



AN BILLE UM RIALÁIL LEICTREACHAIS (LEASÚ) 2002
ELECTRICITY REGULATION (AMENDMENT) BILL 2002

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

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**RULES FOR THE RECOGNITION, LICENSING, OPERATION AND CONTROL
OF ELECTRICAL CONTRACTING SUPERVISORY BODIES**

ACTS REFERRED TO

Competition Acts 1991 to 1996

Electricity Regulation Act 1999

1999, No. 23

Electricity Regulation Acts 1999 to 2001



AN BILLE UM RIALÁIL LEICTREACHAIS (LEASÚ) 2002
ELECTRICITY REGULATION (AMENDMENT) BILL 2002

BILL

entitled

5 AN ACT TO AMEND THE ELECTRICITY REGULATION
ACT 1999, TO PROVIDE FOR THE REGULATION OF
THE ELECTRICAL CONTRACTING SECTOR IN THE
STATE BY THE COMMISSION FOR ELECTRICITY
10 REGULATION AND TO PROVIDE FOR RELATED
MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Electricity Regulation
(Amendment) Act 2002.

Short title,
collective citation
and
commencement.

15 (2) The Electricity Regulation Acts 1999 and 2000, and this Act
may be cited together as the Electricity Regulations Acts 1999 to
2002, and shall be construed together as one.

(3) This Act shall come into effect on a day to be appointed by
the Minister for Public Enterprise, within 90 days from the date of
enactment.

20 2.—(1) In this Act—

Interpretation.

“Act of 1999” means the Electricity Regulation Act 1999;

“Board” means the Electricity Supply Board;

25 “Technical Codes of Practice” means any code devised or adopted
by the Commission in respect of all technical aspects relating to con-
nection to and operation of electrical installations in domestic, com-
mercial, industrial or other premises in the State;

“Commission” means the Commission for Electricity Regulation;

30 “Connection Criteria” means the set of criteria devised by the Com-
mission and notified to the Board for the connection of installations
to the distribution and transmission system operated by, or on behalf
of the Board;

35 “Electrician” means any person or undertaking engaging in the
installation, repair, maintenance or construction of electrical instal-
lations in domestic, commercial, industrial, or other premises or pub-
lic place, but does not include an employed electrician or any person

acting in the capacity of Distribution System Operator or Transmission System Operator for the purposes of this Act;

“Electrical Contractor” means any person or undertaking engaging or employing one or more electricians for the purposes of the installation, repair, maintenance or construction of electrical installations in domestic, commercial, industrial, or other premises or public place; 5

“Employed Electrician” means any person who provides electrical contracting services for an Electrical Contractor or an undertaking in the normal course of his or her employment with that Electrical Contractor or undertaking (where that undertaking is not an electrical contractor) and who does not otherwise provide electrical contracting services for any other persons whatsoever on his or her own account; 10

“Electrical Contracting Industry” means the industry of all electricians and electrical contractors in the State; 15

“Electrical Contracting Services” means the provision of the services that electricians and electrical contractors provide in the normal course of business and includes the installation, repair or construction of electrical installations; 20

“Electrical Contracting Supervisory Body” means any undertaking engaged solely in the regulation and control of electrical contractors, electricians and registered employers, to ensure their compliance with Codes of Practice devised by the Commission and which are authorised by the Commission to ensure compliance with the connection and supply criteria devised by the Board, but does not include the Commission; 25

“Registered Employer” means an undertaking that engages Employed Electricians, to assist in the provision of electrical contracting services to that undertaking in the normal course of his or her employment with that undertaking and for the benefit of that undertaking; 30

“Registered member” means any electrician, electrical contractor or registered employer registered with an Electrical Contracting Supervisory Body; 35

“Rules” means the rules, guidelines and directions given by the Commission to any Electrical Contracting Supervisory Body concerning the conduct of their supervisory function.

Extension of the functions of the Commission for Electricity Regulation.

3.—Section 9 of the Act of 1999 is amended by the addition of the following paragraph after paragraph (e): 40

“(f) to ensure that the electrical contracting industry in the State operates to the highest possible standards of public safety, and to make such recommendations, or take such steps, including, subject to the consent of the Minister, the making of regulations, as may be necessary to achieve this objective.”. 45

4.—(1) Section 11 of the Act of 1999 is hereby amended by the substitution of the following subsection for subsection (1):

Extension of powers of authorised officers of the Commission.

“(1) In this section a ‘person to whom this section applies’ means the Board, a holder of a licence or an authorisation, or where applicable, an electrician, an electrical contractor, a registered employer or an electrical contracting supervisory body.”.

(2) Section 11(4) of the Act of 1999 is amended by the addition of the following paragraph after paragraph (d):

“(e) inspect any work on electrical installations carried out by an electrician or an electrical contractor, or for a registered employer in or on any premises in the State, save that where the consent of the owner of a domestic premises is required for such inspection, and is refused, such inspection can only proceed on foot of a warrant issued in accordance with *section 12* of this Act.”.

5.—The Act of 1999 is amended by the substitution of the following section for section 12:

Search Warrants.

“12.—If a judge of the District Court is satisfied on sworn information of an authorised officer that there are reasonable grounds for suspecting that there has been a contravention of a condition or requirement of a licence or an authorisation, or that work has been carried out at a premises that may require to be inspected by the authorised officer on grounds of public safety, or for the purposes of enforcing the control or supervision of electricians, registered employers and electrical contractors, the judge may issue a warrant authorising the authorised officer, accompanied by other authorised officers or members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so required of the warrant, to enter such premises as are specified in the warrant if need be by reasonable force, and exercise all or any of the powers conferred on an authorised officer under section 11.”.

6.—The Board shall not at any time, or where the Commission directs the Board, supply, connect or maintain the connection of any premises for the supply of electricity to that premises, unless the applicant for supply can produce a certificate in a form approved by the Commission, from an electrician or electrical contractor or registered employer, confirming that any electrical work carried out at that premises complies with the Connection Criteria, is in a safe condition and is in accordance with the Codes of Practice implemented by the Commission and confirming that the said electrician or electrical contractor or registered employer is a current member of an authorised electrical contracting supervisory body and duly authorised to issue such certificates.

Prohibition on connection to ESB network without certification of compliance with Connection Criteria.

7.—(1) All electricians, registered employers and electrical contractors must register on an annual basis with an electrical contracting supervisory body.

Obligation of registration on electricians and electrical contractors.

(2) Notwithstanding the provisions of the Competition Acts 1991 to 1996, no electrician, registered employer or electrical contractor can be registered to more than one electrical contracting supervisory body at the same time.

(3) Any person who—

- (a) engages in the installation, maintenance, repair or construction of electrical installations and is not currently registered or the subject of registration with an electrical contracting supervisory body at the time of engaging in such work, 5
- (b) makes any false or misleading statement in, or for the purposes of, any application, document, notice or other matter required under this Act,
- (c) being a registered contractor, who has been notified of the suspension or revocation of registration, misrepresents or misleads the Board or any person of the status or currency of registration, or 10
- (d) proffers a form or certificate required under *section 6* of this Act while not authorised or permitted to do so; or 15
- (e) while registered with one electrical contracting supervisory body, applies for membership to, or joins another electrical contracting supervisory body;
- (f) offers to provide, or provides, electrical contracting services, without being authorised to do so under this Act; 20
- (g) leaves an electrical installation in an unsafe condition, or in a condition that could pose some risk or threat to the public;

is guilty of an offence and liable on summary conviction to a fine not exceeding €1,904.61 or imprisonment for a term not exceeding 12 months or at the discretion of the District Court to both fine and imprisonment. 25

Electrical
Contracting
Supervisory Bodies.

8.—(1) The Commission may licence a person or group of persons to be an authorised electrical contracting supervisory body.

(2) An authorised electrical contracting supervisory body shall be solely concerned with the supervision of registered employers, electricians and electrical contractors and shall operate to ensure that the codes of practice devised by the Commission are applied by the electricians, registered employers and electrical contractors regulated by that body. 30
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(3) In the conduct of its functions each electrical contracting supervisory body shall have regard to any Rules, Codes of Practice or connection and supply criteria devised by the Commission.

(4) The Electrical Contracting Supervisory Bodies shall, subject to this Act, control and supervise persons providing electrical contracting services and maintain and improve standards in the provision by them of those services. 40

(5) Without prejudice to the generality of *subsection (4)*, the Electrical Contracting Supervisory Bodies shall,

- (a) monitor the provision of electrical contracting services by registered members; 45
- (b) inspect work on premises and installations carried out by registered members;

- (c) implement the Rules, Technical Codes and criteria specified by the Commission;
- 5 (d) follow any direction given by the Commission in relation to the supervision of registered members or the conduct of its own affairs;
- (e) devise criteria for the admission of registered members that comply with the Codes of Practice and Connection Criteria laid down by the Commission;
- 10 (f) inspect the technical competence, equipment and standard of work of persons providing electrical contracting services and seeking registration or continuation and renewal of registration with the body;
- 15 (g) provide for the registration of persons involved in electrical contracting work whose place of incorporation is outside the State on the basis of the criteria for the recognition of such persons laid down by the Commission;
- (h) investigate complaints or concerns raised by any member of the public against a registered member;
- 20 (i) ensure that registered members are complying with the connection criteria and the Technical Codes of Practice devised by the Commission;
- (j) agree with the Commission the form of certificate required under *section 6* of this Act and enforce the issuance of such certificates by registered members;
- 25 (k) administer appropriate procedures for the maintenance of high standards of public safety among registered members, including the operation of a disciplinary procedure where registered members are found to be in breach of the rules, codes and criteria that apply to registered members;
- 30 (l) subject to the review and approval of the Commission, devise rules for the conduct of the body's own affairs and maintaining as its sole objective the maintenance of the highest possible standards of public safety among registered members engaged in the provision of electrical contracting services;
- 35 (m) undertake or commission or assist in research projects and activities relating to the provision of electrical contracting services, including the compilation of statistical information and other records necessary for the proper planning, development and provision of those services in a way that respects the need for public safety;
- 40 (n) co-operate with the Commission, and other Electrical Contracting Supervisory Bodies to ensure that the needs of public safety in the provision of electrical contracting services are respected and at the highest possible standard;
- 45 (o) report to the Commission on an annual basis in relation to the conduct of its affairs.

(6) No Electrical Contracting Supervisory Body shall register any electrician or electrical contractor or registered employer who has previously been a registered member with any other Electrical Contracting Supervisory Body and is still subject to the disciplinary process of that other body.

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The Commission
for Electricity
Regulation and the
regulation of the
Electrical
Contracting Sector.

9.—(1) In exercise of its functions under this Act and the Act of 1999, the Commission shall:

- (a) following a period of public consultation with relevant parties, determine standards for all electrical contracting services and prepare a Technical Code of Practice that incorporates both nationally recognised and international technical standards and rules. The Code of Practice shall incorporate the matters referred to in *Schedule 1* of this Act; 10
- (b) subsequent to the adoption of the Code of Practice, publish a set of Connection Criteria that shall be notified to the Board for the purposes of *section 6* of this Act. The Connection Criteria shall incorporate the matters outlined in *Schedule 2* of this Act; 15
- (c) devise a set of rules for the recognition, licensing, operation and control of Electrical Contracting Supervisory Bodies dealing with issues concerned with the regulation of registered members in the interests of public safety and including issues of co-operation between such bodies. The Rules shall incorporate the matters outlined at *Schedule 3* of this Act; 20 25
- (d) endeavour to ensure that the electrical contracting industry is operated in a manner that maintains the requirements for the highest possible standards of public safety;
- (e) set the appropriate licence fee that each Electrical Contracting Supervisory Body shall pay to the Commission in respect of the performance by the Commission of its functions under this Act and provide for the levy and collection of this fee in the course of charges applied by Electrical Contracting Supervisory Bodies on registered contractors for the purposes of this Act. 30 35

Amendment of
section 29 of the
Act of 1999 dealing
with Appeals
panels.

10.—(1) Section 29(1) of the Act of 1999 is hereby amended by the addition of the following paragraph after paragraph (b):

- (c) a person who wishes to appeal a decision relating to the exercise by the Commission of its functions to regulate the electrical contracting sector in the State. 40

(2) Section 29(2) of the Act of 1999 is hereby amended by the addition of the following paragraph after paragraph (c):

- (d) to refuse to licence an Electrical Contracting Supervisory Body, or in relation to the Commission's determination of any matter decided by such a body in respect of a current or former registered member and subsequently appealed to the Commission for determination. 45

SCHEDULE 1

TECHNICAL CODES OF PRACTICE

Any Technical code of Practice adopted by the Commission for the purposes of this Act shall take account of the following matters:

- 5 1. The requirements of the International Electro-Technical Commission (IEC) and the European Committee for Electro-Technical
10 Standardisation (CENELEC) and the relevant publications, codes of practice and rules of the Electro-Technical Council of Ireland (ETCI) including the National Rules for Electrical Installations.
2. The National Code of Practice for Customer Interface published by the Board.
3. The relevant guidelines, regulations and requirements of the National Authority for Occupational Health and Safety.
- 15 4. The need for and importance of testing and certification of all electrical installations.
5. The issuance of appropriate certificates to consumers and suppliers by electricians and contractors to signify that work to electrical installations has been carried out in accordance with the
20 Technical Codes of Practice.
6. Relevant codes published by the Board and agreed by the Commission.
7. Relevant Directives, Statutory Provisions and provisions having legal effect.

25 SCHEDULE 2

CONNECTION CRITERIA

The Connection Criteria issued by the Commission shall take account of the following matters:

- 30 1. The National Rules for Electrical Installations published by the ETCI.
2. Technical Codes of Practice issued by the Commission.
3. The need to ensure that work carried out to installations is completed to the highest possible standard of safety and can be manifestly demonstrated as such.
- 35 4. The importance of ensuring that the Electrical Contracting Supervisory Bodies operate effectively.
5. The circumstances in which the Board or any other person should not permit or facilitate connection or supply are set out adequately.
- 40 6. The procedures that should apply for connection in circumstances where an Electrical Contracting Supervisory Body has disciplined a registered member.

SCHEDULE 3

RULES FOR THE RECOGNITION, LICENSING, OPERATION AND CONTROL OF ELECTRICAL CONTRACTING SUPERVISORY BODIES

In devising the rules for the recognition, licensing, operation and control of Electrical Contracting Supervisory Bodies, the Commission shall take account of the following matters: 5

1. The need for the Electrical Contracting Supervisory Body to have a definite legal structure. The aims of the Body should be incorporated in a Memorandum of Association or rules.
2. The Electrical Contracting Supervisory Body must not operate 10
in any way as a trade association.
3. The Electrical Contracting Supervisory Body shall be impartial and shall have:
 - (a) a structure, which requires the choosing of members of its governing body from among those interests, involved 15
without any single interest predominating;
 - (b) personnel under a senior executive responsible to the Board of Directors to carry out the day-to-day operations.
4. Membership should be confined to technically competent electricians or electrical contractors and registered employers who 20
have been assessed in accordance with the criteria of a scheme for assessment of electrical installation contractors approved by the Commission.
5. The Commission shall specify guidelines to the Electrical Contracting Supervisory Bodies to grant recognition and membership 25
to contractors from outside the State, whose skills and experience are equivalent to the levels required for admission to membership of such bodies.
6. There should be built into the system a form of disciplinary procedure to ensure that standards are maintained and appropriate 30
penalties apply to members who breach these stipulated standards, including the removal of the right of self certification.
7. A Supervisory Body must have a *bona fide* management structure that ensures technical competence. There should be a full-time manager appointed to manage the Body. There should in 35
addition be sufficient technically competent persons employed to enable the Supervisory Body to carry out the number of inspections on its members as stipulated in the scheme for assessment of electrical installations for electrical contractors. A person carrying out these inspections shall not be a member of an Elec- 40
trical Contracting Supervisory Body. Adequate records should be maintained of all inspections and assessments undertaken for the purposes of this Act.
8. The inspectors of the Supervisory Body shall be employees and shall be competent for the functions they undertake. Information 45
on the relevant qualifications, training and experience of each member of its inspectorate shall be maintained with the Supervisory Body and available to the Commission. Records of training and on-going experience shall be kept up to date.

- 5 9. The Supervisory Body shall have a Quality Manual and documented procedures for its operations. This manual and procedures must meet the requirements of the Commission. The Supervisory Body will be audited by the Commission against these procedures.
- 10 10. Completion certificates should only be sold to members. The Supervisory Body must operate a competent office and administrative procedure to ensure that the Body retains records of all certificates completed by members. Members may not certify new installations not constructed by them without specific authority from the Supervisory Body.
- 15 11. There shall be a procedure to deal with consumer complaints. The Supervisory Body is concerned solely with the safety and technical standard of the electrical work carried out by its members and therefore can only deal with complaints relating with this.
- 20 12. The Supervisory Body shall have procedures for the consideration of appeals against its decisions regarding membership or disciplinary actions.
- 20 13. Members of the Supervisory Body must provide evidence of tax compliance and adequate public and employer liability insurance cover.
- 25 14. The Supervisory Body must have in place a system for training its members to ensure that they are kept up to date with testing procedures and changes in the Wiring Rules.



AN BILLE UM RIALÁIL LEICTREACHAIS (LEASÚ) 2002
ELECTRICITY REGULATION (AMENDMENT) BILL 2002

EXPLANATORY MEMORANDUM

General

This Bill chiefly provides for a system of regulation, in the interests of public safety, of the electrical contracting sector in Ireland. The main provisions contained in the Bill are—

- (a) an extension of the functions for the Commission for Electricity Regulation to oversee safety and technical standards in the electrical contracting sector in Ireland; and
- (b) imposition of an obligation on electrical contractors, electricians and employers of electricians operating in factory environments, to register with an Electrical Contracting Supervisory Body who will supervise electricians, electrical contractors and registered employers and ensure adherence with appropriate technical codes.

Commencement of the Act

The Act shall be commenced upon a date to be appointed by the Minister for Public Enterprise within ninety days from the date of enactment of the legislation.

Financial implications for the Exchequer

It is intended that the system of regulation established under this Bill shall be self-financing and impose no additional drain on the Exchequer.

Detailed provisions

Section 1 is a standard provision setting out the short title of the Bill, providing for the commencement of the Act on the appointed day and providing for the collective citation and construction of the Electricity Regulation Acts 1999 to 2002.

Section 2 contains the general interpretation section and is a standard provision. The section defines the categories of persons whose activities are covered by the Bill and include an electrician, an electrical contractor and an employed electrician. The section also defines an Electrical Contracting Supervisory Body and defines the nature of the work to which it applies.

Section 3 formally extends the functions of the Commission for Electricity Regulation ensuring that the electrical contracting industry operates to the highest possible standards of public safety.

Section 4 confers powers on the Commission to inspect work on electrical installations in the State, and provides that inspection in a domestic premises can only be forcibly permitted on foot of a Court Order.

Section 5 formally extends the provisions of section 12 of the Electricity Regulation Act 1999 by conferring authority on a judge of the District Court to order an inspection of premises under the Act.

Section 6 contains a formal prohibition on the ESB to connect premises for supply of electricity without proper evidence that the electrical installations on the premises have been completed by an electrician, electrical contractor or registered employer who has complied with the technical and public safety codes and is a member of an Electrical Contracting Supervisory Body.

Section 7 obliges all electricians, registered employers and electrical contractors to register annually with an Electrical Contracting Supervisory Body. *Section 7* also provides that in the interest of public safety, and to overcome a shortcoming with the existing system of regulation, no electrician, registered employer or electrical contractor can be registered to more than one Electrical Contracting Supervisory Body. *Section 7* also creates a number of offences relating to the unauthorised installation, maintenance, repair or construction of electrical installations. These sections are aimed at ensuring that the Act is enforceable and to encourage electrical contractors, electricians and registered employers to join an Electrical Contracting Supervisory Body. *Section 7* provides that anybody found guilty of an offence may face a fine not exceeding €1,904.61 or imprisonment for a term not exceeding 12 months, or both.

Section 8 provides for the establishment, recognition and operation of Electrical Contracting Supervisory Bodies. An Electrical Contracting Supervisory Body is an organisation that is solely dedicated to and concerned with the supervision of electricians and electrical contractors. The Body must ensure that they operate to the highest standards of public safety and comply with all codes, rules and requirements necessary to ensure that electrical work is carried out safely. Electrical Contracting Supervisory Bodies should be licensed by the Commission for Electrical Regulation and *section 8* sets out the functions and roles of the Electrical Contracting Supervisory Bodies. In particular it specifies how these functions should relate to the maintenance of public safety in the electrical contracting sector.

Section 9 specifies the precise functions of the Commission for Electricity Regulation in the regulation of the electrical contracting sector including the determination of technical codes of practice, the establishment of connection criteria for the supply of electricity and the establishment of rules for the recognition, licensing, operation and control of Electrical Contracting Supervisory Bodies. The detail for the codes, Connection Criteria and rules for Electrical Contracting Supervisory Bodies are laid out further in *sections 1* to *3* of the Bill. The Commission is also charged with setting the appropriate license fee that each Electrical Contracting Body should pay to the Commission in respect of the performance of the function under the Act.

Section 10 extends the current appeal procedure that applies to the Commission for Electricity Regulation to disputes relating to the regulation of the electrical contracting sector in the State.

Schedule 1 contains the technical codes of practice and addresses the matters that the Commission for Electricity Regulation should take account of when devising such codes.

Schedule 2 addresses the matters concerning the connection criteria that the Commission needs to take account of.

Schedule 3 outlines the rules for the recognition, licensing, operation and control of Electrical Supervisory Bodies and specifies the matters that the Commission must have regard to when devising such rules.

An Teachta Séamus Ó hUiginn,
Feabhra, 2002.