingdom are also required to engage with the CER prior to seeking accreditation, as the Irish and UK's national accreditation bodies are already familiar with this assessment.

has been taken ensures that the assessment is undertaken in a consistent and verifiable manner for all RGIs.

#### **5.4.3 Proposed Future Arrangements**

The CER is of the opinion that the arrangement whereby RGIs are assessed every five years by a certified assessment centre in a manner which is consistent and verifiable is the most suitable and robust methodology to ensure that RGIs remain competent. This will further ensure that the general public can have confidence in the competence of an RGI undertaking work in their homes. To ensure the assessments are working in practice, the working group which assisted in developing the assessment will review the detail of the assessments being undertaken after they have been in operation for 12 months.

The CER, following discussions with stakeholders, is also reviewing a number of the administrative aspects relating to the assessment.

One stakeholder has recently stated to the CER that it would be appropriate to replace this assessment with a programme of Continuous Professional Development (CPD). However, the CER does not have sufficient information at this time to confirm that this approach would allow assessments to be carried out in a consistent and verifiable manner. Therefore, with the information available to date, the CER is not minded to introduce a CPD approach but welcomes views on same.

The CER intends to continue the arrangement (for the initial five-year cycle of the assessments<sup>25</sup>) whereby in the year following successful completion of the assessment the Gas SSB account of the RGI is credited with €200.

#### **Technical Standards, Training and Assessments**

- The CER wishes to invite any comments on the following issues raised in this section:
  - Technical standards to which Gas Works must be carried out;
  - Training prior to registration; and
  - Assessments for RGIs.

<sup>25</sup> Approximately one fifth of installers will complete the assessment each year meaning that the initial five-year cycle will take place from 2014 to 2018 inclusive.

## **5.5 Conclusion**

This section has set out some fundamental aspects of the scheme relating to the standards to which RGIs are required to work, the means by which they can be trained and finally it has looked at assessments for RGIs.

The CER would be interested to hear any interested parties' comments on the above arrangements.

## 6.0 Registered Gas Installer Membership

### 6.1 Background

In this regulatory scheme, any individual who wishes to undertake Gas Works must be registered with the Gas SSB. It is an offence under section 9G (3) and (4) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* for any individual who is not a registered member of the Gas SSB to carry out Gas Works subject to limited exceptions.<sup>26</sup>

This section provides information on the membership categories and the membership requirements for an RGI. It further discusses how the Gas SSB ensures that there is continued competency of RGIs.

### 6.2 Requirements for Registration

#### 6.2.1 Current Arrangements

In order to register as an RGI, a person must meet certain requirements. The current requirements are outlined within the Criteria Document and are summarised below.

Full Membership (Domestic) is open to individuals who hold either:

- (i) A Domestic Gas Safety Award (DGS); or,
- (ii) A Gas Installer Safety (GIS) and a Gas Installer Domestic (GID) award or equivalent

AND

A level 6 advanced craft certificate in Gas Fitting, Electrical, Plumbing, or Refrigeration

Any individual who was not registered for the preceding period of two years on the date of application to the scheme shall be required to complete the on-going competency assessment prior to entering the scheme. These requirements do not apply to anyone who has gained a qualification that meets the scheme entry requirements in the preceding two years. These requirements also do not apply to the Gas SSB members

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<sup>26</sup> Section 9G (3) of the *Electricity Regulation Act 2009* as amended by the *Energy (Miscellaneous Provisions) Act 2006* states:

A person shall not carry out works which are Gas Works unless that person is—

- (a) a registered gas installer,
- (b) a gas transmission system operator carrying out its functions in accordance with the terms and conditions of the relevant licence,
- (c) a gas distribution system operator carrying out its functions in accordance with the terms and conditions of the relevant licence,
- (d) a gas emergency officer appointed under section 9I performing his or her duties, or
- (e) a gas safety officer appointed under section 9J performing his or her functions under that section.

who are renewing or re-applying for membership unless their membership has lapsed for a period of two years or more.

It should also be noted that individuals who have completed Domestic Gas Safety (DGS) or Gas Installer Safety (GIS)/Gas Installer Domestic (GID) as part of their craft certificate in plumbing do not need to have a separate DGS or GIS/GID certificate.

### **6.2.2 Proposed Future Arrangements**

The CER is not minded to alter the requirements in this regard for gas specific courses. However, the requirement related to trade certificates is covered in the following section where views are sought on proposed future changes.

## **6.3 Craft Certificates as a Registration Requirement**

### **6.3.1 Background**

#### **1. Craft Certificates**

The requirement that new entrants must have one of the four craft certificates set out in Section 5.3 was introduced in 2013 on a phased basis.

The four craft certificates (i.e. Gas Fitting<sup>27</sup>, Plumbing, Electrical and Refrigeration) were chosen by an industry working group chaired by the CER when developing relevant documentation for the new Domestic Gas Safety Course (which will effectively replace the GIS and GID). The working group had representatives from training providers, gas installers and other industry stakeholders.

It had been intended that these four would serve as the required entry requirements for the Domestic Gas Safety (DGS) course. However, in the interim, the CER has, through a modification to the Criteria Document, introduced these four craft certificates as a requirement (in addition to gas specific courses) for registration with the RGII.

Only one of these craft certificates is somewhat contentious – the electrical craft certificate. When introducing the requirement into the Criteria Document, it was questioned as to whether it was appropriate to include the electrical craft certificate amongst those which are acceptable. The CER committed to consulting on this matter. This is discussed further below.

#### **2. Electrical Craft Certificates**

As outlined above the concept of the electrical craft certificate essentially acting as a route through which individuals could progress to become registered with the Gas SSB, in conjunction with a DGS or GIS/GID, was originally brought about through an industry

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<sup>27</sup> Gas Fitting refers to the training certificate previously provided by Bord Gáis Networks.



working group which worked on the development of courses for registration for the scheme.

When looking at the relevance of this craft certificate it is worth noting that if an individual is using tools to remove the cover from a boiler and then works on the wiring associated with that boiler, they must be registered with the Gas SSB. From this perspective it is useful to allow individuals with these craft certificates to register with the Gas SSB as they will have completed relevant gas related courses and will also have electrical experience. On the other hand, this craft certificate may not be as relevant to the other aspects of Gas Works, such as the installation of pipework.

### **6.3.2 *Current Arrangements***

A level 6 advanced craft certificate in Gas Fitting, Electrical, Plumbing, or Refrigeration is required for registration with the Gas SSB.

### **6.3.3 *Proposed Future Arrangements***

It is intended to make no changes to the requirement to have a level 6 advanced craft certificate in Gas Fitting, Plumbing, or Refrigeration. However, the CER wishes to invite views on the suitability of the Electrical Craft Certificates as a recognised craft certificate to register with the Gas SSB. Respondents should be conscious that in Section 6.4 the CER poses queries regarding whether there should be separate categories (perhaps with different qualifications required for each).

## **6.4 Different Categories**

### **6.4.1 *Current Arrangements***

There is currently one category of RGI (including full and trainee members).

### **6.4.2 *Proposed Future Arrangements***

Comments are sought on whether there should be more categories of RGI, such that RGIs would only be able to carry out certain types of work depending on what category they were in (for example, servicing or leisure accommodation vehicles).

In the event that there would be more than one category, comments are invited on what qualifications would be required for each. When providing comments respondents should be conscious of the qualifications that are currently available in this area (which are the trade certificates and the gas related courses, as outlined earlier in this section).

For example, in the event that there would be more than one category perhaps a wider spectrum of trade certificates could be utilised to register for a servicing category with a narrower spectrum required to register for other categories. This would mean that there

would be one set of requirements for registration for one category and another set of requirements for another category<sup>28</sup>.

One of the benefits of the current approach (one category of RGI that can carry out all Gas Works) is that a clear message can be provided to customers. Having different categories could confuse this message and this would be a concern for the CER given the importance of the customers' role in the operation of the regulatory regime.

#### **Electrical Craft Certificates and Categories of RGIs**

- Comments are requested regarding whether the level 6 advanced craft certificate in electrical should remain as one of the craft certificates which would satisfy this requirements for entry to the scheme.
- Should additional categories of registration be introduced into the scheme?
- In the event that there were additional categories, what should these be and what should be the qualification requirements for each category?

## **6.5 Conclusion**

This section has provided information on the requirements for registration and membership categories along with duration of membership. Comments are invited from interested parties on these issues as set out throughout this section.

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<sup>28</sup> Electrical craft certificate are discussed in Section 6.3. In the event that there were separate registration categories this may be a suitable requirement for all or some of these categories.

## 7.0 Definition of Gas Works and Certification

### 7.1 Introduction

This section provides information on the definition of Gas Works as defined by the scheme and the certification thereof which is at the very centre of the regulatory scheme. This section begins by explaining what are considered to be designated Gas Works. It then goes on to explain the certification system and concludes with a proposal, inviting comments, on electronic certification.

### 7.2 Background on Designation of Gas Works

#### 7.2.1 Background

Under section 9G (1) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*, the CER “may by regulations designate a class or classes of works to be gas works” following consultation. It is illegal for any person who is not a registered installer to undertake these classes of work subject to certain limited exceptions.<sup>29</sup> In essence by designating the classes of *Gas Works* the CER can set the scope of the regulatory regime.

#### 7.2.2 Domestic Natural Gas

In May 2009, the CER published a decision paper on the Scope of Gas Works with regard to Natural Gas (ref. CER/09/083). This decision was subsequently translated into regulations (S.I. No. 225 of 2009) on the 26th June 2009.

Section 4 (1) of these Regulations define works that are considered to be Gas Works as:

*...the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of a Natural Gas Fitting covered by I.S. 813 which is (a) used or designed to be used by a Domestic Customer; or (b) which is designed to be used by a Domestic Customer but which is installed in a Commercial or an industrial Premises.*

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<sup>29</sup> s. 9G (3) of the *Electricity Regulation Act 2009* states:

A person shall not carry out works which are Gas Works unless that person is—

- (a) a registered gas installer,
- (b) a gas transmission system operator carrying out its functions in accordance with the terms and conditions of the relevant licence,
- (c) a gas distribution system operator carrying out its functions in accordance with the terms and conditions of the relevant licence,
- (d) a gas emergency officer appointed under section 9I performing his or her duties, or
- (e) a gas safety officer appointed under section 9J performing his or her functions under that section.

### **7.2.3 Domestic LPG**

In April 2011, the CER published its final decision on the Scope of Gas Works with regard to LPG (ref. CER/11/074). This decision was subsequently transposed into regulations by means of secondary legislation, S.I. 299 of 2011, on 27th June 2011.

Section 4 (1) of these Regulations amended the definition of Gas Works with the inclusion of LPG appliances, as follows:

*works which are gas works means the installation, removal, repair servicing, maintenance or replacement (or any combination of the foregoing) of a LPG fitting covered by I.S. 813 and or I.S E.N. 1949 which is (a) used or designed to be used by a Domestic Customer; or (b) which is designed to be used by a Domestic Customer in a Commercial or Industrial premises.*

### **7.2.4 Commercial Gas**

In May 2009, the CER published its final decision paper on the Scope of Gas Works with regard to Natural Gas (ref. CER/09/083).

The paper stated that the CER intended to extend the regulatory model and designate those works on natural gas fittings designed to be used by commercial gas customers in the medium term when certain conditions exist:

- the new regulatory system has operated successfully in the domestic sphere for a reasonable period of time;
- appropriate training course/courses and award(s) which relate directly to commercial gas works is/are widely available in the 'non-domestic' arena for a reasonable period of time; and
- A competency assessment process is in place which enables the competence of an individual to be formally assessed against the provisions of the standard applicable to the commercial gas work (I.S. 820). For further information please refer to that decision paper.
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The CER intends to consult separately on this matter in 2014.

### **7.2.5 Industrial Gas**

In May 2009, the CER published its final decision paper on the Scope of Gas Works with regard to Natural Gas (ref. CER/09/083).

That paper stated that the CER will not extend the regulatory model and the definition of Gas Works to include those works on natural gas fittings designed to be used by Industrial Gas Customers at that time and outlined the reasons for that decision. For further information please refer to that decision paper.

## 7.3 Gas Works and RGIs

### 7.3.1 Current Arrangements

By law, only individuals who are registered with the Gas SSB may carry out Gas Works related to natural gas or LPG appliances which are used or have been designed for use by a domestic customer.<sup>30</sup>

### 7.3.2 Proposed Future Arrangements

The CER does not propose to change the above requirements relating to domestic gas appliances. Regarding commercial gas, however, the CER intends to consult separately on this matter in 2014.

## 7.4 Certification of Gas Works

### 7.4.1 Background

Section 9F (5) (b) (vii) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* states the CER is to set out in the Criteria Document “*matters to be covered by a completion certificate in respect of different categories or classes of gas works...*” Section 9F (12) of that Act also states that ‘*where a registered gas installer carries out any gas works, the registered gas installer concerned shall issue the appropriate completion certificate to the person who requested that the works be carried out*’.

Completion Certificates are essential to the effective operation and integrity of the regulatory scheme as they act as the thread that links the work of a registered installer for a customer to the Gas SSB. They further provide assurance to the customer that Gas Works, carried out in their home, are done so to a sufficient and safe standard. The issuance of a Completion Certificate is mandatory for all Gas Works, including installation, appliance exchanges, appliance installation and servicing.

### 7.4.2 Current Arrangements

Details relating to the certification process are outlined within the Criteria Document. The broad principles are outlined below:

- the Gas SSB restricts the sale of completion certificates to registered installers only;
- it is a serious disciplinary matter if a registered installer has been found to have “sold on” their completion certificates or to have “signed off” on the work of another installer;
- following completion of Gas Works, the registered installer is required to:
  - retain a copy of the completion certificate;
  - issue a copy of the completion certificate to the customer; and,

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<sup>30</sup> Subject to the following exceptions as per section 9G (3) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*.

- return a copy to the Gas SSB.
- The completion certificate acts as confirmation to the customer that the gas work has been carried out in accordance with the appropriate standard.

It is a requirement that new connections (or re-connections) to the gas system will require an appropriate completion certificate prior to Bord Gáis Networks making gas supply available to the dwelling or premises. Similarly, operators of LPG networks also have this arrangement in place.

The current certification system is paper based and there is no option for an RGI to return completed Completion Certificates electronically.

Under the current system, RGIs must first purchase a blank Completion Certificate from the Gas SSB who creates and prints the certificates, with two carbon copies. The original is issued to the customer while one copy is sent to the Gas SSB and one remains with the gas installer.

Since the beginning of the scheme the return of completion certificates by RGIs has not been in line with the amounts that have been sold. This has been demonstrated in the graph provided in Section 2.0 of this paper. There are a number of reasons why this could be the case, including:

- RGIs purchasing certificates and then stopping work for any reason;
- Certificates lost or destroyed, etc.; or,
- RGIs ensuring they have a stockpile to allow them to carry out work efficiently.

Alternatively, it may be the case that work has been carried out and the completion certificate has been used, but the copy has not been returned to the Gas SSB as they are not sufficiently conscious of this important step.

The current Gas SSB has taken steps to resolve the issue of unreturned certificates, with limited success to date. This has included the Gas SSB following up with RGIs who have purchased certificates but not yet returned them. The Gas SSB will ask the RGI to sign a declaration stating that certificates have either been returned or not yet used. This has resulted in RGIs being asked to come into the Gas SSB building to provide explanations regarding outstanding certificates. There is the possibility that RGIs who have used certificates but not yet returned them will face disciplinary proceedings, however, this has not been utilised to date. This issue is currently being discussed with the Gas SSB and the Installer Representative Panel (IRP)

There may also be an issue with RGIs carrying out works but not certifying those works. The CER is aware that these certificates and the return thereof are fundamental to the successful operation of the scheme and the CER is committed to addressing this issue. Comments are, therefore, requested below on means to improve this.

### **7.4.3 Proposed Future Arrangements**

The CER does not propose to change the general rules relating to certificates.

However, the CER recognises that there is room for improvement regarding how these rules are enforced and would welcome comments in this area. This includes RGIs not certifying work and RGIs certifying work, but not returning the certificates to the Gas SSB.

The CER is also considering introducing a requirement that the Gas SSB must offer RGIs an alternative option to the current paper based certification system. The introduction of an electronic system would enable the certificate to be completed online prior to provision to the customer and/or Bord Gáis Networks and would automatically be returned to the Gas SSB. A requirement within the system to ensure mandatory return of the certificates to the Gas SSB would reduce the current level of non-compliance with the rules. It would also have the potential to improve the efficiency of the scheme, with a resulting decrease in costs faced by installers.

This system:

- could be made mandatory for all RGIs;
- could be made mandatory for all RGIs that have a track record of using certificates but not returning them to the Gas SSB; or,
- could be left as optional for all RGIs.

#### **Certification**

- Comments are invited regarding the certification system. In particular, comments are sought on the possibility of introducing electronic certification. In this regard, if electronic certification were to be introduced, comments are sought on whether it should be:
  - (a) mandatory for all RGIs but brought in on a phased basis;
  - (b) a dual system should operate whereby RGIs can choose to use the electronic certification system or the paper based system or
  - (c) mandatory for certain groups of installers.

## **7.5 Conclusion**

This section has provided information on designated Gas Works and the certification thereof. Comments are requested throughout this section with regard to various aspects.

## 8.0 Gas Works by Unregistered Individuals

### 8.1 Background

As outlined in Section 7.0 the CER has introduced requirements which prescribe that, by law, only RGIs may carry out certain Gas Works.

The penalties for carrying out these works whilst not being registered are:

- on conviction on indictment to a fine not exceeding €15,000 or a term of imprisonment not exceeding 3 years or to both; or
- on summary conviction, to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or to both.<sup>31</sup>

It is also an offence for a person to describe oneself as an RGI or in a manner likely to suggest that they are an RGI and this offence carries the same penalties.<sup>32</sup>

There have been six prosecutions in this area to date, as outlined in Section 2.3.5 of this document.

### 8.2 Detection and Investigation

#### 8.2.1 Current Arrangements Regarding Detection and Investigation

To allow detection of these offences a reporting mechanism has been put in place through which any individual can report any instance where they suspect that an unregistered individual has carried out Gas Works. These reports can be made (anonymously if preferred) through [www.rgii.ie](http://www.rgii.ie) or by phone to 1850 454454 or 01-4997998 or by post to:

Register of Gas Installers of Ireland,  
Unit 9,  
KCR Industrial Estate,  
Kimmage,  
Dublin 12

All reports are investigated by a CER Gas Safety Officer<sup>33</sup>. Not all investigations have led to the CER initiating prosecutions. In the past, these reasons have included lack of evidence or reports relating to gas installers who are actually registered or complaints made where the gas work has not been carried out within the jurisdiction.

<sup>31</sup> Under sections 9G (3) and (4) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*.

<sup>32</sup> Under sections 9F (24) and (25) or the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*.

<sup>33</sup> As appointed under s. 9J of the *Electricity Regulation Act 1999*.



Reports have also been made in the past directly to the CER and these have also been investigated by a CER Gas Safety Officer. Where requested these have been treated anonymously.

Bord Gáis Networks also provide leaflets to customers where they have attended a reported gas escape. This allows customers to make reports if they have had either a registered or unregistered individual carry out Gas Works recently which may have been the cause of the escape<sup>34</sup>. Where Bord Gáis Networks are of the opinion that unsafe work has been carried out by a registered individual or any gas work has been carried out by an unregistered individual they also report these cases directly to the Gas SSB or the CER.

The current Gas SSB has monitored the advertisements relating to Gas Works and has engaged the services of a surveillance specialist to monitor the activities of individuals who have recently become deregistered with a view to identifying any illegal activities relating to Gas Works.

A public awareness campaign is also run each year to inform the public that, by law, only RGIs can carry out Gas Works. This is outlined further in Section 10.0 of this document

To date, the CER has successfully taken prosecutions against a number of parties, specifically for committing the following offences under the 2006 Act:

- carrying out Gas Works while not registered as a gas installer; and
- describing oneself as an RGI whilst not being registered.

A number of other investigations are currently in progress by the CER which may result in the taking of enforcement action. However, there is a finite level of resources that can be applied to this area and it is important to ensure that this is balanced against other work which can be carried out to ensure an adequate level of gas safety.

### **8.2.2 Proposed Future Arrangements Detection and Investigation**

One of the major keys to the success of the scheme is enforcement against individuals who carry out illegal gas works or describe themselves as an RGI whilst not being registered. The CER is committed to taking enforcement action against such individuals. A number of activities have been undertaken to date as suggested by industry representatives in this regard. However, the CER is aware that it has been stated that not enough is being done to ensure that unregistered individuals do not carry out Gas Work. The CER is always open to engaging in this area and therefore would like to invite interested parties to provide specific suggestions on additional actions that can be taken in detecting unregistered individuals who carry out illegal Gas Works.

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<sup>34</sup> Please note that there are a number of reasons for reported gas escapes and not all reported gas escape relate to work that was carried out recently.

### **Gas Works by Unregistered Individuals**

- Comments are invited from interested parties to provide specific suggestions on additional actions that can be taken in detecting unregistered individuals who carry out illegal Gas Works.

#### **8.2.3 Current Arrangements regarding Gas Safety Officers**

Section 9J of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* confers on the CER the power to appoint Gas Safety Officers who undertake the above investigations. The Gas Safety Officers, who carry out the above investigations, have to date been employees/contractors of the Gas SSB. The CER then takes the decision on whether to initiate a prosecution<sup>35</sup>. The investigations are carried out as required by the CER, in line with CER's internal procedures which have been benchmarked against other state agencies with similar powers and have been legally reviewed to ensure robustness.

The provision of the above resource by the Gas SSB is not required under the Criteria Document or their Terms and Conditions of Appointment.

#### **8.2.4 Proposed Future Arrangements regarding Gas Safety Officers**

The CER does not intend to introduce a requirement for the Gas SSB to provide a resource for this function from 2016 onwards but instead intends to appoint Gas Safety Officers from within CER's own resources to carry out these investigations in the future. However, the CER wishes to invite comments on this proposal.

While the arrangement whereby resources were provided by the Gas SSB has led to six successful prosecutions to date, stakeholders have, in the past, raised queries as to whether the Gas SSB can give an appropriate focus to this area given its core role as the day-to-day regulating body.

### **CER Appointed Gas Safety Officer**

- The CER wishes to invite comments from interested parties on the proposed approach of the CER in appointing a Gas Safety Officer from within its own resources rather than from a resource provided by the Gas SSB.

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<sup>35</sup> For summary prosecutions through the District Court.

### **8.3 Conclusion**

This section has provided information and detail relating to the approach which is taken in detecting, investigating and undertaking prosecutions for offences related to unregistered individuals that carry out gas works or individuals who describe themselves as an RGI whilst not being registered.

## **9.0 Communication between the CER and Stakeholders**

### **9.1 Introduction**

This section describes the relevant working groups which the CER chairs or participates in with regard to information regarding communication with stakeholders.

### **9.2 Background and Current Arrangements**

The CER chairs and participates in numerous groups which relate to the regulation of gas installers. In addition, the CER communicates through consultations regarding significant changes to the scheme and meets with stakeholders (from groups to individuals) regarding the development of the scheme. These meetings are discussed in turn below.

#### ***9.2.1 Gas Safety Promotion and Public Awareness Group***

The CER, as part of the wider safety framework, chairs a group which develops coordinated customer safety promotion and public awareness strategies with regard to gas safety. Customer safety promotion and awareness advertising is undertaken at two levels:

- First, at the industry level whereby co-ordinated TV, radio and press adverts for gas installation and safe use of gas are targeted both at specific customer groups and the public generally; and
- Secondly, at an undertaking level whereby gas transporters and shippers and suppliers will undertake safety promotion and awareness activities that are specific to their respective undertakings.

The Gas SSB participates in this group. Specific activities relating to the gas installer industry are organised through this group. These include:

- TV and radio advertising informing the public that, by law, only RGIs can carry out Gas Works relating to domestic appliances;
- the provision of an annual safety booklet to customers within their gas bill which outlines information relating to RGIs; and
- the organisation of, in co-operation with many stakeholders, a Carbon Monoxide Awareness Week which provides information relating to servicing appliances and RGIs.

These current and proposed future arrangements for promotion and public awareness are discussed further in Section 10.0.

### **9.2.2 Criteria Document Modification Discussions**

The CER acts as controller and manager of the Criteria Document. This document and the manner in which modifications are communicated to stakeholders and made to this document are discussed in Section 4.1.2 of this document.

### **9.2.3 Group for Training**

The CER has chaired a Gas Standards Development Group, the purpose of which was to carry out works on standards for training and development relating to the gas industry. The group comprised of representatives from Bord Gáis Networks, the Gas SSB, the ILPGA and other stakeholders involved in the training industry. It has provided its outputs to QQI, leading to the publication of relevant documentation on the QQI website<sup>36</sup> in December 2013. This group is no longer in operation as the required material has been provided to QQI.

### **9.2.4 Competency Assessment**

Installation Standards are subject to continual change. In order to ensure that installers are competent to work to these changing standards and that a consistent and appropriate level of gas safety is maintained the CER, following a public consultation process, introduced a requirement in 2009 that gas installers complete a formal competency assessment every 5 years.

A Scheme Committee, comprising of the Gas SSB, Bord Gáis Networks, the ILPGA, an installer representative, training providers/assessment centres and certification bodies, was established in 2012 to devise a scheme for the ongoing competency assessment of gas installers; this is discussed further in Section 5.0 of this document. The scheme committee is committed to ensuring any update or modification to the relevant technical standards is reflected in the details of the ongoing competency assessment.

### **9.2.5 Gas Installer Communication Forum**

The CER has also put in place a Gas Installer Communication Forum (GICF) as a discussion forum for the industry. The membership of this group included installer representatives, Bord Gáis Networks, stakeholders involved in training, the NSAI and other interested parties.

This forum met regularly during the initial period of the scheme, usually on a quarterly basis. More recently the CER has chaired meetings between the Gas SSB and the Installers Representatives Panel (IRP).

### **9.2.6 Communication with parties that make complaints**

It is currently the case that where a complaint is made against a gas installer, the complainant is not entitled to a report informing them of the outcome of their complaint.

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<sup>36</sup> The award codes are as follows: 6N16017 Gas Safety Domestic and 6U16018 Domestic Gas Safety and are available [here](#).

While the complainant, as determined by the Disciplinary Committee, may be invited to attend a disciplinary hearing, it is not a requirement.

The CER would like to invite comments from interested parties on whether this should remain the case from 2016 or whether it would be desirable to include a requirement to ensure the complainant has more involvement following the complaint being made.

For further information regarding the current process please refer to the Criteria Document<sup>5</sup>.

#### **Customer Complaints**

The CER would like to invite comments from interested parties on whether the interaction with complainants should:

- a) remain as currently outlined in the Criteria Document; or
- b) be amended to include a requirement to ensure the complainant has more involvement in the process following the initial complaint.

### **9.3 Proposed Future Communication Arrangements**

The CER intends to continue to operate the Gas Safety Promotion and Public Awareness Group and the scheme committee relating to competency assessments.

The CER intends to continue to chair meetings between the IRP and the Gas SSB. The CER also intends to continue to chair the GICF which is held on an *ad hoc* basis as the scheme demands (for example, in the event that commercial Gas Works is being introduced).

The CER will also continue to hold open consultations where appropriate and intends to continue to meet with stakeholders on an *ad hoc* basis as issues arise.

The CER also seeks comments regarding whether gas installers should play a more significant role in the day-to-day governance of the Gas SSB. This could include, where the structure of the Gas SSB allows for it, a position on a governance board which could be filled by a representative of gas installers or could be through any other arrangement. Comments are requested regarding whether this is appropriate, what benefits this would bring, and how this would work in practice.

### **Communication with Stakeholders**

- Comments are invited from any interested parties as to how the CER may best communicate with stakeholders.
- The CER also seeks comments regarding whether gas installers should play a more significant role in the day-to-day governance of the Gas SSB

## **9.4 Conclusion**

The CER has outlined above how it interacts and communicates with industry stakeholders. The CER wishes to invite any relevant comments from interested parties on this topic.

## 10.0 Public Awareness

### 10.1 Introduction

The Criteria Document sets out the requirements of the Gas SSB to promote the scheme to members of the public. The promotion of gas safety here is of vital importance for the safe use of gas and thus the success of the overall scheme. It is also of importance to the operation of the regulatory scheme for installers. It is important that emphasis is placed on:

- responsibility for the **maintenance** of natural gas and LPG appliances and fittings downstream of the meter;
- the customer to choose a **registered gas installer** for every piece of work they have completed;
- the customer's option to make a **complaint** against a gas installer;
- publicising the **Completion Certificate Process** so that customers know that they should always receive a certificate;
- encouraging customers (and registered installers) to **report** any person who fails to issue a certificate or is undertaking Gas Works while not being registered; and
- to have appliances **serviced** annually.

By increasing the level of public awareness on these issues, customers, in essence, act as 'the police on the ground' thereby strengthening the overall regulatory scheme. However, if this is to be successful, it must be certain that the public are adequately informed of the scheme and the benefits and consequences for them as a consumer.

Various questions are put forward throughout this section in order to establish whether the current system can be improved upon and developed further.

### 10.2 Activities undertaken

#### 10.2.1 Current Arrangements

A number of the promotional activities which are undertaken relate to the promotion of the Registered Gas Installer scheme, including:

- provision of a safety booklet to gas customers annually which provides information on who they should hire for carrying out Gas Works in their home and information relating to the overall RGI scheme; and
- other activities such as Carbon Monoxide Awareness Weeks, which were run in 2012 and 2013 by CER, in co-operation with many stakeholders, also increase public awareness relating to gas installers.



These are co-ordinated through a Promotion and Public Awareness Group (PAPA) which is chaired by the CER and supported by numerous industry stakeholders.

Surveys carried out by Bord Gáis Networks indicate that awareness of RGIs has increased from 17% in 2007 to 51% in 2013. For natural gas users the figures went from 25% in 2007 to 68% in 2012, but down to 62% in 2013. This shows a major overall increase in awareness of the scheme over the current designation period which is extremely significant given the scheme's overall dependency on public awareness. However, it is noted that there is further room to improve awareness in this area.

#### ***10.2.2 Proposed Future Arrangements***

In general, the CER intends to continue the activities that have been undertaken to date. The activities will be monitored through the Promotion and Public Awareness Group and improvements to these activities will be made continuously.

### **10.3 The RGI Logo**

The RGI logo, which is displayed below, allows the public to recognise that an individual is an RGI and is, therefore, important from a public awareness perspective.



**Figure 4 RGI Logo**

#### ***10.3.1 Current Arrangements***

Currently, an RGI is not required to display this logo on their vehicle (where they have one), but an RGI is entitled to use the logo of the body and the brand on business documentation and/or vehicles. Currently the logo does not include a reference to the current year or a unique identifier number of the RGI.

#### ***10.3.2 Proposed Future Arrangements***

The CER is considering whether or not to make it a mandatory requirement for an RGI to display the logo on their vehicle (where they have one). Mandatory use of the logo would

allow customers to be certain that the person they are hiring is a Registered Gas Installer. The logo would act as an extra control as the RGI should have a Gas SSB Membership card confirming their identity. It may also enable more prosecutions to be taken against those who purport to be RGIs but do not have the RGI logo displayed as the lack thereof would make it easier to identify. This must be balanced, however, with an argument against the mandatory display of the logo. Stakeholders have stated to the CER that mandatory display on vehicles may be a security concern (as it may draw attention to the potential of valuable equipment being located within the vehicle) and this would be the primary reason against making the display of the logo mandatory.

#### **Mandatory Use of RGI Logo**

- Comments are invited from interested parties as to whether it should be made mandatory for an RGI to display the RGI logo on their vehicle?

Consideration is currently being given as to whether references to the year of registration should be included either as part of or in addition to the logo. This would mean that the Gas SSB would provide new stickers each year to an RGI (for their vehicle) such that it would indicate that they are a current member of the Gas SSB in that particular year. RGIs could then be required to display the current sticker alongside or instead of any logo they previously had on their vehicle. This would allow easier identification of any instances where RGIs continued to display the RGI logo after becoming deregistered from the Gas SSB or where their membership has expired and they have failed to renew it. This could lead to increased prosecutions in this area.

#### **Annual Logo**

Comments are invited from interested parties as to:

- whether references to the year of registration should be included (either as part of or in addition to the logo);
- whether the Gas SSB should be required to issue revised stickers each year to the RGI (which included a reference to the year); and,
- whether RGIs should be required to update any logo which they display on their vehicle each year with the stickers provided by the Gas SSB and be subject to disciplinary proceedings where they fail to do so?

The RGI logo does not currently include any unique reference which would allow the RGI to be identified. Consideration is being given as to whether such a reference should be

included (either as part of or in addition to the logo). This would aid in identifying any unregistered individuals that carry out Gas Works potentially leading to prosecutions in the area.

#### **Unique Identifier**

- Comments are invited from interested parties as to whether a unique identifier e.g. RGI number should be included as part of the RGI logo.

## **10.4 Conclusion**

Public awareness is most important for the regulatory scheme to succeed. Throughout this section, various questions have been asked to which the CER invites comments upon, with a view to improving the public awareness regime which is currently in place.

## 11.0 Interaction with the Electrical Scheme

### 11.1 Introduction

Along with responsibility for regulating the activities of gas installers, section 9C of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* also gives the CER the power to regulate the activities of electrical contractors with respect to safety and under section 9D (1) of that Act, the authority to appoint one or more bodies to carry out this function on a day-to-day basis.

In 2007, the CER published its Vision for the Regulation of Electrical Contractors with Respect to Safety (ref. CER/07/203). Since that time the CER has implemented certain tasks outlined in that vision document as required under the legislation including the designation of the Electrical Contractors Safety and Standards Association of Ireland (ECSSAI) and the Register of Electrical Contractors of Ireland (RECI) to be the designated bodies in respect of electrical contractors with their roles commencing in 2009 for a period of seven years.

The functions of the bodies are outlined in the electrical Criteria Document and can be summarised as follows. The Electrical SSBs must:

- **Operate a register** of RECs. This includes initial registration and renewal of membership in line with the requirements of the Criteria Document.
- **Monitor, audit and inspect** RECs. This includes ensuring that the work of RECs is carried out in compliance with the relevant standard. It also includes ensuring that the REC is working in accordance with the Terms and Conditions of their registration and the Criteria Document.
- **Manage the certification of electrical works process.** This includes the administration and monitoring of the completion certificate system by issuing completion certificates to RECs, validating and processing completion certificates which are submitted by RECs, and carrying out inspections of works carried out by RECs at the request of customers. It should be noted that while the Electrical SSBs administer the certificate system, the certificates that are used are produced by the ETCI.
- **Undertake promotional activities.** Examples of this work include highlighting the legal requirement to use a REC where appropriate.
- **Dealing with customer complaints and requests.** This includes investigating a safety related complaint or inspecting electrical work at the request of a customer who has used a REC.
- **Take disciplinary actions against** RECs. This includes, where a REC is found not to have worked in compliance with the Criteria Document, the body taking an appropriate sanction up to and including suspension and withdrawal of registered status.

All of the above are designed to improve the overall safety relating to electrical contractors which consequently gives customers confidence in the RECs they are hiring to carry out electrical works.

## 11.2 A Joint SSB for Gas and Electrical

Given the similarities of the two schemes, it may be an option to designate a joint SSB i.e. one body would be appointed as both a gas and electrical SSB.

The CER could, when completing this process, include a requirement that parties who apply to become the Gas SSB would also have to include an application to become an Electrical SSB. This approach would involve the CER running one competitive process through which a party would be designated to be the Gas SSB as well as the Electrical SSB.

There are a number of advantages to this approach including:

- Potential efficiencies or economies of scale which could lead to reduced costs. This could be reflected either through savings by one SSB that would be in place under this approach<sup>37</sup> or through efficiencies in the monitoring (by the CER) of one organisation relative to a number of organisations<sup>38</sup>.
- Potential improvements in the safety of customers. There are a number of synergies between the gas and electrical schemes, such as the processes for disciplinary actions and the close out of non-compliances observed during inspections, etc. Having one body in place to cover both gas installers and electrical contractors could lead to a more consistent approach across these areas which could mean an improved safety outcome for the customer. However, when assessing this benefit it is also recognised that for a body to effectively cover both gas installers and electrical contractors, personnel with gas qualifications and personnel with electrical qualifications would be required and these would not always be the same individuals.

However, there would also be some disadvantages associated with this approach if it were to be taken:

- If the gas Designated Body was to be de-designated due to an issue on the gas side, this could lead to the organisation being unable to continue to operate as an electrical SSB also. This could be either due to:
  - the issue also present on the electrical side (due a similar function being run in the same manner) leading to the body also being de-designated as an electrical SSB; or,
  - due to the electrical SSB simply being unable to continue from a financial perspective without having the gas SSB in place to share certain costs.

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<sup>37</sup> This would lead to registration fees and/or certificate prices being lower than would otherwise be the case.

<sup>38</sup> This would lead to the CER levy on undertakings being lower than would otherwise be the case.

The CER would like to invite comments from interested parties on this point.

#### **Joint Electrical and Gas SSB**

- The CER invites comments from interested parties on the option of one process being utilised to designate a single organisation as both the Gas SSB and the Electrical SSB.

### **11.3 Conclusion**

This section has looked at and posed queries in relation to the relationship between the gas and electrical schemes.

## 12.0 Conclusion and Next Steps

This paper has outlined details and observations on the operation of the regulatory scheme which the CER developed and has implemented, in co-operation with stakeholders and the public, since it was granted the powers to regulate the day-to-day activities of gas installers with respect to safety under the *Energy (Miscellaneous Provisions) Act 2006*.

The CER is committed to ensuring that its approach to regulation evolves over time to ensure an appropriate level of gas safety in Ireland. Therefore, to align with the end of the current designation period<sup>39</sup>, the CER is, through a consultation process, reviewing how the gas installer industry is regulated. This process will lead to a CER decision paper on matters which will either:

- Feed into the process of designating a Gas SSB to carry out the day-to-day regulation of gas installers from 2016 onwards; or,
- Feed into the overall approach through which the CER regulates this industry.

This paper is the first step in this consultation process.

Following consideration of all responses received to this consultation, the CER expects to publish a Proposed Decision during Q3 2014. Parties will have a further opportunity to respond to that document and the CER will then publish a final Decision Paper in Q4 of 2014.

It is intended that the designation process will be carried out in 2015, with one Gas SSB being designated in mid-2015 and becoming operational in January 2016.

A similar consultation process is taking place with regard to the corresponding regulatory scheme for electrical contractors.

Comments are requested by 25<sup>th</sup> July 2014 as outlined in Section 1.6 of this paper.

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<sup>39</sup> The designation period for the current Gas SSB is due to expire in January 2016.