Regulation of Electrical Contractors with respect to Safety from 2016

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Abstract:
The CER is committed to ensuring that its approach to regulation evolves and develops over time to ensure an appropriate level of electrical safety in Ireland. In order, to align with the end of the current designation period of Electrical Safety Supervisory Bodies (Electrical SSBs) at the end of 2015, the CER has, through a consultation process, reviewed how the electrical contractor industry is regulated with respect to safety.

The CER published a Consultation Paper (CER/14/130) and Proposed Decision Paper (CER/14/757) on these issues earlier this year, and following consideration of the responses received is now publishing this decision.

Please note that Appendix 3 of this Paper summarises and responds to all responses received to the proposed decision on this matter.

It is intended that elements of the final decision on this matter will:
(1) feed into the process to designate an Electrical SSB to carry out the day-to-day regulation of electrical contractors from 2016 onwards; and/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 electrical contractors, prospective SSBs, parties interested in the electrical contracting industry in Ireland such as ETCI, the HSA and electrical contractor representative bodies along with members of the public who use the services of those involved in the electrical contracting industry in Ireland.

Related Documents:
By way of background, the following is a list of relevant CER documents related to the regulation of electrical contractors in Ireland:

- Regulation of Electrical Contractors with respect to safety from 2016 Proposed Decision Paper, (CER/14/757), 30th October 2014;
- Regulation of Electrical Contractors with respect to safety from 2016, Response to Comments Paper, (CER/14/758), 30th October 2014
- Regulation of Electrical Contractors with respect to safety from 2016 Consultation Paper, (CER/14/130), 17th June 2014;
- Vision for the Regulation of Electrical Contractors with respect to Safety A Decision Document (CER/07/203), 8th November 2007;
- 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), 3rd July 2008;
- Electrical Safety Supervisory Criteria Document Version 2.0 (CER/13/098);
- Definition of the Scope of Controlled Works (CER/09/009), 30th January 2009; and
- Regulation of Electrical Contractors with respect to Safety: Decision on the Scope of Restricted Electrical Works (CER/13/147), 23rd July 2013.

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

Section 9C 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 electrical contractors with respect to safety. Section 9D (1) (a) further grants the CER authority to designate a person or persons to be the designated body or bodies to carry out the role of regulating electrical contractors on a day-to-day basis. These bodies are known as Electrical Safety Supervisory Bodies (Electrical SSBs).

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 including:

- **Designation of two bodies** to *inter alia* maintain a register of electrical contractors and to inspect those contractors;
- Publication of a **Criteria Document** which, amongst other things, outlines the rules to which the designated bodies and parties registered with it must comply;¹
- Implementation of a Statutory Instrument which defines those domestic **electrical works** which, by law, only Registered Electrical Contractors (RECs) may carry out;²
- Putting in place **regular assessments** for Registered Electrical Contractors (RECs – i.e. Qualified Certifiers).

All of the above have improved the overall safety relating to electrical contractors which consequently gives customers confidence in the RECs they are hiring to carry out electrical works in their homes and businesses.

In 2008, the CER designated both the Electrical Contractors Safety and Standards Association of Ireland (ECSSAI) and the Registered Electrical Contractors of Ireland (RECI), following a competitive tendering process, as the Electrical SSBs in respect of electrical contractors for a period of seven years with their role commencing in 2009. Their roles as Electrical SSBs will therefore terminate in January 2016. In 2015, the CER expects to embark on a competitive tendering process to appoint an Electrical SSB for a fixed term period commencing January 2016 onwards.

The CER is committed to ensuring that its approach to the regulation of electrical contractors with respect to safety evolves and develops over time and remains effective in setting an appropriate level of electrical safety in Ireland. Therefore, to align with the end of the current designation period, the CER through this consultation process has reviewed how the electrical contractor industry in Ireland is regulated with respect to safety. This paper follows on from the Proposed Decision Paper (CER/14/757) published

¹ In accordance with section 9D (5) (a) of the Electricity Regulation Act 1999
in October 2014 and Consultation Paper (CER/14/130) published in June 2014 and provides a decision on the matters raised in these papers.

This Decision paper (CER/14/790) outlines the CER’s decisions on numerous issues relating to how electrical contractors will be regulated with respect to safety from January 2016 onwards. This document sets out the CER’s Final Decision which retains elements of the scheme which are functioning well to date and outlines improvements in some areas where necessary. Some of the main decisions are briefly outlined below.

The CER has decided to appoint one Electrical SSB for the designation period commencing January 2016. The CER is of the view that this is the most suitable decision for reasons as outlined in section 3.2 of this paper.

The CER has decided that it does not intend to allow the Electrical SSB to participate in training or assessments of RECs for the designation period commencing January 2016. The CER is of the view that this is the most suitable decision for reasons as outlined in section 3.4 of this paper.

The CER has decided to change the financial funding that is in place to ensure that the ETCI receive a fixed amount of revenue annually to carry out its activities. The CER is of the view that this is the most suitable decision for reasons as outlined in section 9.1 of this paper.

It is intended that elements of the final decision on this matter will now:

- feed into the process of designating an Electrical SSB to carry out the day-to-day regulation of electrical contractors with respect to safety from 2016 onwards; and/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 an Electrical SSB being designated during 2015 and becoming operational in January 2016.

A similar consultation has taken place with regard to the corresponding regulatory scheme for gas installers with a Proposed Decision Paper (CER/14/759) published in October 2014 and Consultation Paper (CER/14/131) published in June 2014. Following on from these a Decision Paper (CER/14/791) has now been published.

All relevant documents are available at www.cer.ie.
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1.0 Introduction and Background

1.1 The Commission for Energy Regulation\(^3\)

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 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 Background to Regulation of Electrical Contractors

It should be noted that the terms “electrical contractors” and/or “registered electrical contractors” or “REC” in this document refer to an electrical contracting entity. This may be either an individual sole trader operating as the electrical contractor or may be a larger operation, constituting many individual operatives. The terms relate to the party with whom the customer will have, or has, entered into a contract for the carrying out of electrical works.

The electrical contracting industry, at the low voltage level, had been self-regulated since 1992, with industry standards in place since 1972.

In 2000, a review was carried out by an Interdepartmental/Agency Review Group on Public Safety concerning the regulation of electrical contractors. At the subsequent

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\(^3\) 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).
request of the then Minister for Public Enterprise, the CER recommended a regulatory system for electrical contractors that:

- built on the strengths of the voluntary system;
- addressed the weaknesses that existed; and,
- provided the CER with statutory authority to act as Supervisory Regulator with the power to issue licences to self-regulatory bodies in the then upcoming Electricity Bill.

Until such statutory authority was provided, the CER agreed to become involved on a non-statutory basis. In August 2002, an implementation timetable for the new approach was agreed and published. A working group was established and was tasked with developing detailed draft criteria for the issue of a regulatory licence by the CER to an Electrical Contracting Regulatory body or bodies who met these criteria. Draft Criteria were published on the 6th November 2002.

Following review by key industry stakeholders and a number of consequent amendments, a Criteria Document was put in place on 18th June 2004. It was agreed at that time that the proposed new regulatory model be implemented on a voluntary basis by all stakeholders to further improve safety and standards in electrical installation work in advance of legislation which put the system on a firm statutory basis.

The voluntary system began operating in June 2004 with self-regulatory bodies voluntarily taking on board the requirements of the Criteria Document. Those self-regulatory bodies which operated within this voluntary system were:

- The Registered Electrical Contractors of Ireland (RECI); and
- The Electrical Contractors Safety and Standards Association (ECSSA).

The Energy (Miscellaneous Provisions) Act 2006 formalised this by giving the CER responsibility for regulating the activities of electrical contractors with respect to safety. In 2007, the CER outlined its vision for the regulation of the electrical contractor industry in this regard.

Following a competitive tendering process, ECSSAI and RECI were appointed to act as the Electrical Safety Supervisory Bodies (Electrical SSBs) for a period of seven years commencing in January 2009.

The CER has published a Criteria Document which governs how the Electrical SSBs should operate on a day-to-day basis. This document was first published in 2008 and the most recent version is available on the CER website.

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5 At time of publication the most recent electrical Criteria Document (v2.0) is available [here](#).
Separately, the CER, in accordance with section 9E (1) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* has defined works which only Registered Electrical Contractors (RECs) may carry out. These classes of work are known as Restricted Works. Under section 9E (4) of the *Electricity Regulation Act 1999*, it is an offence for an unregistered individual to carry out such works and reports of such instances are investigated by the CER. It is also an offence for a non-REC to portray themselves as a REC\(^6\).

Since 2009 the CER has in the gas and electrical areas undertaken 14 successful prosecutions against those undertaking works illegally or describing themselves as a REC or RGI while not being registered, with 11 of these in the gas area and 3 in the electrical area.

The CER will appoint an Electrical SSB for the next designation period commencing in January 2016. This Decision Paper will feed into that process.

The work which has been carried out in this area aims to ensure an appropriate level of safety in relation to electrical contractors in Ireland to protect lives and property.

**1.3 Purpose and Scope**

The CER is committed to ensuring that its approach to regulation evolves over time to ensure an appropriate level of electrical safety in Ireland. Therefore, to align with the end of the current designation period\(^7\), the CER through this consultation process reviewed how the electrical contractor industry is regulated with respect to safety.

The CER initially published a consultation paper in June of this year and following consideration of all responses received, published a proposed decision paper (CER/14/757) in October. The CER is now publishing a decision paper (CER/14/790).

It is intended that elements of the final decision on this matter will:

- feed into the process to designate an Electrical SSB to carry out the day-to-day regulation of electrical contractors from 2016 onwards; and/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 an Electrical SSB being designated during 2015 and becoming operational in January 2016.

\(^6\) Section 9D (25) and (26) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*.

\(^7\) The designation period for the current Electrical SSBs is due to expire in January 2016.
1.4 Structure of this Paper

The structure of this Proposed Decision 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 a Designated Body(s) and provides decisions relating to the Designated Body(s) from 2016 onwards;
- Section 4.0 gives an overview of the Criteria Document and provides a decision on same;
- Section 5.0 outlines the Technical Standards, Training and Assessment associated with the scheme and provides a decision on same;
- Section 6.0 gives an explanation of Membership and provides decisions on same;
- Section 7.0 outlines Controlled, Restricted and Minor Electrical Works and provides decisions on same;
- Section 8.0 provides information on Electrical Works carried out by Unregistered Individuals and provides a decision on same;
- Section 9.0 gives an outline of the Certification of Electrical Works and the role of the Electro Technical Council of Ireland (ETCI) and provides decisions on same;
- Section 10.0 provides information on the Public Awareness aspect of the scheme and provides decisions on same;
- Section 11.0 provides information on the possibility of a joint Gas and Electrical SSB and provides a decision on same; and
- Finally Section 12.0 provides information on the next steps.

Throughout this paper, the CER presents its decision on relevant matters.

1.5 Responses to Proposed Decision Paper

The CER received 11 responses to the proposed decision paper (CER/14/757). These responses are published on the CER website. The CER has also provided responses to these queries from the submissions in appendix 3 of this paper.

Please note that publication of these submissions does not mean that the CER agrees that all information put forward in the submissions is correct.
1.6 Next Steps

After consideration of all the responses received to the proposed decision paper (CER/14/757), the CER is now publishing a final decision paper (CER/14/790).

It is intended that elements of the final decision on this matter will:

- feed into the process to designate an Electrical SSB to carry out the day-to-day regulation of electrical contractors from 2016 onwards; and/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 an Electrical SSB being designated during 2015 and becoming operational in January 2016.
2.0 Overview of Existing Regulatory Regime

2.1 Introduction
This section outlines the rationale for the present regulatory scheme, the main components of the scheme and finally it outlines the performance of the scheme since 2009 to date.

2.2 Rationale for Regulation
Electrical installations in the home, if not properly installed and maintained, can be extremely dangerous and even cause injury or death. In Ireland, on average, five people per year are killed in their home as a result of either direct contact with electricity or from fires associated with a suspected electrical cause. This includes fires related to electrical appliances which, in some cases, may have been avoidable by putting adequate electrical protection in place. In addition, from 2000 to 2006 the average number of fires per annum due to electrical wiring installations that were attended by fire services was 427.9

One risk relating to faulty electrical installations is where there are untrained personnel, who are not subject to any form of regulation, carrying out work.

The CER has implemented a regulatory regime, in accordance with the Energy (Miscellaneous Provisions) Act 2006 to regulate electrical contractors which is designed to reduce this risk.

2.3 Components of the Regulatory Regime
In November 2007, the CER published the Vision for the Regulation of Electrical Contractors with respect to Safety (ref. CER/07/203), which set out the CER’s high level approach to the regulation of electrical contractors with respect to safety.

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

- The CER designated two bodies to regulate electrical contractors on a day-to-day basis;
- The CER has put in place a Criteria Document to which the bodies and the contractors registered with it must adhere to;

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8 This figure was derived from an analysis of data available through the ETCI and the Department of Environment, Community and Local Government.
9 Department of Environment, Community and Local Government. - www.environ.ie
• The CER has specified (through the Criteria Document) the **standards** to which RECs 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;

• The CER has specified particular **works** (controlled works) which RECs must carry out to a certain standard and for which they must issue a certificate following completion;

• The CER has specified particular **works** (restricted works) which, by law, can only be carried out by individuals who are registered with a body;

• The CER outline the type of certificates that must be used;

• The CER has carried out **promotion and public awareness** activity to ensure the public has sufficient knowledge regarding the regulatory regime;

These functions are closely linked to the CER Strategic Plan 2014 – 2018, Strategic Goal One – to ensure that energy is supplied safely. The strategies for achieving this goal are:

• **Compliance Assurance** - The ongoing monitoring of compliance of industry with the safety regulatory requirements.

• **Enforcement** – Enforcing compliance with the regulatory systems when required.

• **Safety Promotion & Public Awareness** - Undertaking comprehensive promotion and public awareness campaigns.

• **External Engagement** – Co-operating and working with other agencies to facilitate the discharge of respective safety regulatory functions.\(^1\)

The CER is committed to ensuring an appropriate level of safety for the electrical contracting industry and the proposed decisions outlined in this paper are intended to further that goal.

The CER has monitored the performance of the regulatory regime since 2009 and this is discussed in Section 2.4.

### 2.4 Performance of the Regulatory Regime

#### 2.4.1 Number of Registered Electrical Contractors (RECs)

RECs are required to certify controlled electrical work\(^{10}\) completed by them in a domestic or commercial environment. Each REC who registers with one of the Electrical SSBs is required to demonstrate that they, or an employee who certifies the electrical work, has

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\(^{1}\) To view the full Strategic Plan 2014 – 2018 click [here](#).

\(^{10}\) Controlled works are defined in CER/09/009 which is available [here](#).
obtained a recognised National Craft Certificate as an electrician or another suitable electrical qualification and has insurance cover as specified by their respective Electrical SSB. A complete list of Registered Electrical Contractors operating in Ireland is available through the Safe Electric website www.safeelectric.ie.

The graph below shows how the number of Registered Electrical Contractors (RECs) has continued to decline in 2013, dropping by approximately 1% to 3,990 from a figure of 4,022 in 2012. The decline in the number of RECs since 2009 corresponds with a downturn in activity in the construction sector, including a reduction in the number of new domestic houses being connected to the electricity network since the mid-2000s.

![SSB's Total Number of Registrations](image)

**Figure 1 SSB Total Number of Registrations**

### 2.4.2 Inspections Carried out by Electrical SSBs

Under Section B 3 of the Criteria Document, the Electrical SSBs are required to monitor, inspect and audit the standard of electrical work completed by RECs, with respect to safety. Consequently, the Electrical SSBs provide information quarterly on the number of inspections completed as shown in the graph below. The decreased number of inspections is due, in part, to the reduced number of RECs in the scheme.
2.4.3 Sale of Completion Certificates to RECs for Issuance to Customers

All controlled electrical works performed by RECs require certification. It is through this system that the CER, and by extension the Electrical SSBs, ensure that the work carried out reaches the required safety standards. This allows the customer to have peace of mind when they hire a REC to carry out work as it demonstrates that the work has been carried out in compliance with the relevant standard.

The rate of certificate sales growth increased rapidly during 2013, with sales in 2013 of 114,851 representing an increase of 79% over 2012. This increase in sales is mainly due to the increase in sale of minor type certificates, which increased in 2013 by 257%
to 67,600 compared to 2012. Domestic type certificates (<50kVA type cert) sales also improved during 2013, increasing by 20% to 32,760.

A large part of the significant increase in sale of minor certificates during 2012 and 2013 is due to the installation of electrical pre-pay meters. Sale of periodic inspection reports remained reasonably constant during 2013, meanwhile sales of sub-system certificates dropped by 64% to 2,300 compared to 2012.

A breakdown of certificates sales by certificate type is provided below.

![Figure 4 Certificates Sold by Type](image)

### 2.4.4 Certificates

The sale of certificates, by type, is outlined above. However, while it appears that RECs are issuing certificates in cases where the customer needs or requests the certificate (for example in the case of new connections or agricultural certificates), it may not be the case that RECs are issuing certificates for all works (regardless of whether it has been requested by the customer) and returning a copy to the Electrical SSB as is required.

In addition, there is currently an issue whereby RECs carry out pre-connection tests, but do not always carry out post-connection tests. While the CER cannot give definite numbers regarding non-compliances, it is of the view that any level of non-compliance is unacceptable. This issue and possible solutions are discussed in section 9.3 regarding non-compliance.
2.4.5 Public Awareness

In the vision document which was published in 2007, the CER outlined that it would give careful consideration to the branding of the regulatory model. The CER was conscious that it was important that one clear brand message be established as this would be critical to the success of raising public awareness of the new regulatory scheme. This would avoid confusion:

- in the event of more than one body being designated;
- in the event of a designated body being de-designated and/or the designation of another body; and/or,
- caused by any public perception that the CER’s role was only as an economic regulator.

To implement the vision, in April 2010 the CER launched a safety awareness campaign, known as “Safe Electric”. This was run across multiple media including TV, radio, press and outdoor. A number of media campaigns were subsequently run in the years following the initial launch.

The CER ran an updated media campaign in 2013 reflecting the introduction of Restricted Electrical Works, in particular highlighting that it was illegal for a non-REC to carry out this work. The campaign was designed to make homeowners aware of the need to hire a REC when getting any electrical work done in their home and to ask for a certificate when the work is complete. The campaign’s message was that, by law, only a REC can carry out most electrical work in a domestic setting. By hiring a REC, people can ensure that any work carried out in their home is completed by a contractor who is insured and inspected as part of the Safe Electric scheme. To find a REC visit www.safelectric.ie.

Surveys were carried out with regard to the campaigns run in 2012 and 2013 prior to the commencement of the Restricted Works Regulations. The survey carried out examined peoples’ awareness before and after these campaigns. Following the campaign in 2012, 76% of people said that they would hire a REC to carry out major electrical works in their home. This was compared to 67% before the campaign. People’s intention to hire a REC rose further to 83% following the 2013 campaign.

Furthermore, following on from the campaign, the number of people who recognised the SafeElectric logo was at 70% of those surveyed, falling to 45% of those surveyed in 2013.

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11 Electricity Regulation Act 1999 (Restricted Electrical Works) Regulations 2013, SI 264 of 2013
2.4.6 Financial Information
The CER regulates ECSSAI and RECI 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 is clearly set out in the Terms and Conditions of Appointment.

Although the downturn in the economy did lead to financial difficulties for the scheme, at times, the CER expects that there will be some reserve at the end of the current designation period. These funds are acquired through a combination of money received from RECs through membership fees, inspection fees and certificates purchased. These fees are subject to approval by the CER.

Any reserve relating to core activities which is in place at the end of current designation period will be paid to the CER. It is the CER’s intention, at this point, that the CER would use any such reserves solely for the regulation of electrical contractors.

2.4.7 Audits and Monitoring
As set out above, two Electrical SSBs have been in place since 2009. Since that time the CER has monitored both bodies through the performance reports which are submitted by them on a quarterly basis to the CER and through the completion of audits and inspections of the Electrical SSBs. This includes audits and inspections of how the Electrical SSBs carry out their role, covering, for example, the processes which are in place within each body and also the manner through which individual RECs are inspected.

Although both bodies are required to operate to the Criteria Document which is in place, it has been evident through CER compliance and assurance activities that the practices of both bodies in overseeing RECs are not always consistent with each other. The CER has worked to address this situation through, for example, the provision of audit reports to both bodies to highlight issues that need attention, but inconsistencies remain.

Examples of these inconsistencies relate to the level of non-conformances which are raised against RECs during inspections by each Electrical SSB and differences in the likelihood of RECs being brought through the disciplinary process as outlined in the Criteria Document. This issue is examined further in section 2.4.8 below.

The graph below serves to highlight an example of inconsistencies in the number of Non-Conformances by colour code issued by each Electrical SSB since 2011. The following is a description of the codes:

- **Code Red**
  This is a major non-conformance with significant implications for the safe performance of the installation.
- **Code Amber**
  Serious non-conformance for an installation or aspect thereof, which does not conform to the Technical Rules/Rules of Registration.

- **Code Yellow**
  Less serious non-conformances for an installation or aspect thereof, which does not conform to the Technical Rules/Rules of Registration.

![SSB A Member Codes](image1.png) ![SSB B Member Codes](image2.png)

**Figure 5 Electrical SSB Member Codes**

### 2.4.8 Disciplinary Proceedings

Where a REC 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 REC. Since 2010, there have been 11 referrals to the Disciplinary Panel\(^{13}\) – all of which were taken by Electrical SSB i.e. one Electrical SSB referred 11 RECs while the other Electrical SSB referred 0 to their Disciplinary Panel. This may demonstrate an inconsistency in the practices by the two bodies currently designated. Under Section 9D of the Act, the CER is responsible for publishing Criteria related to the safety of electrical contractors and verifying compliance with those Criteria. The CER is of the view that it is critical to the overall safety of the scheme that those Criteria are maintained consistently and enforced equally across all RECs in the scheme.

### 2.5 Conclusion

This section has outlined the rationale for the regulatory scheme, the main components of the regulatory regime and finally it has outlined the performance of the scheme since 2009 to date.

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12 Please note that the number of RECs registered with each body is broadly the same.

13 One complaint was referred to the CER who dealt with the matter without the need for the disciplinary committee.
3.0 The Designated Body(s)

3.1 Introduction

3.1.1 Background
This section provides information on the functions of a designated body, relevant characteristics of a designated body and relevant details relating to the designation process. This section covers:
- Information on functions and characteristics of a Designated Body;
- The number of bodies to be appointed as Electrical SSB(s);
- The financial structure of the Designated Body;
- Permitted Activities;
- The Term of Designation;
- Regulating the Operation of the Designated Body.

3.1.2 Functions
The functions of a designated body are outlined in the Criteria Document (discussed in Section 4.0), which the bodies are required to comply with under their Terms and Conditions of Appointment. The functions can be summarised as follows. The bodies 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.** Completion Certificates are certificates which are issued by a REC to a customer on completion of an electrical work. The Completion Certification certifies that the electrical work carried out is to the required standard. 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 by the scheme are produced by the ETCI\(^{14}\). This was also the case prior to the CER scheme being established. Further information on this is provided in Section 9.0 of this document.

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\(^{14}\) The Electro-Technical Council of Ireland Limited (ETCI) is a voluntary body responsible for the harmonisation of standards in the electro-technical field in collaboration with the National Standards Authority of Ireland (NSAI).
• **Undertake promotional activities.** Examples of this work include highlighting publicly the legal requirement that only RECs may carry out certain electrical works.

• **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.

In addition to operating within the Criteria Document the bodies are subject to Terms and Conditions of Appointment through which the CER designates the body.

The CER monitors both bodies through the performance reports that are submitted to it on a quarterly basis and through the completion of audits and inspections. This includes audits and inspections of how the Electrical SSBs carry out their roles, covering, for example, the processes which are in place within each body and also the manner through which individual RECs are inspected.

### 3.1.3 Legislative restrictions on Characteristics of Supervisory Body

The *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* places certain restrictions on the characteristics of any organisation designated to carry out this role including:

- Under section 9D (3) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006*, the body shall not be or become a trade association or perform representative functions on behalf of persons working in the electrical industry. It is clearly set out that a person cannot act as or must cease to act as the Safety Supervisory Body in such circumstances.

- Under section 9D (10) (b) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* the body must be self-financing through its registration fees and the services it provides to members.\(^ {15} \)

- Under s. 9D (10) of the *Electricity Regulation Act 1999* as amended by the *Energy (Miscellaneous Provisions) Act 2006* the body must submit its fees and charges relating to the registration process and its support structure for approval by the CER prior to coming into effect.

\(^ {15} \) Section 3.3.1 provides additional information on this.
3.2 Number of Bodies to be Designated

3.2.1 Background
Section 9D (1) (a) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006 permits the CER to appoint one or more designated bodies as the Electrical SSBs. In considering the number of bodies to be designated, section 9D (2) (a) of the Act expressly provides that the CER shall have regard to the costs likely to be incurred by the CER in carrying out its functions (i.e. monitoring the Designated Bodies) and by final customers.

In determining the appropriate number of Designated Bodies, the CER considers that the key considerations are (i) cost and (ii) ensuring safety. Ensuring safety must however, always, take priority.

3.2.2 Current Arrangements
Previously the CER took the decision to designate at least two bodies for a period of seven years commencing in 2007. This decision noted that:

- In the event that one Body should lose its designated status (either further to a decision by the CER or voluntarily), the remaining Designated Body would be available to assume the regulatory function for electrical contractors registered with the now de-Designated Body, thus providing continuity, support and assistance to the industry in such circumstances;

- Having more than one Designated Body would provide for a level of competition between the two parties acting as Designated Bodies in terms of the costs and delivery of services. A level of competition may assist in maintaining the quality of services of the Designated Bodies and minimising costs to the industry.

Some comments received during the process in 2007 which led to that decision stated that the best arrangement for ensuring safety was to have one body so that there would not be competition for members among designated bodies. Those comments also stated that the principle of having one body to regulate industries and sectors is generally more beneficial in terms of setting common standards and procedures, thereby facilitating greater consumer recognition, awareness and confidence. Other comments raised issues regarding how an appropriate number of bodies could be set and what criteria would be put in place to appoint bodies where there was a limit on the number that was appointed.

16 Under section 9D (2) (a) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006 states specifically that: [i]n determining the number of persons appointed under subsection (1) the Commission shall have regard to the costs likely to be incurred—[i] by the Commission in carrying out its functions under this section, and (ii) by final customers
Following the consultation published in June and the proposed decision published in October, the CER looked for comments in relation to engaging in a competition for the selection of one Designated Body for the designation period commencing 2016. The CER’s experience to date of appointing and regulating two designated bodies was also outlined.

### 3.2.3 CER decision

In terms of determining the number of bodies to be designated the CER decision is to appoint one Electrical SSB for the designation period commencing January 2016 as allowed for in legislation.

In determining the number of bodies to designate the CER is required under legislation to have regard to the costs likely to be incurred by the CER and final customers. The safety responsibilities in relation to the regulation of electrical contractors must be met efficiently.

The CER has reviewed financial information put forward by the current Electrical SSBs prior to and during the designation period and is satisfied that having one Electrical SSB in place from 2016 onwards could result in savings to RECs and ultimately customers over the seven year period. The CER is of the view that cost savings can be achieved by designating one Electrical SSB by realising efficiencies through economies of scale (such as having costs associated with only one building and one IT system) and removing repetition of certain functions (such as management). Removing or at least reducing any element of duplication in costs such as these would result in the costs of one Electrical SSB (with all RECs registered with it) being lower than the combined costs of two Electrical SSBs.

Another source of cost savings in this scenario would be that by designating one Electrical SSB the resources required by the CER to audit and inspect the Electrical SSB to ensure compliance with required standards would be reduced. These savings will ultimately benefit the end customer.

Ultimately CER regulates the core electrical safety scheme on a not-for-profit basis. In carrying out this role the CER approves the Electrical SSB costs and tariffs (to recover these costs). This ensures that RECs and customers are protected by the CERs oversight of costs and tariffs.

In addition, the CER notes that there will be competition between the prospective bodies through the competitive tendering process through which the successful Electrical SSB(s) is appointed. This competition is likely to include price competition. This price competition, together with the CER’s regulation of fees, means that costs would not be allowed to rise unjustifiably due to one body being in place.
Another benefit of having only one body in place would be ensuring that more consistent Electrical SSB service levels are delivered. Under Section 9D of the Act, the CER is responsible for publishing Criteria related to the safety of electrical contractors and verifying compliance with those Criteria. The CER is of the view that it is critical to the overall safety of the scheme that those Criteria are maintained consistently and enforced equally across all RECs in the scheme. Evidence from the first designation period has shown examples of inconsistencies in the enforcement of those Criteria. The CER has worked to address this situation over the term of the first designation period, but inconsistencies remain. The CER is of the view that designating one Electrical SSB would remove this issue. This is especially important given that RECs could gravitate towards an Electrical SSB that provides or is perceived to provide more lenient regulation and this could create an incentive for an SSB to not fully enforce regulatory requirements in order to maintain or increase the number of RECs registered with it.

The CER will ensure compliance by the electrical SSB designated for the period commencing January 2016 with appropriate service delivery levels through measures described later in Section 3.7.

3.3 Financial Structure of the Supervisory Body

3.3.1 Background
The financial structure of a Designated Body is of importance to the CER as it determines how a Designated Body may be regulated and what type of ventures it may pursue. Section 9D (10) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006 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. Furthermore, under section 9D (10) (b), of that Act a Designated Body must be self-financing and the revenue from such charges should meet the expenses and costs of the Designated Body in carrying out its functions.

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

1. A Designated Body could operate on a strict not for profit basis.
2. A Designated Body could operate a not-for-profit registration scheme while offering optional commercial services to Electrical Contractors.
3. A Designated Body could have a regulated return on the registration scheme.
4. A Designated Body could have a regulated return on the registration scheme but also offer optional commercial services.
5. Use of Incentive Based Regulation.

3.3.2 Current Arrangements
Under the current scheme (as defined in the Terms and Conditions of Appointment), Electrical SSBs are 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 an Electrical SSB shall only provide for the recovery of the efficient costs it incurs (and such surplus as may be allowed or approved by the CER in the interest of facilitating the liquidity and on-going operations of the Electrical SSBs) and shall not allow for profits/surplus to be distributed to shareholders, or other third parties (save as may otherwise be allowed by the CER).

The Electrical SSBs also carry out some permitted activities\(^ {17} \) such as in relation to training and the Building Emergency Safety System (BESS). These are discussed further in Section 3.4 below.

On termination, in accordance with the Terms and Conditions of Appointment, any reserves relating to core activities will be paid to the CER. It is expected that there will be a reserve to be returned to the CER from the currently designated Electrical SSBs at the end of the current designation period.

The reason why the CER allows a reserve to accumulate rather than a reduction in fees or certificate prices for RECs 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 electrical scheme. Allowing a reserve to accumulate ensures that the scheme remains financially viable.

The CER looked for comments in the consultation and proposed decision papers in relation to the financial structure of the Electrical SSB designated from January 2016 and in relation to how reserves relating to core activities should be used.

**3.3.3 CER decision**

The CER decision is to implement a not-for-profit model (with respect to core activities) for the Electrical SSB to be in place from 2016 onwards. This not-for-profit model has worked well during the first designation period keeping the focus on safety not profit maximisation and there is no compelling reason to change this.

Also from public perception point of view the CER’s view is that regulation by a designated body is far more acceptable to the industry when that body operates their core activities on a not-for-profit basis. It is easier to achieve buy in from the industry when it can be shown that the scheme is being operated on a not-for-profit basis purely for the purpose of increasing safety. If it was operated on a for-profit basis it may leave the scheme open to assertions that the principle motivation was profit.

The CER decision is that any permitted activities can be carried out on a for-profit basis but only after seeking permission from the CER.

\(^ {17} \) These are activities which the CER has given permission for the Electrical SSB to carry out, although they are not required under the Criteria Document.
In terms of the current Electrical SSBs accumulated core surplus funds the CER intends to transfer the reserve (via the CER) to the new Electrical SSB designated for 2016 onward. The CER intends that the reserve will be utilised by the Electrical SSB for purposes approved by the CER.

3.4 Permitted Activities

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

Despite the economic downturn, core activities have, to date, proven financially viable over the term of designation. Currently there are two main areas of permitted activities which are discussed in turn below - these are assessments and the Building Emergency Safety System (BESS) register.

3.4.2 Assessments

Background
Each REC must have at least one Qualified Certifier (QC) to certify that the work carried out by the REC is in compliance with the relevant standards.

The Criteria Document states that Qualified Certifiers (QCs) must complete a course/assessment every five years to demonstrate that they are suitably competent to operate in line with the current standards.

Current Arrangements
The Criteria Document allows Electrical SSBs to carry out these assessments as a permitted activity. The assessments provided by an Electrical SSB must fall under the umbrella of one of the accreditation bodies either Dublin Institute of Technology (DIT) or City and Guilds in order to meet the requirements of the Criteria Document.

Stakeholders have in the past stated that allowing these activities as a permitted activity could mean that an Electrical SSB could develop an inappropriate and unfair advantage in promoting its own training or formal competency assessment over similar services provided by the market. There could be a potential conflict of interest for the Electrical SSB to direct contractors to complete training or formal competency assessments for financial motives rather than safety reasons or in subsequently regulating contractors who have undergone training provided by the Electrical SSB. The corresponding gas
installer regulatory regime currently prohibits the Gas SSB from providing training or assessment as a permitted activity.

**3.4.3 BESS**

**Background**

Another permitted activity which ECSSAI and RECI have carried out to date is the compilation of a Building Emergency Safety System (BESS) register. This is a voluntary register intended to assist the fire authorities, building owners and any other interested parties in identifying suitably qualified practitioners in Emergency Lighting.

The CER does not have a legislative remit to cover this area and it is therefore not a core activity of ECSSAI and RECI.

**Current Arrangements**

The CER has allowed the current Electrical SSBs to operate in this area, but since it does not have any legislative remit in this area the CER does not require them to do so.

The CER looked for comments in the consultation and proposed decision papers in relation to permitted activities.

**3.4.4 CER decision**

The CER decision is to allow the Electrical SSB to offer permitted activities once these have been approved on a case by case basis by the CER. These could potentially be on a for-profit basis. The CER’s primary concern is the continued focus on regulatory activities of electrical contractors in relation to safety. Any permitted activities would have to contribute to safety or not impact negatively on safety.

When considering whether to approve a permitted activity, the CER would consider matters such as, but not limited to, the ring-fencing arrangements (including financial accounts separation) that are in place to ensure separation from the core activities and any impact the permitted activities could have from an resource or public perception or conflict of interest (or any other) perspective. For instance the development and operation of the BESS scheme is outside of the CER’s legislative remit, but the CER would not have any issue with this permitted activity continuing as long as it does not impact negatively on safety or the integrity of the scheme and objectives.

The distinction in the characteristics between core and permitted activities is important, with core activities operated on a not-for-profit basis, while permitted activities can be operated on a profit making model. The current Electrical SSBs (ECSSAI and RECI) are required to provide the CER with a breakdown of accounts clearly showing the demarcation between core and permitted activities. This provides assurances that there is sufficient oversight in place to ensure these activities are ring fenced in an appropriate fashion. The Electrical SSB designated from 2016 onwards would be required to meet similar requirements in this regard.
The CER does not intend to allow the SSB to participate in training or assessments of RECs. The CER’s view is that the position of the Electrical SSB in relation to their RECs may provide an unfair competitive position in offering training against other training providers who are not designated bodies. Also it may be more appropriate that the role of running the assessment for prospective Qualified Certifiers (QCs) is separated from the Electrical SSB which the RECs are registered with. For these reasons the CER does not consider it appropriate for the Electrical SSB appointed for the new designation period to continue to carry out training or assessments as a permitted activity.

The CER’s view is that having the Electrical SSB carrying out training does create a potential conflict of interest between safety and financial motives. It is difficult for the CER to monitor and control how the Electrical SSB allocate their resources (in particular inspectors) on a day-to-day basis, and so activities such as training could potentially incentivise the SSB to direct these resources away from carrying out core activities.

To ensure that there is no issue with respect to the Electrical SSB and another separate organisation providing training or assessments, the CER would also put in place a requirement that the Electrical SSB could only employ staff or contractors that were not involved in other activities such as training or assessments. This would refer to mandatory training or mandatory assessments for the scheme.

3.5 Term of Designation

3.5.1 Current Arrangements
It was initially decided to appoint a body for a period of seven years to allow time for the new regulatory body to establish itself. As part of that decision the CER stated that subsequent terms would be for five years. The CER looked for views on this issue in the consultation and proposed decision papers.

3.5.2 CER decision
The CER decision is to designate the Electrical SSB for a term of seven years. The CER favours a designation period of 7 years over 5 years due to the fact it provides the successful Electrical SSB and the industry with assurance as to the continuity of the regulated electrical safety scheme. Also considering the resources required for designation, a shorter designation period would mean that more internal CER and external resources would be required with a new Electrical SSB designation process being more frequent.

A designation period of 7 years would allow the body designated from 2016 a level of continuity regarding the time period during which it would be in place, and allow the CER and industry sufficient time to focus on any other changes that may be required to benefit the scheme and safety of consumers.
The CER intends to include the possibility within the Electrical SSB Terms and Conditions of Appointment of carrying out a mid-term review of the Electrical SSB performance towards the end of the third year of operation (2018). Where the Electrical SSB performance is to be deemed not satisfactory, the CER would consider all options to improve the performance of the Electrical SSB up to and including de-designation if appropriate.

This review would be in addition to CER’s regular review through audits and inspections and quarterly reports.

3.6 Corresponding Terms for both Electrical and Gas SSBs

3.6.1 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. The CER looked for views on staggering these end dates or having them coincide for the newly designated SSBs.

3.6.2 CER decision
The CER decision is to have coinciding end dates for the Electrical and Gas SSBs. The CER is of the view that staggered designation end dates for Electrical and Gas SSBs would not be the most efficient option. The CER resources required during the designation process (staff, legal advice etc.) for the Electrical and Gas SSBs are shared when they have coinciding termination dates, introducing staggered dates would only increase the amount of CER and external resources required overall.

3.7 Regulating the Operation of the Designated Body

Two Electrical SSBs have been in place since 2009. Since that time the CER has monitored both bodies 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 Electrical SSBs carry out their role, covering, for example, the processes that are in place within each body and also the manner through which individual RECs are inspected.

These steps are carried out to ensure that the Electrical SSBs carry out their activities in compliance with their Terms and Conditions of Appointment and the Criteria Document.

Currently, there are two options available to the CER where an Electrical SSB 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 looked for comments in the consultation and proposed decision papers regarding the introduction of any further measures to ensure compliance.

### 3.7.1 CER decision

To ensure an appropriate level of electrical safety it is important that the CER can ensure that an Electrical SSB is carrying out its role appropriately in line with the Terms and Conditions of Appointment and take action if it is not.

The CER decision is to continue requiring the Electrical SSB to provide quarterly reports to the CER which will be linked to specific Key Performance Indicators (KPIs)/Service Level Agreements (SLAs). The CER currently review quarterly performance reports from the Electrical SSBs (RECI and ECSSAI), which includes key KPIs monitoring areas such as REC numbers, certificate sales and the number of inspections carried out on RECs. The CER will develop more KPIs focused on the performance of the Electrical SSB itself, possible KPIs could include the processing time of REC registration applications and the processing time to validate REC submitted certificates.

The CER decision is also to continue to audit and inspect the Electrical SSB performance. The CER already carries out a number of audits and inspections on the SSBs each year. These audit for any non-compliances with the requirements and processes as set out in the Criteria document and the Terms and Conditions of Appointment with a view to addressing same. The current Electrical SSBs are also currently audited by an 3rd party on behalf of the CER.

These audit and inspections help ensure the compliance of the current SSBs with the Criteria document and the Terms and Conditions of Appointment through annual audits and inspections and monitoring of KPIs. The CER intends to include relevant conditions to allow the CER to de-designate the Electrical SSB in the event of non-compliance with the Terms and Conditions of Appointment and the rules of the scheme.

The CER expects compliance with the Terms and Conditions of Appointment and the Criteria document. Sanctions which the CER may impose on an Electrical SSB for breaches of the above include implementing a remediation plan process and termination of its Terms and Conditions of Appointment.

The CER intends to include the possibility within the Electrical SSB Terms and Conditions of Appointment of carrying out a mid-term review of the Electrical SSB performance towards the end of the third year of operation (2018). Where the Electrical SSB performance is to be deemed not satisfactory, the CER would consider all options to improve the performance of the Electrical SSB up to and including de-designation if appropriate. This review would be in addition to CER’s regular review through audits and inspections and quarterly reports.
The CER also intends to consider how any other non-performance controls (including, for example, related to management) could be included within the Terms and Conditions of Appointment or within other documentation utilised for the designation process.

### 3.8 Electrical SSB(s) Inspectors

As noted in Section 2.4.2, all RECs are subject to at least one annual inspection by an Electrical SSB(s) inspector. This is a resource provided by the Electrical SSB to carry out inspections on RECs registered with the Electrical SSB as required by the Criteria Document.

#### 3.8.1 Current Arrangements

The Criteria Document sets out the qualifications required for appointment as an Inspector. These should include the following:

1. **Technical qualifications not less than those of an electrician.** (e.g. National Craft Certificate recognised by FETAC or equivalent plus recognised apprenticeship as an electrician);
2. **Experience of or responsibility for electrical installation work for not less than three years;**
3. **Fully conversant with:**
   a. the Technical Rules;
   b. the Building Regulations;
   c. Health and Safety legislation as appropriate;
   d. the DSO’s “National Code of Practice for Customer Interface”; and
   e. any such other relevant legislation, standards and documentation as may be specified by the Body or the CER.
4. **Successful completion of a Safe Pass and Manual Handling Courses (and renewals as required);**
5. **Qualified on a recognised “Verification and Certification Course”**. This qualification shall have been awarded in the three (3) years prior to appointment and the Inspector shall be required to successfully complete this course every three (3) years; and
6. **such other qualifications/accreditations, as the CER may determine, within such timeframe as may be specified.**

The CER looked for comments from interested parties in the consultation and proposed decision papers as to whether or not the above qualifications were suitable for electrical inspectors.
3.8.2 CER decision
The CER’s view is that the current requirements for qualifications of Electrical SSB inspectors as set out in the Criteria document are adequate. Following comments by some respondents the CER intends to discuss the following suggested change during 2015 with the members of the Criteria document modification committee (ECCRP). This suggested change would extend the required specified number of years work experience from 3 years to 5 years for Electrical SSB inspectors. This modification proposal would be considered by the Criteria document modification committee (ECCRP) and processed as appropriate.

Going forward the CER may look at requiring inspectors to carry out lead auditor training to further enhance their auditing of RECs certificates and test record sheets during the RECs annual audit and inspection. The CER intends to discuss this suggested change during 2015 with the members of the Criteria document modification committee (ECCRP), and proceed with this modification proposal as appropriate.

The CER will continue to work with the SSBs in relation to upskilling some of their inspectors in order to be able to deal with inspections in more complex environments (such as ATEX). The CER is cognisant that the SSBs must upskill some of their inspectors in order to be able to deal with inspections in these more complex environments. Discussions with the current SSBs have already taken place in relation to this issue.
4.0 The Criteria Document

4.1 Background

The Criteria Document is the key regulatory document in which the CER details how the scheme will operate and be governed on a day-to-day basis by Electrical SSBs. It is required under section 9D (5) (a) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006, which specifies that the document must relate to:

- electrical safety supervision;
- the safety standards which are to be achieved and maintained by electrical contractors; and
- the procedures which are to be operated by a body appointed as a Designated Body.

The Criteria Document serves as an open and transparent means of:

- outlining the rights, duties and functions to be fulfilled by the Designated Body (or Bodies) and Registered Electrical Contractors;
- specifying the technical standards which all Registered Electrical Contractors are obliged to comply with;
- specifying the training and competency requirements associated with the certification of work carried out by Registered Electrical Contractors;
- specifying how the Completion Certificate process must operate;
- providing a basis for the on-going assessment/audit of a Designated Body and the Registered Electrical Contractor;
- specifying the procedures to be employed at interfaces between industry participants necessary to ensure the operation of the regulatory system; and,
- specifying the overall governance arrangements to be applied in overseeing the regulatory system.

The Electrical SSBs are required to adhere to the requirements and procedures of the Criteria Document. Registered Electrical Contractors are required through their Terms and Conditions of Registration to comply with the Criteria Document. Failure to do so may result in disciplinary proceedings being taken against the REC.

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18 Non-compliance can lead to a process through which a Remediation Plan is put in place and/or Termination of Contract.
4.2 Modifications

4.2.1 Background
As provided for in Act (outlined above), the CER has published the Criteria Document\(^5\) and section 9D (5) (c) provides that the CER may *review or amend the criteria as often as it considers necessary*. The Criteria Document acts as the mechanism through which changes to the operation of the regulatory system, be they corrective actions or improvements, are managed by the CER. It was originally put in place in 2008 and has since been amended as outlined below.

It had been envisaged in the CER’s 2007 Vision Document that the CER would establish an industry forum, called the Electrical Contractors’ Criteria Review Panel (ECCRP) 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 group containing representatives from at least the following:

- The ETCI;\(^19\)
- ESB Networks;
- The designated body or bodies; and,
- RECs.

In practice, however, the full document was subject to consultation prior to being put in place and modifications have been discussed between a group consisting of the ETCI, ESB Networks and the designated bodies.

4.2.2 Current Arrangements
The CER has, in the past, made modifications to the Criteria Document following consultation with stakeholders, where appropriate, including ETCI, ESB Networks and both of the Electrical SSBs. The current v2.0 of the Criteria Document is available on the CER’s website\(^6\).

The CER looked for interested parties to provide comments in the consultation and proposed decision papers on the Criteria Document, specifically what improvements could be made, and how modifications are communicated.

4.2.3 CER decision
The Criteria document modification committee ECCRP members currently consist of ETCI, ESB Networks, Electrical SSBs and the CER. The CER considers the current members as an effective reflection of relevant stakeholders but is open to examining who this committee consists of going forward.

The CER view is that, in general, proposed modifications to the Criteria Document should be consulted on widely. Where these are wide ranging or fundamental changes

\(^{19}\) ETCI’s role is discussed further in Section 9.0 of this document.
the CER is of the view that public consultation is generally appropriate. Where the changes are less significant, the CER is of the view that appropriate consultation can be achieved through consultation with the ECCRP.

The CER currently publishes any modifications to the Criteria document on its website along with the updated Criteria document. The final modifications are also circulated to the members of the ECCRP. The CER will look at different ways of communicating modifications such as creating a mailing list which could circulate modifications and subsequent updated Criteria document. Also the CER would be open to getting the Electrical SSB(s) to include modifications to the Criteria document in their newsletter to their RECs. The CER’s view is that although notification of modifications through a newspaper would reach a greater number of the general public, it may be excessive given the costs involved (which would ultimately be passed on to the customer).
5.0 Technical Standards, Training and Assessments

5.1 Background

In developing a regulatory scheme for RECs, the CER acknowledges that there are a number of systems on which the scheme depends to be successful. These include the continued development of an appropriate set of national standards, the continued provision of high quality training and the provision of competency assessments.

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

5.2 Technical Standards

5.2.1 Current Arrangements

The Electro-Technical Council of Ireland Limited (ETCI) is a voluntary body representative of the electro-technical industry in Ireland. It collaborates closely with the National Standards Authority of Ireland (NSAI), the Irish member of IEC and CENELEC. A Memorandum of Agreement (MoA) governs co-operation between NSAI and ETCI. Separately, the CER and ETCI signed a Memorandum of Understanding (MoU) recognising each other’s roles in respect of public safety and agreeing responsibilities of both parties.

ETCI, through its Technical Committee No 2, prepares the National Rules for Electrical Installations ET101 (the ‘National Wiring Rules’). The CER gave statutory backing to these wiring rules (ET101) by recognising it as the standard against which the safety activities of electrical contractors would be regulated under the scheme.

This has been implemented through a requirement in the Criteria Document that RECs must carry out works in line with the National Wiring Rules. Where it is found that a REC has undertaken work which is not in accordance with the National Wiring Rules, he/she may be subject to disciplinary proceedings by the designated body.

ETCI works with stakeholders to ensure that the National Wiring Rules continue to be appropriate in line with the relevant areas of international standards and as technology and accepted industry work practices change and develop over time. They also provide clarity to industry stakeholders when issues of interpretation of the National Wiring Rules are raised. These rules are of critical importance to the operation of the scheme.

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20 A copy of the MoU (CER09/075) can be found on the CER website here.
Information on ETCI’s work in this area, including its technical committees and task forces, is available on www.etci.ie. Information regarding its Technical Committee No 2 is included in Appendix 1 of this document.

5.2.2 CER decision
The CER has decided to continue to require that electrical works are carried out in compliance with the relevant ETCI document, the National Wiring Rules ET101, however issues related to this are further discussed in Section 9.

5.3 Training Prior to Registration

5.3.1 Current Arrangements
Each REC must have at least one person to act as a Qualified Certifier. New Qualified Certifiers are required to satisfy the basic requirement of having:

- served a recognised apprenticeship as an electrician and having been awarded a National Craft Certificate;
  or
- another suitable electrical award, equivalent to Level 6 or higher on the National Framework of Qualifications;
  and
- is required to have successfully completed a recognised course in “Verification, Testing, and Certification” of Electrical Installations to ‘The National Wiring Rules’ in the previous number of years. If the recognised course that was completed was accredited the period is 5 years. If the recognised course that was completed was not accredited this period is 3 years.\(^{21}\)

5.3.2 CER decision
Following consultation with interested parties in the consultation and proposed decision papers and discussion of points raised the CER decision is to make no changes to the above requirements. The CER will also consider how appropriate arrangements can be put in place to ensure relevant equivalent qualifications from abroad can be accommodated.

5.4 Assessments of Qualified Certifiers

5.4.1 Current Arrangements
Each REC must have at least one person to act as a Qualified Certifier. A Qualified Certifier is required to have successfully completed a recognised course in “Verification, Testing, and Certification” of Electrical Installations to ‘The National Wiring Rules’ in the previous number of years. If the recognised course that was completed was accredited

\(^{21}\) Unaccredited courses completed from 1st July 2013 will not be recognised. However, if somebody successfully completed a recognised unaccredited course prior to 1st July 2013, it will still remain valid for 3 years (even if that 3 year period ends post 1st July 2013).
the period is 5 years. If the recognised course that was completed was not accredited this period is 3 years\textsuperscript{21}.

The CER looked for comments from interested parties in the consultation and proposed decision papers on this issue in order to establish how stakeholders viewed the current arrangements.

5.4.2 CER decision

The CER’s view is that the assessment as currently set out is adequate and appropriate for individuals operating as QCs. However the CER is willing to look at focused training/assessment of QCs relevant to their specialised areas if additional categories of registration are created in the future for these areas (e.g. ATEX & HV) from 2016 onwards.

The CER also intends to amend the Criteria document to formalise the learning outcomes of the current accredited courses. These Verification and Certification courses are accredited by either DIT and City and Guilds. The CER does not intend to modify these learning outcomes at this time.
6.0 Membership

6.1 Introduction

This section outlines information regarding:

- Possible individual registration of individuals operating in this area. There is currently a group registration where a REC can have multiple employees.
- Other arrangements relating to registration with the Electrical SSB, such as insurance requirements and the duration of the registration period.

6.2 Individual registration

As noted earlier, the term “electrical contractors” and/or “registered electrical contractors” or “REC” refer to an electrical contracting entity. This may be either an individual sole trader operating as the electrical contractor or may be a larger operation, constituting many individual operatives. The terms relate to the party with whom the customer will have, or has, entered into the contract for the carrying out of electrical works.

The CER looked for interested parties to provide comments in the consultation and proposed decision papers regarding whether or not individual registration should be introduced.

6.2.1 CER decision

The CER’s view is that the current approach of group registration best represents the electrical contracting industry at the moment. It was in recognition of the unique characteristics of the electrical contracting industry (i.e. electrical contractors operating as companies, as well as individual electrical contractors) that the CER permitted group registration, allowing RECs to register as companies as well as individual sole traders. This means the term REC refers to an electrical contracting entity, which could be either an individual sole trader operating as the electrical contractor or may be a larger operation, constituting many individuals (e.g. general operatives, engineers and electricians). The CER still has the view that this is the most suitable approach and best represents the electrical contracting industry for now as it encompasses small, medium and large electrical contractors working in different sections of the industry. The CER is not going to change to individual registration of RECs at this moment in time because in the CER’s view the current REC model (group registration) is effectively helping to deliver a regulated safety scheme in the electrical industry.

Moving to individual registration of RECs would be a significant change, which may require change to primary legislation, especially if it were to be implemented in a manner which would allow disciplinary action to be taken against a REC’s employee. It would
also be a significant change to the industry and it would be appropriate to have further consultation on this in any event.

The CER will give further consideration to this, including how it could be implemented under the existing legal framework, but does not propose to implement any variation of individual registration (that is, no move away from the current REC and QC model) in the medium term. However, the CER will continue to discuss this with stakeholders if other relevant points are raised.

In terms of the issue of accountability for work carried out by individual electricians, we can contrast working in an individual registration scenario (where the electrician would have to certify his own work similar to RGII scheme) versus operating as part of a REC (current model of group registration). Ultimately in the current group registration model the REC’s principle duty holder is responsible for the personnel operating under the umbrella of the REC, and must ensure they are suitably trained and competent. Also the QC must carry out verification, testing and certification on all controlled electrical works carried out by the REC, providing assurance work is carried out to the appropriate standard.

6.3 Insurance

6.3.1 Current Arrangements
REC must have certain insurance cover in place. It is not currently specified that RECs must have run on insurance to cover situations that arise where RECs cease to trade. Stakeholders have previously raised this as a concern.

The CER looked for interested parties to provide comments as to whether the requirements for insurance cover should be changed to include a requirement for RECs to have run on insurance in place.

6.3.2 CER decision
The CER will look further into this issue of run-on insurance. The CER notes the views put forward by most respondents that it is best practice for a contractor retiring from the industry to adopt run-on insurance. The CER notes that respondents cited issues such as cost and enforcement. The CER intends to look at this issue further going forward during 2015.

6.4 Membership categories

6.4.1 Current arrangements
There is currently only one category of REC for which applications can be made to register with the Electrical SSBs. The CER requested comments from interested parties on whether there should be more categories of RECs.
6.4.2 CER decision

The CER’s view is that the current membership category system is adequate but will continue to look at the area of creating further categories and may introduce some additional categories during the new designation period from 2016 onwards. This would be progressed through further consultation with industry.

The CER’s view is that the regulated electrical scheme is not of a sufficient scale to include an extensive range of categories of membership for RECs. The cost of implementing such a system could be prohibitive for certain smaller categories. Also in a scenario with multiple different categories of membership for RECs, there could be confusion in the industry and among customers about what work different categories of RECs could perform.

Following consideration of all comments received, the CER intends to review the system which is currently in place with the aim of introducing a limited number of categories. This review will be carried out separately.
7.0 Controlled, Restricted and Minor Works

7.1 Introduction
Fundamental to the development of the regulatory scheme for electrical safety is the scope of those electrical works which are to be regulated from a safety perspective, as this determines the obligations to be placed on any parties carrying out such works.

This section provides information on three broad categories of electrical work:
- Specified Works (hereinafter referred to as “Controlled Electrical Works”);
- Designated Electrical Works (hereinafter referred to as “Restricted Electrical Works”); and,
- Minor Electrical Works.

These are discussed in turn below.

7.2 Controlled Electrical Works

7.2.1 Background
Controlled Electrical Works are electrical works which, if completed by a REC, must be certified. This means that, if a REC carries out the work, they must issue a certificate to confirm that the work is in compliance with the standard.

Section 9D (27) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006 confers on the CER the authority, following consultation, to define the scope of controlled works. Section 9D (13) of that Act permits the certification of Controlled Electrical Works under the following circumstances:

i. electrical works undertaken by a REC that are self-certified through the issuance of a Certificate; and
ii. electrical works undertaken by a Non-REC (but who is required to be competent and insured) which are examined by an inspector of an Electrical SSB and the certificate is counter signed by an Inspector of an Electrical SSB.

7.2.2 Current Arrangements
Following a public consultation process the CER published its decision (ref. CER/09/009) on which works are Controlled Electrical Works. For full details please view the CER’s decision on the definition of the scope of controlled electrical works which is available on www.cer.ie. The CER looked for comments from interested parties in the consultation and proposed decision papers who felt that there should be amendments to the scope of controlled electrical works.
7.2.3 CER decision

The CER’s view is that the current definition of the scope for Controlled Electrical Work is sufficient for the scheme to achieve its safety objectives through certification. The CER will continue to look at the scope of Controlled Electrical Works and may introduce some changes to the scope during the new designation period from 2016 onwards as the scheme evolves.

Controlled Electrical Works are works for which a certificate must be issued if carried out by a REC. Non-RECs are not precluded from carrying out these works. On the other hand only RECs can legally carry out electrical work covered by the scope of Restricted Electrical Works. For instance as currently defined in Controlled Works unregistered individuals (non-RECs) are not excluded from carrying out their functions in commercial and industrial environments, however as Restricted Works is currently defined unregistered individuals (non-RECs) would be prevented from operating in the domestic area unless they become a REC.

7.3 Restricted Electrical Works

7.3.1 Background

Restricted Electrical Works are works that, by law, can only be carried out by a REC. An unregistered individual who is found guilty of carrying out these works will be liable, under section 9E (4) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006:

- 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.

7.3.2 Current Arrangements

Following a public consultation process the CER published its decision (ref. CER/13/147) to specify these works. For full details please view the CER’s decision on the scope of restricted electrical work which is available on www.cer.ie.

This decision was implemented through the introduction of Statutory Instrument number 264 of 2013\(^\text{22}\) and meant that from 1\(^{\text{st}}\) October 2013 only RECs are permitted to carry out most electrical work in a domestic setting. Minor electrical works such as the replacement of a socket or light fitting are not covered by this requirement. This legal requirement was publicised through a media campaign in 2013 as referred to in Section 2 of this document. Reports of instances where this work may have been carried out by a non-REC can be reported (anonymously if preferred) through www.safeelectric.ie for investigation.

\(^{22}\) Electricity Regulation Act 1999 (Restricted Electrical Works) Regulations 2013
The CER looked for comments from interested parties in the consultation and proposed decision papers who felt that there should be amendments to the scope of restricted electrical works.

### 7.3.3 CER decision

The CER’s view is that the current definition of the scope for Restricted Electrical Work is sufficient to improve electrical safety for customers in the scheme. The CER will consider the scope of Restricted Electrical Works in the future (from 2016 onwards) following further discussions and considers some of the points made by respondents as valid. This will require further consultation with industry and the development of secondary legislation and will not happen in the short term.

The CER’s approach to regulating restricted electrical work has been based on a phased approach, namely, introducing a defined scope in the first instance and then in the longer term moving, following consultation, to a broader definition of Restricted Work in the interests of safety and in line with legislation. It was determined that the scope of Restricted Electrical Works had to be clearly established and that it was critical that it was capable of being simply and easily communicated in the interests of ensuring it was understood by the public and, therefore, complied with.

In determining the scope of Restricted Works to be defined a key risk identified was where there were untrained personnel associated with the electrical installation that are not subject to any form of regulation. This risk was seen as being greatest with respect to electrical installations in a domestic setting where untrained personnel, be they homeowners or unregistered contractors, could carry out Controlled Electrical Works in an existing electrical installation which did not require connection to the electricity network by the DSO. The CER appreciates that certain areas of electrical work present greater safety risks than others, and going forward will consider expanding this scope and will consult with industry on areas where it is felt that restricting activities to RECs will help increase safety.

### 7.4 Minor Electrical Works

#### 7.4.1 Current Arrangements

The CER, when defining Controlled Electrical Works, recognised that a certain amount of Do-It-Yourself (or “DIY”) electrical installation work is a feature of electrical installations in domestic premises in Ireland and generally involves “like for like” replacements of switches, sockets, lighting fittings and/or additions to an existing circuit. This work must also be in compliance with the National Wiring Rules. However, Minor Electrical Works are currently outside the scope of Controlled Electrical Works and also outside the scope of Restricted Electrical Works.
The CER is of the view that Minor Electrical Works do not impose a significant safety risk on the consumer, and therefore took the decision to exclude them from the scope of Controlled and Restricted Electrical Works. Additionally, restricting Minor Electrical Works would achieve very limited public safety benefits, whilst imposing a disproportionate cost on customers.

However, the CER has not ruled out the possibility that minor works may be included in the future based on an assessment of risks or evidence to the contrary.

Currently, Minor Electrical Works can be undertaken by a non-registered individual.

Examples of Minor Electrical Works include the following:
- Replacement of an electrical accessory such as light switch;
- Replacement or relocation of a light fitting where the existing circuit is retained; and
- Provision of an additional socket to an existing radial circuit.

To be compliant with the Wiring Rules, RECs, if requested to by the customer, must issue a minor works certificate to the customer if they have carried out minor works. These minor works certificates do not need to be returned to the Electrical SSB but act as assurance for the customer that their work has been carried out by a suitably qualified person to the required standard.

The CER looked for comments from interested parties in the consultation and proposed decision papers who felt that there should be amendments to the scope of minor electrical works.

**7.4.2 CER decision**

The CER's view is that the current scope of Minor Electrical Works is currently appropriate as it sufficiently balances public safety benefits whilst not imposing a disproportionate cost on customers. The CER will continue to look at this scope and may introduce some changes to the scope during the new designation period from 2016 onwards. If amendments are made to this area this would likely be through the examination of restricted electrical work as outlined in section 7.3.3.

Minor electrical works are exempt from Controlled and Restricted Works, and so one is not required to be a REC to carry out minor electrical works. Minor works include the addition of an accessory to an existing circuit, the replacement of an accessory in an existing circuit and the relocation of an accessory in an existing circuit (for example replace a light switch like for like, or move a light or add a socket to a circuit in a domestic premises). Once this work is completed by a person who is suitably trained/competent in installing and testing this work, it is acceptable.
The CER recommends certifying Minor Electrical Works but it is not compulsory (unless a customer requests a cert from a REC for Minor Works carried out). A REC may purchase a book of Minor work certificates from their registration body either RECI or ECSSAI. The CER would recommend that if customers have any doubts in relation to getting Minor electrical works carried out that they should hire a REC. In determining the scope of Minor Works the CER is of the view they do not impose a significant safety risk on the consumer, and therefore should be exempt from the scope of Controlled and Restricted Electrical Works. Additionally, restricting Minor Electrical Works would achieve very limited public safety benefits, whilst imposing a disproportionate cost on customers.
8.0 Electrical Works by Unregistered Individuals

8.1 Background
As outlined in Section 7.0 the CER has introduced requirements which mean that, by law, only RECs can carry out certain electrical 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.\(^{23}\)

Furthermore, it is an offence to describe oneself as a REC while not being registered. The penalties for describing yourself as a REC while 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.\(^{24}\)

8.2 Detection and Investigation

8.2.1 Current Arrangements Regarding Detection and Investigation
Section 9EA (1) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2012 gives the CER the power to appoint an Electrical Investigation Officer (EIO) to investigate whether designated electrical works and specified works are carried out safely and adequately and by a registered individual.

To allow detection of 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 restricted electrical works or is portraying themselves as a REC. These reports can be made (anonymously if preferred) through [www.safeelectric.ie](http://www.safeelectric.ie) or by post to:

Electrical Safety  
Commission for Energy Regulation  
The Exchange  
Belgard Square North  
Tallaght  
Dublin 24

\(^{23}\) Section 9E (4) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006.  
\(^{24}\) Section 9D (26) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006.
All reports are investigated by a CER EIO and a number of reports are currently under investigation. The CER has undertaken 3 prosecutions in the electrical area. A similar regime is in place for gas installers and the CER has undertaken 11 prosecutions in that area to date. The CER looked for comments from interested parties in the consultation and proposed decision papers regarding mechanisms which could be utilised to detect cases of illegal electrical works.

8.2.2 CER decision
The CER is satisfied that the current detection mechanisms for unregistered individuals have worked well but will continue to monitor the effectiveness of the current reporting mechanisms and will continue to look at new possible reporting mechanisms going forward. The CER has had three successful prosecutions in the electrical area.

In carrying out a public awareness campaign around the electrical safety scheme the CER promotes visiting the Safe Electric website for more information. This website contains the online reporting form for reporting illegal electrical work (it also gives the option to download a pdf document to print off a hard copy and fill in manually to send in). This allows members of the public to report potential illegal electrical works anonymously. This has proved effective, with the CER’s EIO receiving reports from the public on illegal electrical works.

The CER sees the merit of promoting the reporting mechanism on illegal electrical works and will continue to promote the Safe Electric scheme and requirements through a public awareness campaign involving TV, radio, press and online media as considered appropriate. The CER is constantly reviewing how best to allow members of the public report potential illegal electrical work or report contractors illegally portraying themselves as a REC.
9.0 Certification & the Role of ETCI

9.1 The Certification System

9.1.1 Background
Under the Criteria Document, RECs must issue completion certificates to customers when they carry out controlled works. Under the National Wiring Rules, RECs must also issue a Minor Works certificate to customers if they carry out a minor electrical work and the customer requests a certificate.

Section 9D (18) of the Electricity Regulation Act 1999 as amended by the Energy (Miscellaneous Provisions) Act 2006 states that the CER shall specify a form of Completion Certificate to be used and that it may specify different forms for different circumstances or different classes of electrical work.

In 2009 the CER and ETCI agreed a Memorandum of Understanding (See Section 5.2 and CER/09/075) which stated that the CER would prescribe the certification system developed and implemented by ETCI at that time as the acceptable certification system to be used for the regulatory model to help ensure compliance with the wiring rules (ET101). This fulfilled the CER’s responsibility as set out in the Energy (Miscellaneous Provisions) Act 2006 to specify the certification system to be used.

Under this arrangement ETCI receive a fee for each certificate which they provide to each Electrical SSB and this cost is subsequently passed onto RECs. The revenue ETCI receive from the sale of these certificates is not, in most cases, a significant proportion of the total certificate fee paid by RECs, but the total revenue from the sale of certificates does represents a significant proportion of ETCI’s overall revenue. As such any deviation from the current certification system will result in a reduction in ECTI’s overall revenue and could on impact the valuable role ETCI play with regard to standards and electrical safety in general. The ETCI also develop the National Wiring Rules (ET101), receiving a fee for each copy sold.

Information on ETCI’s work in this area, including its technical committees and task forces, is available on www.etci.ie. Information regarding its Technical Committee No 2 is included in Appendix 1 of this document.

9.1.2 Current Arrangements
Under the current arrangement the Electrical SSBs purchase certificates from the ETCI and sell these on to RECs, who are required to issue these certificates to customers. The CER looked for comments from interested parties in the consultation and proposed decision papers in relation to the scheme continuing to use ETCI certification going forward.
### 9.1.3 CER decision

The CER recognises and appreciates the significant contribution made by ETCI members in the area of electrical safety in Ireland both preceding the CER’s involvement and now, while operating largely on a voluntarily basis. The CER’s preference is for the ETCI and its members to continue this work to develop electrical standards for the industry into the future. ETCI continued involvement in developing the National Wiring Rules would help maintain safety standards, provide required expertise and help with the transition into the next designation period.

The CER is concerned that the sustainability of the ETCI’s current funding model could potentially impact on their work around electrical standards. This is related to the ETCI’s reliance on funding from the sale of certificates and wiring rules. This is because the current model in which ETCI receives revenue from the Electrical SSBs on a per certificate and per Wiring Rules basis is prone to volatility based on activity levels in the industry\(^\text{25}\) and this has proved to be the case in recent years.

In addition, since ETCI is not underpinned by statutory governance its expenditure is not controlled in the same manner as other statutory bodies. The CER does not oversee how ETCI allocates its funds, even though a number of ETCI’s Technical Committees carry out work which is important to the continued effective operation of the regulated scheme.

To address these issues, the CER has decided to change the financial funding arrangement that is currently in place to ensure that the ETCI receives a fixed amount of revenue annually to carry out its activities. This could be greater than normal in a year where there was significant work involved in, for example, a new edition of the Wiring Rules or another relevant document. Under this decision the ETCI would no longer receive revenue directly on a per certificate sold basis or per National Wiring Rules (ET101) sold basis, instead receiving a fixed annual lump sum.

In addition, to ensure appropriate involvement of National Standards Authority of Ireland (NSAI) and appropriate accountability the CER has decided that the revenue would be provided to ETCI through the NSAI. The CER has engaged with ETCI and NSAI to elicit the best solution to secure ETCIs continued involvement in the National Wiring Rules.

With respect to certificates, Section 9.2 of this paper sets out the decision that the Electrical SSB will from 2016 develop an electronic certification system. The CER

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\(^{25}\) While the ETCI operates on a largely voluntary basis it does need revenue to fund its activities. Currently, when a new issue of the Wiring Rules is issued the ETCI could expect to receive approximately over €300k in the period following publication, but a much lesser amount in subsequent periods. The income received from the sale of certificates is also subject to volatility depending on activity level in the industry, and does not relate directly to the revenue required by the ETCI to operate.
preference is to continue to use ETCI certificates as prescribed by the CER but the ETCI would receive a fixed level of revenue rather than a per certificate amount.

This decision refers to arrangements from 2016 onwards and the CER’s preference is not to implement any changes to the current model until the end of 2015.

It remains the strong preference of the CER to have the ETCI involved in both standards development and certification. While the details of such arrangements would have to be worked out between the CER, the NSAI and the ETCI, to provide some level of guidance, below is a proposal regarding how the arrangements could work:

- During 2015 an agreed work programme to support the regulation of the electrical contractors for 2016, including agreed budget, would be agreed between the NSAI and the ETCI. The budget would include costs such as secretarial support, administrative costs, expenses for required groups, specialist expertise, etc.
- From 1 January 2016 onwards, the NSAI would sell and receive the revenue associated with the sale of the relevant rules relating to this area.
- This revenue would be ring-fenced and provided by the NSAI to ETCI to cover the agreed budget associated with the work programme. If additional revenue was required to cover the agreed budget this would be provided as outlined below.
- The revenue provided would be capped at the agreed budget.
- If this revenue did not cover the agreed ETCI budget, the shortfall would still be provided by the NSAI to the ETCI. The NSAI would receive the shortfall from either the Electrical SSB or the CER.
- To facilitate the provision of any shortfall to the NSAI, the overall agreed budget would be subject to approval by the CER.
- The ETCI would report back to the NSAI at the end of the year on the outputs of the agreed work programme. This report would include detail on the costs incurred.
- The copyright of documents (excluding certificates) developed and/or maintained under the agreed work programme would be held by the NSAI.
- The NSAI would print the documents prior to sale.
- ETCI would operate under the auspices of NSAI.
- The ETCI brand would remain on Wiring Rules

Certificates:
- The Electrical SSB would not directly provide revenue to the ETCI for the sale of certificates.
- The Electrical SSB would print the certificates and distribute them to Registered Electrical Contractors.
- The Electrical SSB would put in place an electronic certification system from 2016.
- The CER would have control over the form of the certificates and would have legal ownership of the certificates.
- The ETCI, or the relevant ETCI committee, could develop the certificates which would be subject to approval by the CER.
General:

- ETCI could carry out any other activities they wanted and revenue received from those activities would not be controlled by CER or NSAI.

While the CER’s strong preference is for the ETCI and their members to continue their valuable work in the area of both rules and certificates, if this cannot be achieved a certification system controlled by the CER (as allowed under the Electricity Regulation Act 1999) will be put in place. This will ensure that the industry continues to have an appropriate certification system in place. The NSAI would also ensure that appropriate standards are in place to allow the electrical contracting industry to function safely. For the purposes of designation CER will assume the Electrical SSB will sell certificates and provide a set amount of funding to ETCI (via the NSAI). The CER will continue to work with ETCI and NSAI to ensure a smooth transition, key for the industry is that it must have clarity over standards which apply and this is delivered appropriately.

9.2 Electronic or Paper based Certification System

9.2.1 Current Arrangements
Currently ETCI provide a paper based and electronic based certification system. RECs can either choose to use the paper based or the electronic system, although the electronic system is only available for some certificate types and is only utilised by RECs registered with one of the two current Electrical SSBs. The CER looked for comments from interested parties in the consultation and proposed decision papers in relation to the electronic certification system.

9.2.2 CER decision
The CER considers the development of an electronic certification system covering all certificate types as an important progressive step which would help facilitate compliance by facilitating more efficient monitoring by the Electrical SSB(s). The CER accepts that a paper based system should also be offered to RECs with the electronic system not being mandatory (at least in the short term), so any contractors who may not be computer literate are not excluded.

The CER would however favour incentivising the electronic certification system over the paper based system, with the electronic system envisaged to replace the majority of the paper based system on a phased basis. Going forward the CER would see the Electrical SSB being required to offer and promote the new electronic certification system.

In light of the operational efficiency gains which could be realised and possible more effective compliance, for example, in relation to monitoring and closing out outstanding Post Connection Tests (PCTs) the CER is minded to have a new electronic certification system which is cost reflective and capable of providing certificates for all Controlled and Minor Works developed.
The Electrical SSB in place from 2016 onwards would be required to develop the electronic system. Alternatively if it was developed prior to that date, it would be transferred to any new Electrical SSB(s) from 2016 onwards.

### 9.3 Non-Compliances

While it appears that RECs are issuing certificates in cases where the customer needs or requests the certificate (for example in the case of new connections or agricultural certificates), it may not be the case that RECs are issuing certificates for all works (regardless of whether it has been requested by the customer).

In addition, there is currently an issue whereby RECs carry out pre-connection tests, but do not always carry out post-connection tests and complete the necessary certificate for this work.

The certificate is integral to the success of the regulatory scheme. It provides a link from the REC to the customer and assurance to the customer that electrical work has been carried out in line with the appropriate standards. The CER looked for comments from interested parties in the consultation and proposed decision papers in relation to non-conformances relating to certification.

#### 9.3.1 CER decision

The CER continues to run the Safe Electric public awareness campaign; this highlights the message that the REC must issue a certificate. This message has been communicated through media such as TV, press, radio and online. The importance of completing Post Connection Tests (PCTs) has been continuously highlighted to the RECs, with correspondence to RECs and homeowners regarding outstanding PCTs outlining their importance.

The CER is determined to enforce the requirement that all PCTs are carried out and the certificates containing these results are returned by the REC for validation to their respective Electrical SSB. The CER will continue to seek the electrical SSB to implement the measures they have been using such as sending letters out to the RECs and homeowners of installations where PCT certificates are outstanding, and blocking the processing of further certificates for any non-compliant RECs in this area. These measures have helped to improve compliance among RECs, and it is hoped they continue to have this effect. The CER in having a new electronic certification system developed is hopeful it contributes to reducing non-compliances through further incentivising RECs to certify all their work and also facilitating more efficient monitoring by the Electrical SSB.

It was suggested by a respondent to the consultation to increase the assessment/surveillance regime on any RECs identified as not certifying their work. The CER is in favour of a risk based system whereby RECs that are identified with non-
conformances are prioritised from an assessment and surveillance perspective but believes it is important to have at least one inspection per annum.

The CER recognises that compliance is important to the scheme and so measures that ensure this compliance are vital. The CER intends to facilitate the development of a new electronic certification system which will contribute to reduced non-compliances in relation to certification. The CER will consider moving more to a risk based model in the future.
10.0 Public Awareness

10.1 Introduction
For the safety scheme to operate effectively, it is important that customers are aware of it and know how to find a REC. This section covers matters relating to the Safe Electric brand, the logo and the website.

10.2 The Safe Electric brand

Background
The CER has put in place a brand which is distinct and separate to the identity of any party operating under the brand. This has the benefit of avoiding confusion (within industry and the public) as a result of:

- More than one body being designated to carry the same functions;
- A designated body being de-designated and/or the designation of another body;
- The prior perception of the role of the CER in terms of its other non-safety functions (concerning economic regulation).

In April 2010, the CER launched a safety awareness campaign, known as “Safe Electric”. This was run across multiple media including TV, radio, press and outdoor. A number of media campaigns were subsequently run in the years following the initial launch. The safety team ran an updated media campaign in 2013 reflecting the introduction of Restricted Electrical Works, in particular highlighting that it was illegal for a non-REC to carry out this work. The campaign was designed to make homeowners aware of the need to hire a REC when getting any electrical work done in their home and to ask for a certificate when the work is complete. The campaigns message was that by hiring a REC, people can ensure that any work carried out in their home is completed by a contractor who is insured and will issue them with a certificate to confirm that the work has been carried out in compliance with the required standard. To find a REC visit www.safeelectric.ie.

Current Arrangements
The Safe Electric brand and the associated website (www.safeelectric.ie) have been subject to publicity campaigns (including television, radio, newspapers and online advertisements). The CER looked for comments from interested parties in the consultation and proposed decision papers in relation to what actions should be taken to publicise the Safe Electric brand.
10.2.1 CER decision
The CER intends to continue to raise awareness of the Safe Electric logo and message through the media campaigns. These have helped raise awareness of the brand and the regulated electrical scheme among the general public.

The CER sees merit in the Safe Electric brand being the only customer and REC facing brand, in that it may reduce potential confusion for the general public. The current situation where there is a Safe Electric brand along with the 2 current Electrical SSB brands may be confusing to people outside of the industry looking to hire a REC. Having Safe Electric as the only customer facing brand would mean that the Electrical SSB would assume the Safe Electric identity. An advantage of this would be that the Safe Electric brand would remain a constant, so whatever body was designated (either from 2016 or subsequently) would not be introducing different brands to the public.

The CER intends going forward from 2016 that the Safe Electric brand will be the only customer (or REC) facing brand of the Electrical SSB when carrying out core activities. The CER will continue to publicise the Safe Electric logo and message through the media campaigns. The CER will look into the suggestion that every electrical wholesaler could display the Safe Electric logo and relevant information during 2015.

10.3 Use of the Safe Electric Brand

10.3.1 Background
A single brand, Safe Electric, was developed to ensure consumers receive a clear and consistent message with regard to hiring a REC. The Safe Electric brand has been the focus of the promotion and public awareness campaign outlined above. Increased use of the logo will further promote safety awareness and the Safe Electric brand amongst consumers.

10.3.2 Mandatory Display of Logo

Current Arrangements
The Safe Electric logo is available for use by all RECs, but it is not currently mandatory for RECs to display the logo. It is an option for the REC themselves whether or not they display the logo. The CER looked for comments from interested parties in the consultation and proposed decision papers as to whether it should be made mandatory for a REC to display the Safe Electric logo on their vehicle.

10.3.3 CER decision
The CER understands the security concerns raised whereby the display of the Safe Electric logo on a REC’s vehicle may draw attention to valuable equipment and facilitate a REC’s vehicles being targeted for theft. While keen to promote the Safe Electric brand the CER would favour leaving the display of the Safe Electric logo on a REC’s vehicle as optional, and at the REC’s discretion, but in a scenario where a REC puts their details on
a vehicle identifying them as an electrical contractor then they must display the Safe Electric logo. In a scenario where the REC has a vehicle without any details displayed at all, or without details which identify them as an electrical contractor then they do no need to display the Safe Electric logo. The CER will keep this requirement under review.

The CER intends to have a requirement in place to ensure that where a REC displays their details on their vehicle which identifies them as an electrical contractor, the Safe Electric logo is also displayed.

10.3.4 Reference to Year

Current Arrangements
The Safe Electric logo does not currently include a reference to the year of registration. It is noted that one of the current Electrical SSBs, ECSSAI, does include a reference to the year within their logo. The CER looked for comments from interested parties in the consultation and proposed decision papers regarding references to the year of registration being included.

10.3.5 CER proposed decision
The CER sees both positive and negative points in introducing an annual Safe Electric logo. There is additional cost in updating the logo for renewal and printing each year. However the use of an annual logo means an unregistered contractor using an old Safe Electric logo on their vehicle displaying themselves as a REC would be more easily identified and potentially prosecuted.

The CER does not propose to introduce the requirement of an annual logo at this time because of administrative and cost implications. The CER will consider this option going forward during the new designation period from 2016 onwards.

10.3.6 Unique identifier

Current Arrangements
The Safe Electric logo does not currently include any unique reference which would allow the REC to be identified. The CER looked for comments from interested parties in the consultation and proposed decision papers regarding whether a unique identifier should be included as part of the Safe Electric logo.

10.3.7 CER proposed decision
The CER appreciates that the use of a unique identifier number would help customers in checking if a contractor is registered. However from an administrative point of view implementing this proposal would be difficult. This process in practice would be slow and resource intensive. The trade-off between the benefit achieved versus the extra cost taken on would not appear to support bringing in this measure.
The CER does not propose to introduce the requirement of a unique identifier at this time, but will look at it in the future.

10.3.8 Use of the Safe Electric Brand – List of RECs

**Current Arrangements**
Currently, the Electrical SSBs have their own separate websites where separate lists are provided of the RECs registered with each. The CER looked for comments from interested parties in the consultation and proposed decision papers assuming there were to be more than one Electrical SSB in place from 2016 onwards should there be a joint list.

10.3.9 CER decision
In a scenario of more than one Electrical SSB being designated the CER would favour a joint list being hosted on www.safeelectric.ie. The CER’s view is that this would be an optimal option cutting out confusion caused by redirecting members of the public to different unfamiliar Electrical SSB websites to access separate Electrical SSB registers. The CER considers a combined REC register far more efficient and less confusing. In light of the promotional efforts expended to publicise the Safe Electric brand and website, the CER’s view is that it is most appropriate for a single combined REC register to reside there. However it has been decided by the CER to designate one Electrical SSB so there will be only one register, the CER’s view is that it is most appropriate for this to be situated on the Safe Electric website.

As the CER has decided that one Electrical SSB shall be designated there will be only one register, the CER is of the view that it would be most appropriate for this to be situated on the Safe Electric website.

10.4 Restrictions on use of Electrical SSB logo

10.4.1 Background & current arrangements
There are currently no restrictions regarding the manner in which Electrical SSBs can utilise or promote their own logos. For example, the ECSSAI and RECI use the ECSSAI and RECI logos when communicating with customers and RECs. The current Electrical SSBs also allow RECs registered with them to display the relevant ECSSAI or RECI logo.

The co-existent of these logos alongside the Safe Electric brand may confuse customers and dilute the message that the Safe Electric brand is intended to promote. It may also cause confusion if new Electrical SSBs were to be designated from 2016 onwards (or for subsequent designation periods) as consumers and RECs would be faced with another brand and logo. The CER looked for comments from interested parties in the consultation and proposed decision papers regarding whether restrictions should be put in place around the promotion of the Electrical SSB logo.
10.4.2 CER decision
The CER’s view is that in light of the launch and continuous promotion of the Safe Electric brand and message that the co-existence of Electrical SSB logos may cause confusion and dilute the safety message. These Electrical SSB logos are displayed by their RECs (such as on vehicles, stationary, websites) with customers coming across these different logos when looking for a REC. The CER is of the opinion that it would be beneficial to have just one customer and REC facing brand (that is, Safe Electric), this would help ensure a more effective and less confusing message to the public.

Also another consideration is that the current Electrical SSBs may not be the designated Electrical SSB from 2016 onwards, in this scenario any potential different newly designated Electrical SSB would subsequently introduce their brand adding to the confusion. Having one brand, Safe Electric, would solve this problem.

The CER decision is to have just one customer and REC facing Electrical SSB brand, Safe Electric. This will mean that when the Electrical SSB contacts consumers or RECs, they would only use the Safe Electric logo (and not publicise their own logo or brand). Safe Electric will be the only brand used, with the body which is designated for the period commencing January 2016 not advertising their own respective brand at all in relation to core activities.

10.5 Notifying Customers Regarding Outcomes
Customers play an important role in the scheme through reporting unsafe workmanship by RECs and any works by unregistered individuals. They may make their complaints to the CER through the Safe Electric website (www.safeelectric.ie) or by post as outlined earlier in this document.

However, the outcome of the complaint following its investigation process may not currently be provided to the person who initially made the complaint.

It is currently the case that where a complaint is made, the complainant is not entitled to a report informing them of the outcome of their complaint. While the complainant may be invited to attend a disciplinary hearing, it is not a requirement that they be invited. For further information regarding the current process (relating to unsafe work by RECs) please refer to the Criteria Document.

The CER looked for comments from interested parties in the consultation and proposed decision papers regarding notifying the complainant regarding the outcome of the disciplinary process.

10.5.1 CER decision
The CER intends to include KPIs in relation to how customer complaints are dealt with in a timely manner. This will ensure that the complainant receives an acknowledgement of
the complaint made or confirmation that the complaint has been investigated and an unspecified conclusion reached. However, no disciplinary report will be issued to the complainant for legal and data protection reasons.

Regarding illegal electrical work investigations, the CER will evaluate how further information can be provided while remaining conscious that it is important that confidential information is not released, and that parties who make reports would normally be interviewed during the investigation process.
11.0 Interaction with Gas Installer Regulatory Scheme

11.1 Introduction
Along with responsibility for regulating the activities of electrical contractors, the Energy (Miscellaneous Provisions) Act 2006 amends the Electricity Regulation Act 1999 to give the CER the power to regulate the activities of gas installers\(^{26}\) and to appoint one body to regulate gas installer’s activities on a day-to-day basis.\(^{27}\)

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 as required under the legislation including the designation of the Register of Gas Installers of Ireland (RGII) to be the designated body in respect of gas installers with their role commencing in 2009 for a period of seven years.

The functions of the RGII are outlined in the gas Criteria Document 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 registered installers, validating and processing completion certificates which are submitted by registered installers, and carrying out inspections of gas works performed by registered installers 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 and withdrawal of registered status.

All of the above have improved the overall safety relating to gas installers which consequently gives customers confidence in the RGIs they are hiring to carry out gas works in their home.

\(^{26}\) Section 9 (1) (ea)
\(^{27}\) Section 9F (1) (a)
11.2 A Joint Gas and Electrical SSB

Given the similarities of the two schemes, the CER considered the option of conducting the designation process in a manner that would lead to one body being appointed as both the Gas and Electrical SSB.

Under that approach the CER would, when completing this process, include a requirement that bodies which 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 and also designated to be the Electrical SSB.

There are 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 the one SSB that would be in place under this approach\(^{28}\) or through efficiencies in the monitoring (by the CER) of one organisation relative to a number of organisations\(^{29}\).

- 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 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 and electrical contractors they would have to utilise personnel with electrical qualifications and personnel with gas qualifications 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 SSB was to be de-designated due to an issue with the gas side, this could lead to the organisation being unable to continue to operate as an electrical designated body. This could be either due to:
  - the issue also being evident on the electrical side (in an area that was being run in the same manner) leading to the body also being de-designated as an Electrical SSB; or,
  - due to the electrical Designated Body simply being unable to continue from a financial perspective without having the Gas SSB in place to share certain costs.

\(^{28}\) This would lead to registration fees and/or certificate prices being lower than would otherwise be the case.

\(^{29}\) This would lead to the CER levy on undertakings being lower than would otherwise be the case.
The CER looked for comments from interested parties in the consultation and proposed decision paper on whether the designation process should facilitate the option of a single body undertaking the role of both the Electrical and Gas Safety Supervisory Body.

11.2.1 CER decision

The CER notes that there may be cost saving efficiencies from having one body acting as both the Gas SSB and Electrical SSB. However, having a joint designation process, whereby parties would be required to ‘bid in’ for both functions, may reduce the pool of candidates interested in engaging in the competitive process.

This is especially important given that the CER’s proposed decision to ensure that core activities will be carried out on a not-for-profit basis which may already reduce the pool of candidates interested in engaging in the competitive process.

Another concern to the CER would be that if say the gas or electrical designated body was to be de-designated due to an issue in that respective scheme, this could lead to the other scheme (be it gas or electrical) being unable to continue to operate due to financial constraints (no longer having certain costs shared with the now de-designated body).

The CER decision is to undertake one competitive process to designate a Gas SSB and a separate competitive process regarding the electrical scheme. For the avoidance of doubt, these two separate processes could still potentially result in the same organisation being designated as a Gas SSB and an Electrical SSB.
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 electrical contractors with respect to safety under the Energy (Miscellaneous Provisions) Act 2006.

This decision paper (CER/14/790) provides the CER’s decision to the questions raised in the consultation (CER/14/130) and proposed decision papers (CER/14/757) after consideration of the responses submitted thereto. Appendix 3 of this paper provides a summation of responses received to the proposed decision paper (CER/14/757) and the CERs comments on these.

It is intended that elements of the final decision on this matter will:

- feed into the process of designating an Electrical SSB(s) to carry out the day-to-day regulation of electrical contractors with respect to safety from 2016 onwards; and/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 an Electrical SSB being designated during 2015 and becoming operational in January 2016.

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

Finally, below the CER outlines the decisions which will take immediate effect and those which will take effect from 2016. In addition, throughout this paper the CER has outlined its intention to review aspects of the scheme in the future, but these have not been listed in the below table.

<table>
<thead>
<tr>
<th>Decisions taking effect during 2015</th>
<th>Decisions taking effect from 2016</th>
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<tbody>
<tr>
<td>3 proposed modifications</td>
<td>Key Performance Indicators (KPIs)</td>
</tr>
<tr>
<td>CER will bring 3 proposed modifications to ECCRP.</td>
<td>To be included in the Terms and Conditions of Appointment for the body appointed from January 2016.</td>
</tr>
<tr>
<td>1. Extending SSB inspectors required work experience from 3 to 5 years</td>
<td></td>
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<td>2. requiring SSB inspectors to carry out Lead Auditor Training</td>
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<td>3. Include learning outcomes of V&amp;C</td>
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<td>Course in Criteria document</td>
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</tr>
<tr>
<td>Communication of modifications</td>
<td><strong>Electronic certification system</strong> Electronic certification system covering all certificate types to be developed.</td>
</tr>
<tr>
<td>CER will review different ways of communicating modifications to the Criteria document (e.g mailing list, SSB newsletter)</td>
<td><strong>SSB brand</strong> One customer facing brand, Safe Electric to be used by Electrical SSB.</td>
</tr>
<tr>
<td><strong>Mid-Term Review</strong> To be included in the Terms and Conditions of Appointment for the body appointed from January 2016.</td>
<td><strong>Mandatory display of logo</strong> Where a REC puts their details on their vehicle identifying them as an electrical contractor then they must display the Safe Electric logo.</td>
</tr>
<tr>
<td><strong>Electronic certification system</strong> Electronic certification system covering all certificate types to be developed.</td>
<td><strong>One Electrical SSB</strong> One Electrical SSB for the designation period commencing January 2016.</td>
</tr>
<tr>
<td><strong>SSB brand</strong> One customer facing brand, Safe Electric to be used by Electrical SSB.</td>
<td><strong>ETCI funding</strong> Financial funding arrangements changed to ensure that the ETCI receive a fixed amount of revenue annually to carry out its activities.</td>
</tr>
<tr>
<td><strong>Mandatory display of logo</strong> Where a REC puts their details on their vehicle identifying them as an electrical contractor then they must display the Safe Electric logo.</td>
<td><strong>Training</strong> Electrical SSB will not be allowed participate in training or assessments of RECs.</td>
</tr>
<tr>
<td><strong>One Electrical SSB</strong> One Electrical SSB for the designation period commencing January 2016.</td>
<td><strong>ETCI funding</strong> Financial funding arrangements changed to ensure that the ETCI receive a fixed amount of revenue annually to carry out its activities.</td>
</tr>
</tbody>
</table>
Appendix 1

Information related to ETCI’s Technical Committees Number 2 is provided below. Information on other committees and task forces is available on www.etci.ie.

TC 2 Electrical Installations
The scope of TC2 includes the preparation of wiring rules, codes of practice and guides dealing with electrical installations up to 1000V, and interpretation of the rules when requested. The scope of the Rules of TC2 does not extend to the internal wiring of apparatus, or to machine assemblies complying with EN IS 60204 or to mines or quarries. The Rules are not a product standard.

The National Rules are a national standard (which is defined as a voluntary specification having a consensus among those involved). They are recognised in common law as the state of the art and are recognised by the Health and Safety Authority (HSA) as a means of complying with the Electricity Regulations. Similarly ET101 is cited in the Building Regulations as the electrical installation wiring standards required in order to comply with the statutory requirements. They have also formally been recognised by the Commission for Energy Regulation (CER) as the technical rules to be observed by registered electrical contractors.

The National Rules are prepared in consultation with the Department of the Environment Community and Local Government (DOECLG) the HSA and with industry generally to ensure that national consensus exists, which is the most important aspect of the work of TC2. A major feature of the work is the obligation to participate in CENELEC and IEC, and to ensure that:

1. Irish concerns are taken into account
2. CENELEC harmonization decisions are implemented in the rules

The scope of TC2 also includes CENELEC BTTF 95 which deals with inspection of domestic premises.
Appendix 2

In 2008, the CER published a paper on the Economic Regulation of the Safety Supervisory Bodies. Below is a summary of objective and principles from that paper which are also relevant for the designation period commencing January 2016.

In this Schedule, “Electrical SSB” refers to the body designated as the Electrical Safety Supervisory Body by the CER and which is subject to the Terms and Conditions.

OBJECTIVES AND PRINCIPLES FOR ECONOMIC REGULATION

The CER’s strategic objective for the economic framework is to maintain a method of regulating the Electrical SSB(s) which leads to the greatest level of benefit with respect to safety, in line with the requirements specified by the CER, and the most cost-efficient delivery of that benefit.

The CER’s operational objectives for the economic framework will continue to be:

- *Effectiveness* - The economic framework should support the maximisation of the benefits associated with the regulatory systems whilst ensuring that service quality is maintained at all times;

- *Robustness and ability to self-finance* - The economic framework should provide for the Electrical SSB(s) to recover the costs of it undertaking its designated functions and therefore, provide for a sustainable model for the operation of the regulatory systems which does not require subsidy or support from external sources and provides for the direct recovery by the Electrical SSB(s) of the costs of the new regulatory systems from the system users over the term of designation; and,

- *Efficiency* – the Electrical SSB(s) should face incentives to deliver reasonable cost savings and to operate as efficiently as possible, whilst delivering on the specified requirements of the CER, and, in achieving this, to consequently deliver reasonable levels of costs to customers.

The economic framework shall adhere to the following principles to ensure good practice:

- *Legitimacy* – consumers (including the public, gas installers and electrical contractors) should have confidence that the regulatory system will protect them;
- **Transparency** – the Electrical SSB(s) and consumers should know “the terms of the deal”;

- **Proportionality** – Any method of regulation should be proportionate – i.e. it should seek to minimise the costs of regulation while ensuring the full benefits of the scheme are realised;

- **Necessity** – the degree of regulation should be driven by necessity and by the desire to reduce the burden of red tape where possible; and,

- **Regulatory Certainty** – the approach employed should be consistent, credible and must make clear the responsibilities, and entitlements, of the various parties involved in the operation of the economic framework.

The Electrical SSB(s) shall be required to design a Charging Methodology to convert Approved Costs into customer tariffs. This Charging Methodology must facilitate the achievement of the following objectives:

- Cost reflectivity;
- Transparency; and,
- Stability.
Appendix 3

Introduction
This section provides a summation of the submissions received to the proposed decision paper (CER/14/757) and the CER’s response to these. The CER received 11 submissions to the proposed decision paper from:

- A&L Electrical Ltd
- The Association of Electrical Contractors of Ireland
- The Electro Technical Council of Ireland;
- The Electrical Contractors Safety and Standards Association of Ireland;
- Dublin Institute of Technology
- ESB Networks
- J. A. O’Doherty
- John Desmond
- Mike Ahearn
- The Register of Electrical Contractors of Ireland
- Quality and Qualifications Ireland

These submissions are published on the CER website alongside this decision paper. Two of these submissions have been redacted in some areas. Please note that publication of these submissions does not mean that the CER agrees that all information put forward in the submissions is correct.

As part of the consultation process, the CER also met with the ETCI on two occasions to discuss its response to the proposed decision. On one occasion the Construction Industry Federation of Ireland also attended the meeting. The CER also met with the TEEU and QQI.

Comments received – number of SSBs

Comments received
A number of respondents mentioned their preference for the number of SSBs to be designated to be more than one. With one of these respondents describing how if only one SSB was designated job losses would be inevitable. This respondent also mentioned the fact that REC insurance premiums are at historically low levels is adequate proof that the safety record of the industry is second to none and this is due in no small way to the efforts of both SSBs.

CER response
The CER acknowledges the important safety work carried out by the electrical SSBs during the first designation period however the safety responsibilities in relation to the regulation of electrical contractors must be met as efficiently as possible. As set out earlier in the decision paper in section 3.2 the CER in reaching its decision to appoint
one Electrical SSB for the designation period commencing January 2016 was required under legislation to have regard to the costs likely to be incurred by the CER and final customers.

The CER is of the view that having one Electrical SSB in place from 2016 onwards could result in cost savings being achieved by realising efficiencies through economies of scale (such as having costs associated with only one building and one IT system) and removing repetition of certain functions (such as management). Removing or at least reducing any element of duplication in costs such as these would result in the costs of one Electrical SSB (with all RECs registered with it) being lower than the combined costs of two Electrical SSBs.

**Comments received**
One respondent questioned how the CER went to such lengths to create competition in the supply of electricity, would now seek to do the opposite in the electrical contracting industry by seeking to remove the existing healthy competition which exists between the two current electrical SSBs.

**CER response**
The CER is of the view that there will be competition between the prospective bodies through the competitive tendering process through which the successful Electrical SSB is appointed. This competition is likely to include price competition. This price competition, together with the CER’s regulation of fees, means that costs would not be allowed to rise unjustifiably due to one body being in place.

The CER regulates the core electrical safety scheme on a not-for-profit basis. In carrying out this role the CER approves the Electrical SSB costs and tariffs (to recover these costs). In this scenario where a single Electrical SSB model is chosen the CER will only approve the Electrical SSB’s costs and associated tariffs which accurately represent this new position and fully reflect the savings achieved over appointing more than one Electrical SSB. This ensures that RECs and customers are protected by the CERs oversight of costs and tariffs.

**Comments received**
One respondent suggested changing the legislation so that when a SSB is established and bedded in, the experience and expertise gained should be retained, rather than having disruption every seven years.

**CER response**
The CER consulted on the term of designation in the consultation (D/14/130) and proposed decision (D/14/757) papers, with the majority of respondents favouring 7 years as opposed to 5. The CER favours a designation period of 7 years due to the fact it provides the successful Electrical SSB and the industry with assurance as to the continuity of the regulated electrical safety scheme. Also considering the resources
required for designation, a shorter designation period would mean that more internal CER and external resources would be required with a new Electrical SSB designation process being more frequent.

The CER is of the view that a designation period of 7 years is most appropriate providing the body designated from 2016 a level of continuity regarding the time period during which it would be in place, and allowing the CER and industry sufficient time to focus on any other changes that may be required to benefit the scheme and safety of consumers. Having a longer designation period would have the impact of reducing the opportunity for new parties to undertake the role.

Comments received
One respondent described how bringing all the RECs under one body could be achieved under the Safe Electric brand but would require a period of years and that either existing body would struggle with an influx of 2000 extra members.

CER response
It is intended that the designation process will be carried out in 2015, with an Electrical SSB being designated during 2015 and becoming operational in January 2016. This will allow a period of time for the electrical SSB designated for the period commencing January 2016 to prepare for its operational functions before commencement. The CER considers this transition phase as an appropriate period of time for the newly designated electrical SSB to prepare to become operational.

As set out earlier in this decision paper in section 10.4 the CER decision is to have just one customer and REC facing Electrical SSB brand, Safe Electric. This will mean that from January 2016 consumers and RECs will see the Safe Electric logo when dealing with the Electrical SSB.

Comments received
One respondent questioned the historic information from the scheme regarding disciplinary hearings and reporting of non-conformances by the two existing electrical SSBs which was included in the proposed decision paper, describing it inaccurate and misleading.

CER response
This information regarding disciplinary hearings and reporting of non-conformances was included to outline the performance of the scheme since 2009. It highlights how although both bodies are required to operate to the Criteria Document which is in place, it has been evident that the practices of both bodies are not consistent with each other. Examples of these inconsistencies relate to the level of non-conformances which are raised against RECs during inspections by each Electrical SSB and differences in the likelihood of RECs being brought through the disciplinary process as outlined in the
Criteria Document. The CER has worked to address this situation through, for example, the provision of audit reports to both bodies, but inconsistencies remain.

Having only one electrical SSB in place would ensure that more consistent Electrical SSB service levels are delivered. Under Section 9D of the Act, the CER is responsible for publishing Criteria related to the safety of electrical contractors and verifying compliance with those Criteria. The CER is of the view that it is critical to the overall safety of the scheme that those Criteria are maintained consistently and enforced equally across all RECs in the scheme. Evidence from the first designation period has shown examples of inconsistencies in the enforcement of those Criteria. The CER is of the view that designating one Electrical SSB would remove this issue.

Comments received
One respondent described how the Criteria document requires that the commencement of an investigation by an SSB must be notified to the other SSB, and how one SSB notified the other SSB of 9 disciplinary proceedings.

CER response
In number 7.4 of Section D of the Criteria document the requirement is set out that the disciplinary committee shall inform all bodies that the disciplinary process has been commenced against the respondent. One respondent described how one SSB notified the other SSB of 9 disciplinary proceedings, this does not align with the fact that this body commenced 11 disciplinary proceedings. The CER will look into this apparent disparity, as it is important that this requirement is fully complied with. This respondent described how in the Criteria document that the commencement of an investigation by an SSB must be notified to the other SSB but there is no such requirement set out in the Criteria document. It is the commencement of a disciplinary process according to the Criteria document that all bodies should be notified of.

Comments received – permitted activities

Comments received
A number of respondents described how they favoured the Electrical SSB being permitted to participate in training and assessment of RECs (V&C course).

CER response
As set out earlier in the decision paper in section 3.4 the CER does not intend to allow the Electrical SSB to participate in training or assessments of RECs. The CER is of the view that the position of the Electrical SSB in relation to their RECs may provide an unfair competitive position in offering training against other training providers who are not designated bodies.
Another reason the CER does not intend to allow the SSB to participate in training or assessments of RECs is that it may be more appropriate that the role of running the assessment for prospective Qualified Certifiers (QCs) is separated from the Electrical SSB which the RECs are registered with. The CER’s view is that having the Electrical SSB carrying out training does create a potential conflict of interest between safety and financial motives. It is difficult for the CER to monitor and control how the Electrical SSB allocate their resources on a day-to-day basis, and so activities such as training could potentially incentivise the Electrical SSB to direct resources away from carrying out core activities.

**Comments received**

One of these respondents described how there was no indication from CER that this activity might not be permitted in the years ahead therefore both existing electrical SSBs were entitled to have a reasonable expectation that the financial investment in these courses would be recovered over a number of years.

**CER response**

The CER is of the view that it provided sufficient notice to the existing Electrical SSBs that the Electrical SSB(s) designated for the period commencing January 2016 might not be permitted to carry out permitted activities. This included presentations to the boards of the two existing Electrical SSBs in March and June 2013 respectively, setting out different issues in relation to the electrical scheme including the upcoming designation process. The presentation outlined potential questions such as whether the Electrical SSB(s) should be limited to core activities.

**Comments received**

Another respondent suggested a compromise whereby the programmes could be carried out by personnel not-affiliated with the Electrical SSB.

**CER response**

As set out earlier in the decision paper in section 3.4 the CER intends to put in place a requirement that the Electrical SSB designated for the period commencing January 2016 can only employ staff or contractors that are not involved in other activities such as mandatory training or assessments (accredited V&C course). Therefore, this would ensure that there would be no issue with respect to another separate organisation (or personnel not-affiliated with the Electrical SSB) providing training or assessments.

**Comments received – ETCI**

**Comments received**

A respondent mentioned how the concerns raised in respect of sustainability of the ETCIs current funding model are unfounded, describing how during period when ETCI experienced cash flow difficulties actions were taken (3 year plan, downsizing,
rationalising) which rectified things and feels there is no need to change the existing ETCI funding model.

_CER response_
The CER is concerned that the sustainability of the ETCI’s current funding model could potentially impact on their work around electrical standards. This is related to the ETCI’s reliance on funding from the sale of certificates and wiring rules. This is because the current model in which ETCI receives revenue from the Electrical SSBs on a per certificate and per Wiring Rules basis is prone to volatility based on activity levels in the industry. The CER is of the view that by changing the funding arrangement that is currently in place, and introducing a system where ETCI receives a fixed amount of revenue annually to carry out its activities, any future collapses in certificate and/or Wiring Rules sales would not cause strains on the ETCI’s liquidity and/or adversely affect its ability to carry out its functions.

_Comments received_
This respondent also described how the fact that ETCI is not underpinned by statutory governance is one of its strengths. This respondent also described how appropriate statutory accountability could be ensured by changing from the existing MOU (between CER and ETCI) to a MOA.

_CER response_
A number of ETCI’s Technical Committees carry out work which is important to the continued effective operation of the regulated scheme but the CER does not oversee how ETCI allocates its funds, this presents a risk to the scheme. Since ETCI is not underpinned by statutory governance its expenditure is not controlled in the same manner as statutory bodies. To ensure appropriate statutory accountability the CER intends that the revenue would be provided through the NSAI (following provision to NSAI by the Electrical SSB(s)), but this matter will be discussed further during engagement between the NSAI and the ETCI. This matter is discussed further in Section 9 of this document.

_Comments received_
One respondent described how the format of the certification system should remain tightly linked to the National Wiring Rules to ensure that testing is to the applicable technical standard. Another respondent described how certification is an integral aspect of the National Wiring Rules and should remain within the auspices of ETCI activities.

_CER response_
The CER is of the view that the format of the certification system should remain tightly linked to the National Wiring Rules and so the ETCI, or the relevant ETCI committee, could develop the certificates which would be subject to approval by the CER. However in this scenario the CER would have control over the form of the certificates and would have legal ownership of the certificates. This matter is discussed further in Section 9 of this document.
Comments received
On respondent stated that it is important that Irish rules continue to be in place. One respondent also stated that the CER should ensure that there are no issues from a legal perspective regarding copyright, etc prior to making any changes to the current system.

CER response
The CER’s intention is to ensure that National Wiring rules are in place in the future. The CER’s preference is for the ETCI to continue to carry out this work, but this is discussed in more detail in Section 9 of this document. The CER intends that any issues regarding copyright, etc would be resolved through the engagement outlined in Section 9.

Comments received
One respondent stated that it is not clear that what is being proposed will be to the benefit of industry and stated that a high proportion of respondents were in favour of the status quo remaining.

CER response
The CER agrees that the ETCI carry out important work in relation to electrical safety and is in favour of the ETCI continuing to carry out this work. However, while the ETCI operate on a largely voluntary basis, it does require revenue to carry out its activities. Under the current model this revenue stream, which is facilitated by the CER requirement that all RECs have a copy of the ETCI rules and utilise ETCI certificates to certify work, is volatile and relates activity in the industry and not their required expenditure. The CER’s preference is to put in place a system whereby the ETCI receive a fixed level of revenue to carry out their activities, related to their required expenditure and not the level of activity in the industry. Further detail on this approach, which is intended to ensure that sustainable arrangements are in place to ensure industry standards and certificates are maintained are available in Section 9 of this document.

Comments received — individual registration and QCs

Comments received
One respondent mentioned how they believed that there should be a clear distinction between installing and qualified certifier (QC) electricians, with a separate register for QCs. In this scenario an installing electrical contractor could avail of the services of a qualified certifier electrical contractor.

CER response
In the existing system the Qualified Certifier (QC) carries out a distinct role within the REC with responsibility for certification. Each REC is required to keep a record of QCs qualifications, ensure their courses are up to date and ensure these records are available for inspection and audit by the Electrical SSB.
In this way a REC can certify their own electrical work, however they are not permitted to certify the electrical work of other contractors. In the scenario suggested by the respondent above an installing electrical contractor would avail of the services of a qualified certifier electrical contractor to test and certify their electrical work. This system would not be compatible with the requirements as set out in the Energy (Miscellaneous Provisions) Act 2006 which set out the CERs functions in relation to the regulation of electrical contractors with respect to safety. In the CER’s view this system would not offer any safety benefits over the current system.

Comments received
This respondent also commented on the qualifications required for a QC stating that they believed the Verification, Testing and Certification should be a Level 7 Special Purpose or Minor award allowing progression for any electrician within their trade. It was also specified that 5 years post apprenticeship experience should be required.

CER response
As set out earlier in the decision paper in section 5.3 the CER has decided to make no changes to the existing training requirements for QCs. There are currently two bodies (DIT and City & Guilds) providing accreditation for relevant courses and given these have been in operation for a relatively short period of time, the CER does not intend to make any changes at this time.

Comments received – incident investigation

Comments received
One respondent suggested a further role of ‘incident investigator’ for Electrical SSB inspectors, where there is an incident (electrocution) requiring a technical investigation.

CER response
The CER understands that this comment relates to instances where a REC has not been involved and does not currently have a legislative remit to carry out this function. The CER had discussions in relation to this issue previously with relevant bodies. The CER will continue to look at this issue in conjunction with relevant stakeholders.

Comments received – membership categories

Comments received
A respondent suggested creating a category for installations (e.g. public lighting) which co-exist on ESBN’s equipment.

CER response
As set out earlier in the decision paper in section 6.4 the CER’s view is that the current membership category system is adequate but will continue to look at the area of creating
further categories and may introduce some additional categories during the new designation period from 2016 onwards. This would be progressed through further consultation with industry.

Comments received – other regulatory requirements

Comments received
A number of respondents described how there are too many bodies (PSA, CIRI, SSB) to register with, and put forward a preference for a simpler system.

CER response
In carrying out this consultation process the CER has set out a number of decisions which will help to simplify the overall system for RECs and their customers. As set out earlier in the decision paper in section 3.2 the CER has decided to appoint one Electrical SSB for the designation period commencing January 2016. Along with this the CER has decided as described in section 10.4 of this paper that it will be beneficial to have just one customer and REC facing brand, Safe Electric, this will help ensure a more effective and less confusing message to the public.

The separate statutory requirement for registration with the Private Security Authority is outside the scope of this consultation process and is not within the CER’s remit and does not relate to the legislation under which the CER operates. The comment regarding CIRI is covered below.

Comments received
A number of respondents mentioned the introduction of the Construction Industry Register Ireland (CIRI), with one respondent querying whether the appointed Electrical SSB could manage the electrical section of the CIRI.

CER response
The CER understands that the Construction Industry Register Ireland (CIRI) is being set up by the Construction Industry Federation (CIF) in consultation with the Department of the Environment, Community and Local Government. It does not relate to the legislation under which the CER operates and designates Electrical SSBs. Carrying out any of the functions of the CIRI as suggested above would be outside of the CER’s legislative remit. The CER has responsibility for the activities of electrical contractors with respect to electrical safety. However, the CER is currently engaging with the Department of the Environment, Community and Local Government to outline the arrangements that are currently in place for the regulation of electrical contractors (and gas installers) with respect to safety to ensure that Department is aware of the those arrangements.
Comments received – criteria document

Comments received
One respondent described how the CER should specify basic criteria for safety in electrical installations in a separate paper or legislation. This respondent described how there should be legal requirements on which to “hang” the ETCI rules.

CER response
As set out earlier in the decision paper in section 9.1 the CER has certain reservations in relation to the current arrangements with ETCI. To address these issues, the CER intends to change the financial funding arrangement that is currently in place. In addition, to ensure appropriate statutory accountability the CER intends that the revenue would be provided through the NSAI (following provision to NSAI by the Electrical SSB(s)).

The CER intends to engage with the NSAI and ETCI over the coming period to resolve these issues. This engagement would include ensuring that the NSAI continue to have any required oversight of the development of relevant documents and ensuring an appropriate set level of revenue is provided to the ETCI to allow them to continue work relating to Registered Electrical Contractors. The CER considers that the statutory nature of NSAI would address the above comment.

Comments received – occupational standards and QQI

Comments Received
A further respondent made the following comments in relation to occupation standards, the current review of the apprenticeship system and that the education and training system in Ireland is undergoing rapid change:

The respondent states that QQI awards and the academic standards underpinning them are not associated with any specific occupational standard. They further note that these awards are subject to change and cannot be used as a proxy for occupational standards by CER. They stated that occupational standards could be usefully included in CER’s criteria document.

CER Response
The CER will liaise with this respondent regarding this topic in the future to determine how the CER could work in this area to improve safety relating to Registered Electrical Contractors.

Comments Received
One respondent queried who determined whether another electrical award was suitable (as referenced in Section 5.3.1 of the paper).

CER Response
Currently, the CER and the Electrical SSBs, together with other stakeholders, deal with this on a case by case basis, but will engage further with the respondent on this matter.

**Comments received – general**

**Comments received**
Some respondents queried the value of the consultation process, highlighting cases where CER did not always go with the majority view.

**CER response**
In cases where the CER decision did not agree with the views put forward by the majority of respondents this is due to the fact that the CER does not simply rely on the number of submissions in favour of a decision. In determining any decision in this consultation process the CER considers the rationale put forward by respondents and its own experience.

**Comments received**
Some respondents which indicated this consultation was the mechanism through which the designated SSB would be chosen.

**CER response**
The CER would like to clarify that a separate competitive process will be engaged in to determine who will be designated to be in place from 2016.