

Section A

Introduction and Interpretation

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PREAMBLE

On the 24th December 2006, the Energy (Miscellaneous Provisions) Act 2006 (“the Act”) was signed into law. Section 4 of the Act amended the Electricity Regulation Act 1999 (“1999 Act”) by inserting new sections with respect to the regulation of electrical contractors and the functions of the Commission in that regard (Sections 9C, 9D and 9E).

Section 9D(5)(a) provides that the Commission shall publish criteria relating to:

- electrical safety supervision;*
- the safety standards to be achieved and maintained by electrical contractors;*
- and,*
- the procedures to be operated by a person appointed as a designated body.*

Further to the requirements of the legislation, the Commission set about developing this Criteria (“this Criteria Document”).

This Criteria Document sets out the detailed rules, procedures and requirements in relation to fulfilling the obligations and functions of the new regulatory system by Registered Electrical Contractors (“RECs”) and any body or bodies designated by the Commission as an Electrical Safety Supervisory Body (“the Body”)

1 OBJECTIVE OF CRITERIA DOCUMENT

The Commission's regulatory objective¹ with regard to the implementation and operation of its function with respect to electrical contractors is:

To protect the safety interests of customers with respect to electrical installation activities through creating a suitable regulatory system which provides for electrical works to be carried out, tested and certified in compliance with the appropriate technical rules/standards.

The aim of this Criteria Document is to facilitate the achievement of the above and a stable and robust regulatory system that sets out clear and transparent rules.

It will achieve this through setting out the detailed rules for the operation of the regulatory system to which all RECs and the Body will be bound. In doing so, it will provide clarification of the roles and responsibilities of the parties and will provide for the harmonisation of standards/procedures operated in so far as such harmonisation/standardisation is appropriate for the purposes of the regulatory model.

The Commission may amend this Criteria Document from time to time as the Commission may deem appropriate. Any amendment may be further to such consultation, as the Commission may decide is appropriate, with the parties bound by and/or affected by this Criteria Document.

2 COMMON PROCEDURES

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

The Common Procedures set out, in detail, the procedures to be followed by relevant parties in performing certain obligations and functions under this Criteria Document.

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

3 SCOPE

Where electrical works are carried out in any premises, responsibility for that installation resides with the contractor who carries out the work. It is important, from a public safety viewpoint, that such a contractor is technically competent and that they are registered with a Body. In order to ensure that any electrical contractors who are registered (i.e. RECs) meet the requirements with respect to the appropriate standards and competencies, the Body will have in place through its Rules of Registration, the relevant provisions relating to the enforcement of the requirements set further to this Criteria Document.

¹ Please refer to the Commission's "Vision for the Regulation of Electrical Contractors with respect to Safety – A Decision Document" (reference: CER/07/203, dated 8th November 2007)

Furthermore, the Body will have powers of inspection to ensure that the installation is in compliance with the Technical Rules (as defined in the “Definitions” section).

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

4 PROVISIONS

General:

The policies and procedures under which the Body shall operate shall be non-discriminatory and shall be administered in a non-discriminatory manner. The Body’s procedures shall not be used to impede or inhibit access by applicants for Registration or for certification of installations, other than as provided for in the criteria for Registration or the Technical Rules or such other rules as approved/specified by the Commission.

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

Legal and Governance:

This Criteria Document shall be interpreted, construed and governed in accordance with the Laws of Ireland. The Irish Courts will have exclusive jurisdiction in relation to any proceedings arising out of or in any way connected to this Criteria Document.

Priority:

In the event of any conflict between any Party’s obligations pursuant to any legal requirements of this Criteria Document, such conflict shall be resolved according to the following order of priority:

1. Requirements under the applicable primary and secondary legislation;
2. Any applicable requirement, direction, determination, decision instruction or rule of the Commission;
3. The Designation Conditions governing the appointment of the Body (in so far as applicable to the situation); and,
4. The detailed criteria including the Rules of Registration as set out in this Criteria Document.

Interpretation:

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

- The Table of Contents, any Preambles, Indexes, Footnotes and Headings in this Criteria Document are for ease of reference only and do not form

part of the contents of this Criteria Document and do not and shall not affect its interpretation;

- Any reference to legislation, primary or secondary, in this Criteria Document includes statutory interpretation, amendment, modification, re-enactment or consolidation of any such legislation and any regulations or orders made thereunder.

Data Protection:

Without prejudice to the generality of any other provision of this Criteria Document, each Party bound by this Criteria Document shall comply with the applicable requirements of Data Protection Legislation in respect of any Personal Data which it processes in the course of its activities in connection with this Criteria Document.

Freedom of Information Acts:

All Parties bound by this Criteria Document confirm and acknowledge that although they may inform the Body, any other Body or the Commission in writing that specific information pursuant to this Criteria Document may be classified as Confidential Information, it may be subject to disclosure in accordance with the provisions of the Freedom of Information Act 1997 and 2003.

Publication of this Criteria Document:

The Commission shall publish this Criteria Document and the published version of this Criteria Document shall be amended to reflect any changes as soon as such changes take effect.

The date of publication of the complete amended version of this Criteria Document shall not affect the date of coming into effect of the relevant change.

The Commission shall make available a list of pending changes which have been approved (if any) but have not yet come into effect.

Subcontracting:

The Body shall not sub-contract work related to its Core Activities to any other party unless it is further to the **prior and express** approval of the Commission.

Note: This would not preclude the Body from employing inspectors on a sub-contract basis, subject to the Commission's approval of same.

Term:

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

Version:

This Criteria Document is Version 1.0 of the Criteria Document.

5 DEFINITIONS

Act	means the Energy (Miscellaneous Provisions) Act 2006 (and any amendment thereto);
1999 Act	means the Electricity Regulation Act 1999 (as amended by the Act);
Annual Inspection and Audit Programme Performance Report	means the report produced by the Body under and in terms of Section B.3.5 of this Criteria Document;
Audit	means an audit by the Body in relation to RECs and pursuant to Section B.3 of this Criteria Document;
Audit and Inspection Procedure	means the procedure for Audit and Inspection drafted by the Body pursuant to Section B.3 of this Criteria Document;
Appeals Officer	means an officer who has been appointed under Section 9D(8)(a) of the 1999 Act to prepare a report to be furnished to the Commission;
Application	means an application by any party seeking registration with the Body which meets the requirements for application as set out in the Rules of Registration and Section B.2 of this Criteria Document;
Application Procedure	means the procedure for Applications drafted by the Body pursuant to Section B.1.4 and B.2.1 of this Criteria Document;
Applicant	means the electrical contractor applying to become an REC;
Authorised Officer	means an officer who has been appointed by the Commission under Section 9D(21) of the 1999 Act;
Body	means any person or persons appointed by the Commission, pursuant to the Act, to act as an Electrical Safety Supervisory Body;

Brand	means the name, logo and associated promotional materials/activities, associated with the Regulatory System, and as specified by the Commission;
Building Regulations	means those regulations made pursuant to the Building Control Acts 1990 to 2007;
Business Documentation	relates to all business cards, promotional documentation, quotation, invoice and receipt documentation issued by the REC;
Certificate of Appointment	means the certificate issued by the Commission to an Authorised Officer, confirming their appointment, functions, duties and powers and the terms and conditions associated with such appointment, including the period of validity of the appointment, and which must be presented, on request, by the Authorised Officer to any person affected when exercising a power conferred by that appointment;
Certificate of Registration	means the certificate issued by the Body to an REC as evidence of their registered status pursuant to Section 2.4.3 of this Criteria Document;
Certificates	means those certificates specified by the Commission for the purposes of the Certification System and which shall include those Certificates further to Section 9D(18) of the Act;
Certification	means the certification of electrical works further to “Common Procedure No.1 – Certification”;
Certification System	means the system for the certification of electrical works as prescribed by the Commission further to “Common Procedure No.1 – Certification”;
Commencement Date	means <i>[Date to be specified by the Commission]</i> ;

Commission	means the Commission for Energy Regulation as established further to the 1999 Act;
Common Procedure(s)	means those procedures set out under this Criteria Document and approved by the Commission, which shall be interpreted as being part of this Criteria Document and which may be amended from time to time;
Controlled Work	means any electrical works deemed to be Specified Works as defined and published by the Commission in accordance with the requirements of the Act and which, accordingly, require a Completion Certificate;
Core Activities	means those activities prescribed by the Commission, in accordance with the Act, and pursuant to Section B of this Criteria Document, which must be undertaken by the Body and carried out in accordance with the requirements specified by the Commission;
Criteria Document	means this Criteria Document which is specified and published by the Commission pursuant to the Act and as may be amended from time to time;
Customer	means, as the case may be, a customer of an REC, a Third Party or a customer of the DSO;
Customer Charter	means the charter published by the Body further to the requirements of Section B.5;

Data Protection Legislation	the Data Protection Act 1988 (as amended by the Data Protection Act 2003) , the Data Protection Directive (95/46/EC), the Electronic Communications Data Protection Directive (2002/58/EC) and all applicable laws and regulations relating to the processing of personal data and privacy as may be applicable from time to time;
De-Designation	means the loss of designation of the Body, or any other Body as the case may be, as an Electrical Safety Supervisory Body, further to a determination or direction by the Commission;
De-Registration	means, as the context so requires, the suspension or revocation of an REC's Registration with the Body;
Designated Work	means those class of works designated as such by the Commission under and in terms of Section 9E of the Act
Designation Conditions	means those conditions prescribed by the Commission in designating a Body and to which the designation of a Body is subject (and which may also be called "Terms and Conditions of Appointment");
Disciplinary Process	means the process and procedures applied by the Body and/or the Commission pursuant to Section D of this Criteria Document;
DSO or Distribution System Operator	means any person holding the licence granted under Section 14(1)(g) of the 1999 Act;
Electrical Safety Supervisory Body	has the meaning set out in Section 4 of the Act;
Electrical works	means the design, construction, inspection, testing, verification and/or certification of electrical installations;

Entitlement to Self-Certify	means the entitlement granted by the Body to the REC which allows a Qualified Certifier of the REC to certify, on behalf of the REC, works carried out by the REC in accordance with the requirements of this Criteria Document;
Evaluation Criteria	means the criteria for Registration drafted by the Body pursuant to Section B.2.3 of this Criteria Document;
Emergency Works Notice	means the notice issued by the Body pursuant to Section B.3.4.26 of this Criteria Document;
ETCI	means the Electro-Technical Council of Ireland;
FETAC	means the Further Education and Training Awards Council;
Hazard Notice	means the notice issued by the Body pursuant to Section B.3.4.21 of this Criteria Document;
Health and Safety legislation	those laws which are in force from time to time in relation to health and safety, which shall include but not limited to the Safety, Health and Welfare at Work Acts 1989 and 2005 and any regulations made thereunder;
Inspection	means the inspection by a Body upon an REC under and in terms of Section B.3 of this Criteria Document;
Inspection and Audit Programme	means the programme of Inspection and Audit produced by the Body under and in terms of Section B.3.5 of this Criteria Document;
Inspection and Audit Report	means the report produced by the Body under and in terms of Section B.3.4.17 of this Criteria Document;
Inspection Procedure	means the procedure for Inspections drafted by the Body pursuant to Section B.1.4 of this Criteria Document;

Named Qualified Certifier	means that Qualified Certifier named on the Application as further specified in Section B.1.2.7 of this Criteria Document;
National Craft Certificate	means the National Craft Certificate awarded by FETAC as part of the National Framework of Qualifications;
Non-Conformance Notice	means the notice issued by the Body pursuant to Section B.3.4.19 of this Criteria Document;
National Framework of Qualifications	means the framework for qualifications established, and recognised, by the National Qualification Authority of Ireland
Non-Registered Electrical Contractor or Non-REC	means an electrical contractor who is not registered with a Body but who meets the requirements to qualify for a Third Party Inspection in accordance with the “Common Procedure No. 2 – Third Party Inspection”;
Notice of Appeal	means a notice, as set out under, and in accordance with the requirements of the Act, and Section E of this Criteria Document, submitted by an REC appealing the decision of the Body to suspend or revoke the registration of the REC further to the conclusion of a Disciplinary Process as set out and further defined in Section D of this Criteria Document;
Performance Marking Scheme	means the scheme established and operated by the Body further to the requirements of Section B.3.4
Permitted Activities	means those activities which, in addition to the Core Activities, may be undertaken by the Body further to the requirements of Section B of this Criteria Document, subject to the prior and express approval of the Commission, and which must be carried out in accordance with any requirements specified by the Commission;

Personal Data	has the meaning set out in the Data Protection Act 1988 (as amended);
Principal Duty Holder	means the person appointed by the REC to the role of Principal Duty Holder as set out in Section C.1 of this Criteria Document and as approved by the Body further to that Section and the procedure produced pursuant to that Section;
Publish	means the release, making available and distribution to the industry and the general public of documentation and information in the form approved by the Commission, which shall include the presentation of the documentation and information through the website of the Body and the email distribution list (and/or postal distribution list) of all RECs registered with the Body;
Qualified Certifier	means the person(s) assigned the role of Qualified Certifier by the REC as set out in Section C.1 of this Criteria Document and in accordance with the requirements pursuant to that Section;
Quality Management System	means the system established and operated by the Body further to the requirements of Section B.1.6 and approved by the Commission
Register	means the Register of RECs published by the Body in accordance with Section B.5.2 of this Criteria Document;
Registered Associate	means a party who meets the criteria for Registration as specified by the Body further to Section B but who does not carry out electrical installation works on a commercial basis for any other party;
Registered Electrical Contractor or REC	means any party who is registered by the Body pursuant to the Act and who has not had their Registration suspended or revoked by the Body;

Registered Specialist Contractor	means a party who is competent to construct or install, test and certify specialised sub-system installations for connection to the main electrical installation;
Registration	means the confirming of a Party's registration further to the completion of the Application procedure (specified in Section B of this Criteria Document) and the associated entitlements arising from same;
Registration Decision Appeal	means an appeal by an electrical contractor to the Body's decision to reject the Application for Registration;
Registration Decision Appeal Procedure	means the procedure for appeals to the Body's Registration decisions drafted by the Body pursuant to Section B.1.4 and B.2.3.12 of this Criteria Document;
Registration Renewal Procedure	means the procedure for Registration renewals drafted by the Body pursuant to Section B.1.4 of this Criteria Document;
Registration Number	means the unique number issued by the Body to an REC upon the granting of Registration to the REC and shall be in accordance with any requirements specified by the Commission with respect to its format;
Regulated Work	means any electrical work which is either a Controlled Work or a Restricted Work, as defined and published by the Commission further to the requirements of the Act;
Regulatory Arrangements	means the requirements set out in, or arising further to the Act, this Criteria Document, the Designation Conditions and any directions/determinations made by the Commission or such other requirements pertaining to these as may be specified by the Commission from time to time, insofar as applicable to the context;

Regulatory System	means the system for the regulation of electrical contractors with respect to safety established by the Commission pursuant to the powers and provisions of Section 4 of the Act and this Criteria Document;
Restricted Work	means any electrical work which is deemed to be a Designated Work in accordance with the requirements of the Act and as defined and published by the Commission;
Revocation of Registration	means the permanent withdrawal by the Body of an REC's Registration;
Risk Monitoring System	means the system established and operated by the Body further to the requirements of Section B.3.2 and approved by the Commission
Rules of Registration	means those Rules of Registration as specified by the Body and approved by the Commission further to the provisions of Section B.2.6 of this Criteria Document;
Safe Pass and Manual Handling Courses	means those courses run by, or accredited, with FÁS (the National Training and Employment Authority);
Specified Works	means those class of works designated as such by the Commission under and in terms of Section 9D(27) of the Act;
Subsystem Certificate	means those certificates specified by the Commission for the purposes of the Certification System
Suspension of Registration	means the withdrawal by the Body of an REC's Registration for a period of time specified by the Body;
Suspension and Revocation Procedure	means the procedure for Suspension and Revocation drafted by the Body pursuant to Section B.1.4 of this Criteria Document;

Technical Rules

means the ETCI “National Wiring Rules” and other applicable standards currently in force, for the electrical works being undertaken and any other technical rules or standards as may otherwise be specified by the Commission in consultation with the ETCI and any such other parties as may be determined by the Commission;

Test Record Sheets

means Test Record Sheets as required by the Technical Rules (and, specifically, the ETCI National Wiring Rules) and further to the “Common Procedure No.1 – Certification”; and

Verification and Certification Course

Means the course specified by the Commission further to consultation with the ETCI.

NOTE: *Additional definitions relating to the Disciplinary Process are presented in Section D of this Criteria Document (see Section D.2).*