



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**Extension of the Registered Gas Installer Scheme to  
include Non-Domestic Gas Works  
Consultation Document**

DOCUMENT TYPE:	<b>Consultation Document</b>
REFERENCE:	<b>CER/14/425</b>
DATE PUBLISHED:	1 <sup>st</sup> August 2014
CLOSING DATE:	12 <sup>th</sup> September 2014
RESPONSES TO:	Paul Byrne (pbyrne@cer.ie)

*The Commission for Energy Regulation,  
The Exchange,  
Belgard Square North,  
Tallaght,  
Dublin 24.  
[www.cer.ie](http://www.cer.ie)*

## Target Audience:

This consultation paper is aimed at the commercial gas installer industry, the gas industry, other stakeholders and the general public.

## Related Documents:

- *A Natural Gas Safety Regulatory Framework for Ireland* (ref. CER/07/172);
- *Vision for the Regulation of Gas Installers with Respect to Safety* (ref. CER/07/225);
- Criteria Document for the Regulation of Gas Installers with respect to safety (ref. CER/08/130);
- Safety Regulation of the Liquefied Petroleum Gas Industry in Ireland – Policy Paper (ref. CER/09/082);
- Gas Works Final Decision Paper (ref. CER/09083);
- I.S. 813 Domestic Gas Installations;
- I.S.820 Non-Domestic Gas Installations;

Responses to this consultation should be returned by email, post or fax and marked for the attention of **Paul Byrne** at:

The Commission for Energy Regulation,  
The Exchange,  
Belgard Square North,  
Tallaght,  
Dublin 24.

Fax: 01 4000850

Email: [pbyrne@cer.ie](mailto:pbyrne@cer.ie)

**The CER intends to publish all submissions received.** Respondents who do not wish part of their submission to be published should mark this area clearly and separately or enclose it in an Appendix, stating the rationale for not publishing this part of their comments.

## Executive Summary

Works carried out on domestic gas installations are regulated under law by the Commission for Energy Regulation (CER). These works can only be completed by a Registered Gas Installer (RGI) who is on the list of the Register of Gas Installers Ireland (RGII). The RGII was designated by CER as the Gas Safety Supervisory Body (GSSB) in 2008 to carry out the day to day functions of the Register Gas Installer (RGI) Scheme. The role of the GSSB is to regulate the work of gas installers in Ireland, with respect to safety, on behalf of the CER. To date, this work has been restricted to gas works conducted on domestic type appliances in the Irish market.

It is currently an offence under the Electricity Regulation Act 1999, as amended, for an individual who is not registered as an RGI to carry out 'Gas Works', which has been defined in law as the installation, removal, repair, servicing, maintenance or replacement (of any combination of the foregoing) of a Natural Gas or LPG fitting covered by I.S. 813 and/or I.S EN 1949, which is used or designed to be used by a domestic customer or used or designed to be used by a domestic customer but which is installed in a commercial or industrial premises. The CER has successfully taken a number of related prosecutions in this regard.

Given that health and safety legislation already existed regarding workers and the workplace the RGI regulatory scheme initially prioritised the domestic gas sector.

The CER, in previous decision documents (CER/09/083 and CER/11/022), indicated that in order to further promote gas safety it intended in time to extend the RGI regulatory model, by designating those works on Natural Gas and LPG fittings designed to be used by commercial gas customers as 'Gas Works' once a number of conditions existed.

It is proposed that in this paper commercial gas customers be defined as those end users who use gas (both Natural Gas and LPG) for commercial business and institutional purposes, e.g. leisure and hotel facilities, restaurants, warehousing, office accommodation, mobile catering and hospitals utilising gas appliances for purposes such as catering and heating. This type of customer typically consumes between 73,000 kWh and 5,500,000 kWh per annum and the works is covered under I.S. 820 which relates to non-domestic appliances

In undertaking this consultation, the CER is mindful of the safety benefits the domestic scheme has provided domestic consumers since it was introduced in 2009. The CER primarily implemented the safety standards in the home to enhance public safety. Now the CER is proposing to extend the regulatory scheme to promote higher safety standards for commercial environments.

The CER is undertaking this consultation to obtain the views of relevant stakeholders regarding the extension of the current RGI scheme. In reaching this decision to consult on the issue of expanding the scheme to include non-domestic works, the CER is also mindful of several safety related incidents pertaining to non-domestic gas works installations that have occurred in the last number of years. At present there is no regulatory requirement for these gas works to be completed by a registered installer. The extension of this regulatory model to include non-domestic Gas Works will make it illegal for an unregistered individual to carry out such works.

Health and safety legislation currently exists regarding the workplace, whereby commercial customers are required to retain the services of competent contractors to undertake work including gas works. Given that a large number of commercial gas customers may not be in a position to easily determine the competence of any gas installer themselves, the requirement that only registered individuals are allowed to undertake non-domestic gas works would aid the commercial gas customer in determining the competence of the gas installer, i.e. any registered gas installer can be deemed competent by virtue of having the relevant qualifications to meet the scheme entry requirements.

It should be noted that if the final CER decision document indicates that it is appropriate for non-domestic Gas Works to be included in the RGI regulatory model further work will be required by CER in 2015, including the following:

- Working with stakeholders in developing the non-domestic Gas Works Regulatory Model;
- Amending of secondary legislation by CER to allow for the new definition of Gas Works; and
- An appropriate publicity campaign will be required to ensure that all relevant stakeholders are aware of the amendment to the regulatory scheme.

## Table of Contents

<b>Executive Summary .....</b>	<b>3</b>
<b>1.0 Introduction .....</b>	<b>1</b>
1.1 The Commission for Energy Regulation.....	1
1.2 Background to the Registration of Gas Installers .....	1
1.3 Purpose of this paper.....	2
1.4 Background Information.....	3
1.5 Structure of this paper.....	4
1.7 Responding to this paper .....	5
<b>2.0 Legislative Context of Registered Gas Installer Scheme .....</b>	<b>6</b>
2.1 Introduction.....	6
2.2 The Electricity Regulation Act 1999 (the '1999 Act').....	6
2.2.1 High level Provisions .....	6
2.2.2 Specific Provisions .....	7
2.3 Other Relevant Legislation.....	8
<b>3.0 Scope of Non-domestic Gas Works .....</b>	<b>10</b>
3.1 High Level Overview .....	10
<b>4.0 Issues pertaining to the extension of the RGI scheme to include Commercial Gas Works .....</b>	<b>11</b>
4.1 Overview.....	11
4.2 Safety Risks Associated with the Utilisation of Gas by Domestic and Commercial Customers.....	11
4.2.1 Overview .....	11
4.2.2 Conclusion .....	13
4.4 The suitability of the Regulatory model in the 1999 Act to Domestic and Commercial Customer Environments .....	15
4.4.1 Overview .....	15
4.4.3 Possible Regulatory Model.....	18
<b>5. The Proposal on the Scope of Gas Works related to Non-domestic Works.....</b>	<b>20</b>
5.1. Installers Category Types .....	20
5.1.1 One installer category type RGI. ....	20
5.1.2 Two installer category types,.....	21
5.1.3 Four distinct installer category types; .....	22
5.2 Non-Domestic Gas Work Exceptions .....	24
5.4 Training and Assessments.....	25
5.5 Scheme Entry Requirements .....	26
<b>6.0 Next Steps.....</b>	<b>28</b>
<b>Appendix B – Glossary of Terms .....</b>	<b>29</b>

## **1.0 Introduction**

### **1.1 The Commission for Energy Regulation**

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

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

In 2014 the CER was appointed as Ireland's economic regulator of the Irish public water and wastewater sector.

The CER's 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 the Registration of Gas Installers**

Under the provisions of the Energy (Miscellaneous Provisions) Act 2006 (the '2006 Act'), the CER has responsibility for regulating the activities of gas installers with respect to safety.

In 2007, the CER outlined its vision for the regulation of the gas installer industry with respect to safety (ref: CER/07/172). This document outlined the overall strategic objective of the Framework to ensure that adequate measures are taken to protect life and property from the dangers associated with natural gas by ensuring that gas related activities within the scope of the CER's responsibilities are carried out in a safe manner, which takes account of and mitigates against the risks associated with the storage, transportation, supply and use of gas.

This Framework document provided a vision for a comprehensive regime relating to the regulation of gas installers. The key aim of this regime is that all categories of 'gas works' designated by the Commission are only undertaken by competent gas installers who are registered, and subject to ongoing regulation and inspection, by the Gas Safety Supervisory Body (GSSB) appointed by the CER. The connection and re-connection of customers' installations to the gas supply network and the servicing of such installations are recognised as important safety risk issues. The importance of customer education and awareness of the risks posed by the utilisation of gas is also considered an important issue.

Subsequently RGII was appointed by the CER to act as the GSSB for a period of seven years commencing in January 2009.

The CER has published a Criteria Document which outlines how the GSSB should operate on a day-to-day basis. This document was originally published in 2008 and the most recent version (ref: CER/08/130) is available on the CER website.

Separately the CER has introduced legal requirements which mean that, by law, only Registered Gas Installers (RGIs) can carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of Gas Fittings covered by I.S. 813 and/or I.S. EN 1949, which is used or designed to be used by domestic customers or used or designed to be used by a domestic customer but which is installed in a commercial or industrial premise. The CER has also prosecuted a number of individuals that have undertaken relevant gas works while not being registered.

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

The CER will appoint a GSSB, as required by law, for the next designation period commencing January 2016. This issue is being discussed in a separate CER Consultation Paper (ref: CER/14/131).

### ***1.3 Purpose of this paper***

The purpose of this consultation process is to consider the merits and issues associated with the proposed extension of the current RGI regulatory model and the definition of Gas Works to include those works regarding the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) covered by I.S 820 used or designed to be used by a commercial customer or used or designed to be used by a commercial customer but which is installed in an industrial or domestic premises.

Commercial gas customers may be defined as those end users who use gas (both Natural Gas and LPG) for commercial business and institutional purposes, e.g. leisure and hotel facilities, restaurants, warehousing, office accommodation, mobile catering and hospitals utilising gas appliances for purposes such as catering and heating. This type of customer typically consumes between 73,000 kWh and 5,500,000 kWh per annum. This definition of a commercial gas customer applies throughout this consultation document.

The scope of this consultation is limited to the CER's high level proposals for the broad scope of extending the regulatory model and the definition of Gas Works to include those works on non-domestic fittings (covered by IS. 820) used or designed to be used by commercial customers or in industrial and domestic premises and associated issues.

The following areas are not in scope for this consultation:

- Any changes required following consultation in current standards, or technical documents, relating to the current scope of non-domestic Gas Works. If any such amendments were required the CER would liaise with the National Standards Authority of Ireland (NSAI) on this matter;

- Any changes required following consultation to the way the CER interacts with external bodies; and,
- The current RGI regulatory model regarding domestic gas.

## **1.4 Background Information**

The CER designated the RGI as the GSSB in December 2008. The role of the GSSB is to regulate the work of gas installers in Ireland, with respect to safety, on behalf of the CER. RGI commenced registering Natural Gas installers in January 2009 with the regulatory system becoming fully operational in June 2009 in line with the commencement of S.I. No. 225 of 2009.

The CER published its final decision paper on the Scope of Gas Works with regard to Natural Gas (ref. CER/09/083) in May 2009. This decision was subsequently translated into regulations (S.I. No. 225 of 2009), as required under the 1999 Act, on the 26<sup>th</sup> June 2009. S.I. No. 225 of 2009 outlines those Gas Works, regarding Natural Gas fittings, that can only be carried out by a RGI, i.e. the installation, removal, repair, servicing, maintenance or replacement (or any combination of the forgoing) of a Natural Gas fitting covered by I.S. 813, which is designed to be used by a domestic customer, or which is designed to be used by a domestic customer but which is installed in a commercial or an industrial premises.

On 27<sup>th</sup> June 2011 the CER amended the definition of Gas Works to include LPG fittings covered by I.S.813 and/or I.S. EN 1949. This amended definition of Gas Works was defined in S.I. 299 of 2011.

The CER, in previous documents (CER/09/083 and CER/11/022), indicated that it was envisaged to designate those works on gas fittings designed to be used by commercial gas customers as Gas Works in the medium term, when the following conditions exist:

- a) The new regulatory system has operated successfully in the domestic sphere for a reasonable period of time;
- b) Appropriate training course/courses and award(s) which relate directly to commercial gas works is/are widely available in the commercial arena for a reasonable period of time; and
- c) A competency assessment process is in place which enables the competence of an individual to be formally assessed against the provisions of the standards applicable to the non-domestic gas work (I.S. 820 and other relevant standards).

The CER is of the view that a above conditions exist, or are nearing the final stages of implementation. The regulatory scheme has operated well since its introduction and CER is committed to the scheme's continuous improvement to address any issues. In relation to training, even though training courses and assessments are not yet widely available training providers are in the process of engaging with Quality and



Qualifications Ireland (QQI) to put these in place. The CER is confident that should this regulation be introduced, appropriate training courses will be developed by training providers. Therefore, the CER is satisfied that now is the appropriate time to consult on extending the RGI scheme to include the undertaking of non-domestic Gas Works (both Natural Gas and LPG) regarding gas appliances used by commercial customers.

The CER is **not** proposing to extend the regulatory model and the amendment of the definition of Gas Works to include those works on gas fittings used or designed to be used by Industrial customers at this stage. Industrial customers may be described as those end users who use gas for primarily industrial business purposes. Examples of these purposes include chemical processing, glass making, construction industry products, etc. utilising purpose designed industrial gas-burning equipment and processes. Industrial customers may be referred to as either; (i) Daily Metered (DM) customers where the gas consumption is between 5,550,000 kWh and 57,500,000 kWh per annum, or (ii) Large Daily Metered (LDM) customers where the gas consumption is in excess of 57,500,000 kWh per annum. This area is specialised and covered by extensive Health and Safety legislation.

### ***1.5 Structure of this paper***

This paper is structured as follows:

- Section 2:** Describes the legislative context and provisions relating to the designation of gas works.
- Section 3:** Outlines the high level potential options for the broad scope of Commercial gas works.
- Section 4:** Provides an overview of the policy considerations with respect to any decision on the appropriate scope of Commercial gas works.
- Section 5:** Discuss the CER's proposals with respect to the definition of Commercial gas works and invites comment from the public and industry.
- Section 6:** Sets out the next steps in this process and the CER's timetable for this consultation and the subsequent decision.

## ***1.7 Responding to this paper***

Comments should be sent to Paul Byrne, Gas Safety Supervision Analyst, no later than 12<sup>th</sup> September 2014. Comments in electronic format to [pbyrne@cer.ie](mailto:pbyrne@cer.ie) are preferable; however comments may also be posted or faxed to the CER at the following address:

The Commission for Energy Regulation,

The Exchange,

Belgard Square North,

Tallaght,

Dublin 24.

Fax: 01 4000850

**The CER intends to publish all submissions received.** Respondents who do not wish part of their submission to be published should mark this area clearly and separately or enclose it in an Appendix, stating the rationale for not publishing this part of their comments.

## 2.0 Legislative Context of Registered Gas Installer Scheme

### 2.1 Introduction

The 1999 Act (as amended) gave CER the responsibility for the regulation of gas installers with respect to safety. The provisions relating to *gas works* covered by the scheme specifically are outlined in Section 2.2 of this paper.

### 2.2 The Electricity Regulation Act 1999 (the '1999 Act')

#### 2.2.1 High level Provisions

Section 9G of the 1999 Act<sup>1</sup>, provides for –

- (1) *The CER, having consulted with such persons as it considers appropriate, and with the consent of the Minister, may by regulations designate a class or classes of works to be gas works.*
- (2) *In this section 'works' means work which is related to the installation, removal, repair or replacement of a natural gas fitting or LPG fitting.*

Section 2(1) of the 1999 Act<sup>2</sup>, defines a natural gas fitting as:

*Any appliance, apparatus or other thing including associated pipework and flueing which is used or designed to be used by –*

- (a) a domestic customer, or*
- (b) such class or classes of industrial customer or commercial customers as the CER may specify from time to time,*

*in connection with the consumption or use of natural gas whether the appliance, apparatus or thing is the property of a natural gas undertaking or otherwise.*

Section 2(1) of the 1999 Act<sup>3</sup>, defines a LPG fitting as:

*Any non-portable appliance, apparatus or other thing including associated pipework and flueing which is used or designed to be used by –*

---

<sup>1</sup> Inserted by Section 13 of the '2006 Act'.

<sup>2</sup> Inserted by Section 11 of the '2006 Act'.

<sup>3</sup> Inserted by the Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010.

- (a) *a domestic customer, or*
- (b) *such class or classes of industrial customer or commercial customers as the CER may specify from time to time,*
- in connection with the consumption or use of LPG.*

Once *gas works* are designated by the CER, the 1999 Act makes it illegal for any person other than an RGI to carry out such works.<sup>4</sup> In such instances a person who is guilty of this offence will be liable to a fine of up to €5,000 and/or a prison term of up to six months upon summary conviction or conviction on indictment which can have an associated fine of up to €15,000 and/or a prison sentence of up to three years.

On 27<sup>th</sup> June 2011 the CER amended the definition of Gas Works to include LPG fittings covered by I.S.813 and/or I.S. EN 1949. This amended definition of Gas Works was defined in S.I. 299 of 2011.

### **2.2.2 Specific Provisions**

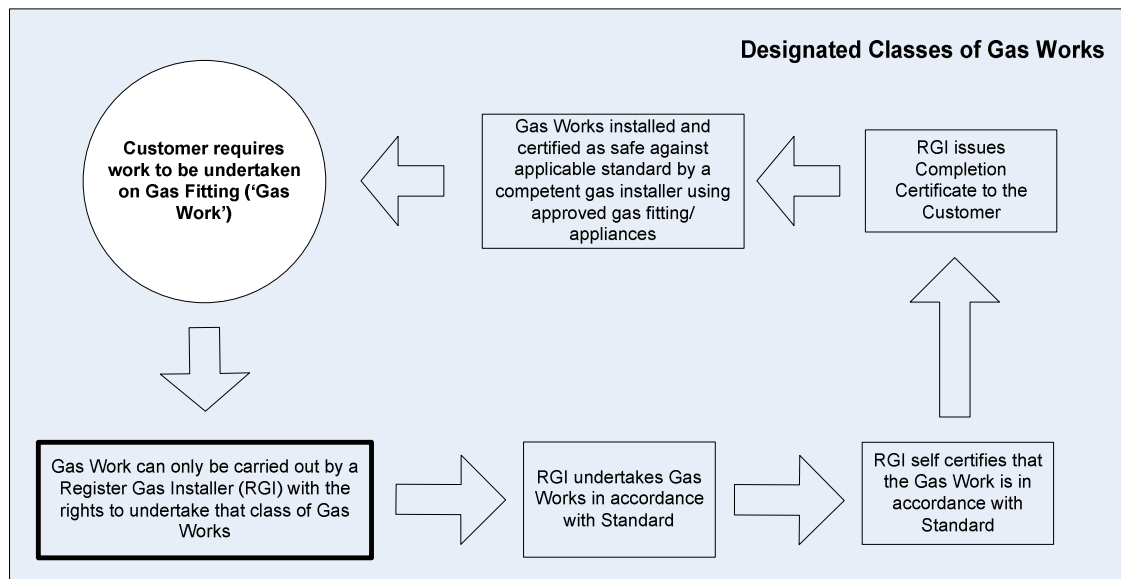
The 1999 Act also contains specific requirements related to *gas works* including:

- *gas work* must be carried out in accordance with the safety requirements specified by the CER,
- gas installers must issue an appropriate completion certificate to the customer for any *gas work* carried out.
- the CER is required to “*specify a form of completion certificate*” to be used by gas installers in the above instance.

The above provisions highlight the link between the customer, the gas installer and the regulatory system, as illustrated in Diagram 1 below.

---

<sup>4</sup> There are certain limited exemptions for system operators, gas emergency officers and gas safety officers carrying out their functions.



**Diagram 1: Operation of the Regulatory System**

### **2.3 Other Relevant Legislation**

In addition to the 1999 Act, the *Safety, Health and Welfare at Work Act 2005* (the '2005 SHWAW Act') and regulations made under that Act are also relevant to all workers while at work, including in a domestic setting. The 2005 SHWAW Act applies to safety in the workplace generally and includes a number of relevant general protective and preventative provisions such as hazard identification, risk assessment and the preparation of safety statements. Furthermore under Section 16 of the 2005 SHWAW Act a person who supplies any article for use at work, or any substance, must ensure that, so far as is reasonably practicable, the article or substance:

- is safe and without risk to health when used by a person at a place of work;
- is given only to those who have been provided with adequate information, and revisions of such information as may become available, about the use of the article or substance, and of any conditions relating to either;
- complies with relevant statutory provisions; and
- undergoes and has undergone appropriate testing to ensure its safety.

This duty falls on those who manufacture, design, import or supply any article for use in a place of work, and on those who erect, assemble or install articles for use at a place of work. There are also duties regarding testing, research and examination prior to use, and to disposal and dismantling of equipment after use.

The *Safety, Health and Welfare at Work (Construction) Regulations 2013* are also relevant where the definition of construction work includes “*the installation, commissioning, maintenance, repair or removal of ....gas ....systems, or similar services which are normally fixed within or to a structure*”.

Therefore the 2005 SHWAW Act and the associated Regulations currently place certain responsibilities upon employers with respect to the installation, commissioning, maintenance, repair or removal of non-domestic gas fittings. However these regulations do not require the gas installer to be registered. As such this must be considered by the CER when determining whether it is appropriate to extend the scope of *gas works* to include those non-domestic fittings used or designed to be used by commercial customers. This is discussed further in Section 4.2 together with a more comprehensive discussion regarding the risks associated with non-domestic gas works.

As discussed above, while the 2005 SHWAW Act and associated regulations impose responsibilities in respect of employers and workers in the workplace there was no specific legislation relating to the undertaking of gas works by individuals in the domestic sector. This is one of the reasons that, when it was established, the RGI regulatory scheme prioritised gas works being undertaken in the domestic sector.

The CER maintains a Memorandum of Understanding (MoU) with the Health and Safety Authority (HSA), whereby the two agencies acknowledge the responsibilities of each other and commit to working with each other in certain circumstances.

## 3.0 Scope of Non-domestic Gas Works

### 3.1 High Level Overview

The current scope of *gas works* relates to the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 813 and/or I.S EN 1949 used or designed to be used by domestic customers. This includes those gas fittings including domestic appliances designed to be used by domestic customers where they are used by both commercial and industrial customers.

The CER's decision paper on the Definition for the Scope of Gas Works (ref. CER/09/083) related to natural gas only. The CER extended the scope regarding the definition of Gas Works to include LPG fittings covered by I.S.813 and/or I.S. EN 1949 (ref: CER/11/022). This amended definition of Gas Works was defined in S.I. 299 of 2011.

As set out in Section 2.2, *the scope of this Consultation Paper* relates to extending the definition of Gas Works to include those works on non-domestic gas fittings (both natural gas and LPG) covered by IS. 820 used or designed to be used by commercial customers or used or designed to be used by a commercial customer but which is installed in an industrial or domestic premise.

In its consideration of extending the scope of gas works to include non-domestic gas appliances the CER has reflected on the success of the current scope of gas works relating to domestic appliances. In developing the current scope of gas works the CER utilised I.S. 813 and I.S EN 1949 to define what domestic gas appliances came within scope.

This has worked well and as a result in this consultation the CER now proposes to use a similar methodology to extend the current scope of Gas Works to include for *gas works* relating to non-domestic gas fittings by utilising the standard I.S. 820 as it relates to non-domestic appliances. This proposal includes all works related to the installation, removal, repair servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S 820, used or designed to be used by a commercial customer or used or designed to be used by a commercial customer but which is installed in an industrial or domestic premises.

#### Scope of Gas Works relating to Non-domestic

The CER welcomes comments from interested parties on extending the scope of Gas Works.

The CER welcomes comments from interested parties on defining the extended scope of Gas Works. to include the installation, removal, repair, servicing, maintenance or

replacement (or any combination of the foregoing) of non-domestic gas fittings covered by I.S. 820, which are used or designed to be used by commercial customers or which are used or designed to be used by commercial customers but which is installed in a domestic or industrial premise,

## **4.0 Issues pertaining to the extension of the RGI scheme to include Commercial Gas Works**

### **4.1 Overview**

In order to assist stakeholders in responding to this consultation and the proposals outlined in Section 5, the CER now outlines issues related to the proposed extension, specifically:

- the safety risks associated with the utilisation of gas by commercial customers (Section 4.2)
- the existing legislative provisions in managing the safety risks in such environments (Section 4.3); and
- the suitability of regulatory model provided for in the 1999 Act in respect to the regulation of installers in the commercial *gas works* area (Section 4.4);

The CER is interested in respondent's views on its analysis in the above areas.

### **4.2 Safety Risks Associated with the Utilisation of Gas by Domestic and Commercial Customers**

#### **4.2.1 Overview**

In the previous CER decision Paper regarding the Scope of Gas Works for gas (ref: CER/09/083), the CER identified "*Ensuring the safe utilisation of gas downstream of the meter, within all gas facilities and premises (domestic and non-domestic)*" as one of the five principal aspects of gas safety risks that need to be managed and controlled by the CER through its Natural Gas Safety Regulatory Framework.



There are three broad safety risks associated with the utilisation of gas:

- The competence of gas installers;
- The use of approved gas fittings and appliances and their installation, service, repair and removal; and
- The levels of gas safety awareness amongst end use customers and the general public.

All gas customers and the public at large should have a level of gas safety awareness necessary to ensure that they understand the potential dangers of not employing competent gas installers and not servicing gas-burning appliances on a regular basis.

The potential outcomes of improper gas installation and maintenance include:

- gas escapes inside the property resulting in fire and/or explosion; and
- inadequate installation servicing / commissioning, flueing, ventilation, leading to incomplete combustion resulting in;
  - the potential for carbon monoxide poisoning;
  - the potential for ill health due to inadequate clear air environments for both the general public and workers using gas appliances.

The main areas of concern regarding commercial gas customers in respect of safety issues centre on the installation and use of appliances, in particular:

- Correct installation of appliances only carried out by competent individuals;
- Regular appliance maintenance in line with manufacturers' instructions and as appropriate to the operating conditions of the appliances within the building;
- Vigilance and implementing appropriate actions regarding potential gas escapes;
- Understanding the safety related issues when using a gas appliance, with particular reference to adequate ventilation and flues by both natural and mechanical methods;
- Provision of interlocked safety cut offs between mechanically powered ventilation or forced draught flues required for safe operation; and
- Maintaining a safe working environment for staff, in particular with respect to air quality, levels of Carbon Monoxide (CO) and Carbon Dioxide (CO<sub>2</sub>).

The extension of the scheme to ensure only registered installers complete works on non-domestic appliances will assist in reducing the risks, as outlined above.

#### **4.2.2 Conclusion**

Clearly there are potential safety risks associated with gas works in a commercial setup, as outlined above. The key issue for future consideration by the CER, and its stakeholders, is how the risks could be limited by the extension of the existing RGI scheme to compliment NSAI standards and existing Health and Safety legislation in this area.

The existing HSA legislation places the responsibility on the owner to ensure safe works is carried out. Should the onus of responsibility be placed upon the end-user to form the judgement upon an individual's competence to undertake such work supported by the enforcement powers provided under existing legislation? Or, should the entitlement to undertake non-domestic gas works be restricted to registered individuals who have demonstrated competence in this area, thereby reducing the risks outlined above?

### **4.3 Existing legislative provisions governing safety in the commercial customer environments**

As set out in Section 2.0, the 2005 SHWAW Act and the associated Regulations currently place clear safety responsibilities upon employers with respect to the installation, commissioning, maintenance, repair or removal of gas fittings. More specifically, it places the responsibility ***on the employer*** to satisfy him/her that the person appointed to undertake such work is a *competent person*.

The effectiveness of this system of regulation is predicated on the ability of the employer to satisfy him/herself that an individual is competent through assessing the experience, knowledge, training and qualifications of the individual with respect to undertaking the task at hand. One school of thought in this area is that the ability of the employer to form such a judgement is generally a function of the specialised nature, complexity and cost of the non-domestic gas fitting concerned, the associated safety risks related to that fitting and the general importance that fitting has to their operation. For example, it is reasonable to assume that employers in an industrial setting are more likely to have some level of understanding of the specific competency requirements for individuals to undertake work on their industrial business operations which utilise highly specialised industrial gas-burning equipment and processes. Indeed it is in the employers' economic interest to allow only a highly competent individual to undertake work on such equipment as the consequences of equipment malfunction can be high. In many instances industrial and large commercial employers engage specifically trained in-house individuals to undertake such work.

However, the ability of commercial gas customers to form such a judgement regarding an individual's competence to undertake *gas work* will change, determined by the technical knowledge the individual employer has. In the case of many of the commercial gas customers defined in Section 3.2, there may be little or no technical knowledge in this area and therefore they may not have the ability to establish an installer's level of competence to undertake such work. Similarly in the gas customer sector, end-users are less likely to understand the need for these specific competency requirements in undertaking works on their gas installations and appliances.

If one concurs with this analysis, it suggests that there is not a strong requirement or benefit to extend the scope of the regulatory system to include industrial gas customers at this stage given that it is reasonable to assume that they have the capacity and relevant information to hand to form the judgement with respect to competence. As such the 2005 SHWAW provides the relevant enforcement powers in this area. However, it is not clear that this is likely to be the case for commercial gas customers, and as such the registration scheme provided for under the 1999 Act could provide the mechanism through which those commercial customers can satisfy themselves that the individual has the competence to undertake such work.

## **4.4 The suitability of the Regulatory model in the 1999 Act to Domestic and Commercial Customer Environments**

### **4.4.1 Overview**

The CER describes in its decision paper, *Vision for the Regulation of Gas Installers with Respect to Safety* (ref. CER/07/225), the generic regulatory model it has established to regulate gas installers with respect to safety in accordance with the 1999 Act. Essentially this involves:

*“Designating categories of gas works which may only be undertaken by individually registered installers who are competent, operating to the appropriate standard, using the appropriate materials, who will certify their work as safe and will be subject to ongoing regulation and inspection by the Gas Safety Supervisory Body”.*

This generic model is illustrated in Diagram 2 and broadly involves the following:

1. The CER specifies *gas works* (or classes of *gas works*) which may only be undertaken by an RGI;
2. In order to become registered the individual must:
  - i. Have achieved appropriate qualifications as detailed in the criteria document;
  - ii. Have their competence formally assessed against the provisions of the standard applicable with that *gas work*;
  - iii. Agree to work in accordance with the applicable standard, and the safety requirements of the regulatory system through signing the terms and conditions of membership;

In this way the CER can satisfy itself that the individually registered installer is competent in undertaking that gas work and commits to working to the standard appropriate to the gas work.

3. The customer requires a specific class of gas works to be carried out and requests an RGI to undertake it.

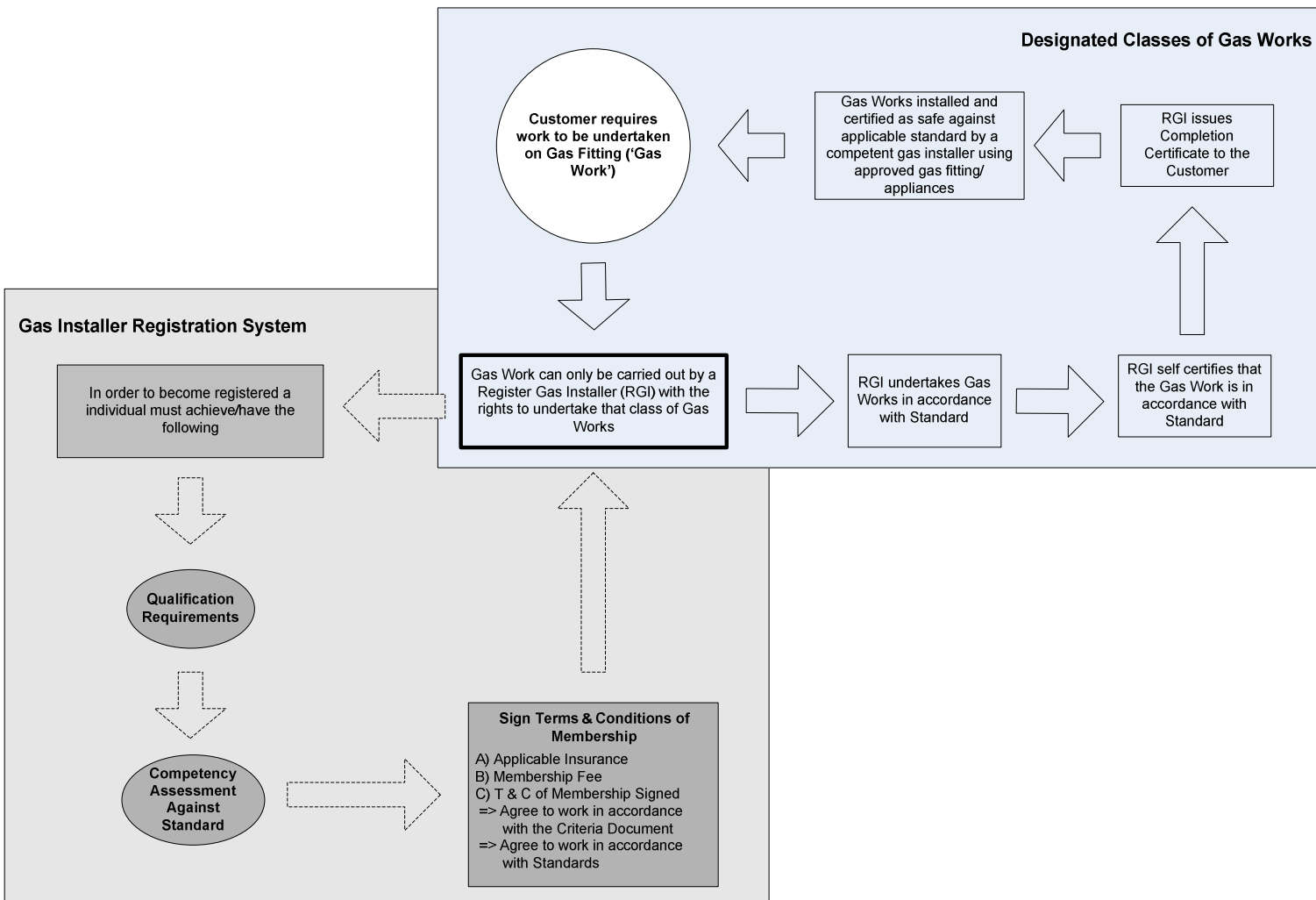
4. The RGI undertakes the work in accordance with the standard certifies it as such and finally issues a completion certificate to the Customer.

The outcome of the application of this regulatory model is that *gas works* are installed and certified as safe against the applicable safety standard by a competent RGI using approved gas fittings/appliances.

This model has been in place for natural gas installers carrying out domestic *gas works*, as defined in S.I. No. 225 of 2009, since 26<sup>th</sup> June 2009. On 27<sup>th</sup> June 2011 the CER amended the definition of Gas Works to include LPG fittings covered by I.S.813 and/or I.S. EN 1949. This amended definition of Gas Works was defined in S.I. 299 of 2011.

The day to day running of the regulatory scheme is carried out by the GSSB with oversight by the CER.

The 1999 Act also provides the CER with enforcement powers regarding non-registered individuals undertaking gas works and also for non-registered individuals portraying themselves as an RGI. The CER has undertaken a number of prosecutions in this regard.



**Diagram 2: Illustration of the Regulatory Model**

### 4.4.3 Possible Regulatory Model

As previously outlined the CER sees benefits in extending the current RGI regulatory model to include works undertaken in the non-domestic environment and the purpose of this consultation paper is to illicit the views of industry stakeholders regarding this proposal.

The following are items to be considered if the current regulatory model is to be extended:

- There is a reasonable amount of clarity on what constitutes *gas works* in a commercial setting and consistency across the technical requirements in undertaking the different types of *gas work* in such a setting as all works on gas pipework, water and space heating appliances and catering appliances. In this paper the CER have proposed a definition likened to the recognised standard I.S. 820. This would facilitate the extension of the regulatory scheme;
- The relatively generic nature of this type of work lends itself to development of generic training courses and associated qualifications. QQI have published documentation regarding a non-domestic Gas Safety training course, however the CER is not aware of any training provider that has yet been approved to provide this training course. However, the CER would envisage this position to change should the regulation be introduced as training providers respond to increased demands for training; and
- There is a Non-Domestic Gas Installation Standard (I.S. 820<sup>5</sup>) which covers the installation of Natural Gas and LPG fittings in a non-domestic setting. I.S. 820 does lend to the development of a competence assessment process in order to satisfy that an individual is competent to undertake the *gas work* in accordance with the provisions of the standard.

Although the training course referred to above is not in place at the moment, the broad generic regulatory model approach could be suitable to enable the CER to satisfy itself that the individually registered installer is competent in undertaking that non-domestic gas work, in a safe manner, in a commercial environment and commits to working to the I.S. 820, and other relevant standards with respect to that *gas work*.

---

<sup>5</sup> Irish Non-Domestic Gas Installation Standard (I.S. 820) published under the authority of the National Standards Authority of Ireland.

**Considerations with regards to appropriate regulatory model and scope of Non-domestic gas works**

- The CER welcomes comments from interested parties on the appropriate scope of non-domestic gas works are presented.
- Comments are also welcome with regards to the CER's analysis of the policy considerations and the CER's proposals set out in Section 4, i.e. extending the regulatory model to include non-domestic type gas works in respect of commercial gas customers.

Finally CER seeks comments regarding the any other elements relating to the suitability of the scheme in respect of its extension to include non-domestic gas works.

Respondents should provide justification where appropriate.



## **5. The Proposal on the Scope of Gas Works related to Non-domestic Works**

If the extension of the regulatory model, as previously outlined, is adopted it is proposed that the *gas works* regulations is expanded to include work related to the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 820 used or designed to be used by commercial customers regardless of whether they are used in a domestic, commercial or an industrial setting.

The current regulatory scheme requires that all installers are individually registered but the scheme also allows for the registration of companies.

### ***5.1. Installers Category Types***

Within the existing RGI regulatory scheme there is currently one installer category type in respect of domestic type gas works with two membership sub-categories; trainee and full members. Each installer is individually registered and company registration is also available.

The CER is proposing three potential proposals regarding possible installer category types should non-domestic gas works be introduced to the regulatory model, as discussed below.

It should be noted that the issue regarding the potential for increasing the amount of installer category types of domestic type RGI is being addressed in a CER consultation paper regarding the operation of the current RGI scheme (CER/14/131) and as such will not be discussed in this paper.

#### ***5.1.1 One distinct installer category type to include both domestic and non-domestic RGI.***

This option defines the regulatory scheme that shall contain one distinct installer category type to include both domestic and non-domestic RGI.

- The Domestic/Non-domestic Installer category who can carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 813 or I.S. EN 1949 or I.S. 820 used or designed to be used by domestic or commercial customers regardless of whether they are used in a domestic, commercial or an industrial setting.

### ***5.1.2 Two distinct installer category types, domestic and non-domestic.***

The option defines the regulatory scheme that shall contain two distinct installer category types: domestic and non-domestic.

- The Domestic Installer Category who can carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 813 or I.S. EN 1949 used or designed to be used by Domestic customers regardless of whether they are used in a domestic, commercial or an industrial setting; and
- The Non-domestic Installer Category who can carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 820 used or designed to be used by commercial customers regardless of whether they are used in a domestic, commercial or industrial setting.

### ***5.1.3 Four distinct installer category types; one for domestic and three for non-domestic***

This option defines the regulatory scheme that shall contain four distinct installer category types, as follows:

- Domestic installer;
- Non-domestic installation, commissioning and servicing;
- Non-domestic servicing; and
- Non-domestic installation, commissioning and repair under the responsibility of the manufacturer.

Each of these installer category types are further discussed below.

#### Domestic Installer

This represents the current RGI, i.e. an installer who can carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 813 and/or I.S. EN 1949 used or designed to be used by domestic customers regardless of whether they are located in a domestic, commercial or an industrial premise.

#### Non-domestic Installation, Commissioning and Servicing

This installer category type could carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of gas fittings covered by I.S. 820 used or designed to be used by commercial customers regardless of whether they are used in a domestic, commercial or an industrial setting. This shall include

- Pipework construction / alteration;
- Pipework integrity test;
- Pipework commissioning;
- Installation and commissioning of appliances;
- Minor electrical work associated with the installation and/or repair of gas appliance;
- Appliance repair / servicing / maintenance; and
- Certification of new and existing installations

#### Non-domestic Servicing

Non-domestic Servicing installer category type who can only carry out servicing and maintenance work only on gas fittings covered by I.S. 820,

which are used or designed to be used by commercial customers regardless of whether they are used in a domestic, commercial or industrial setting. This shall only include

- Appliance Repair / Servicing / Maintenance
- Minor electrical work

**Non-domestic Installation commissioning and repair of appliances under the responsibility of the manufacturer**

This installer category type would include installers who are under the direct responsibility of a gas fitting manufacturer to carry out the installation, removal, repair, servicing, maintenance or replacement (or any combination of the foregoing) of that manufacturer's gas fittings covered by I.S. 820 used or designed to be used by commercial customers regardless of whether they are used in a domestic, commercial or an industrial setting.

This installer category type would allow for gas installers who are under the direct responsibility of a gas fitting manufacturer, who would have bespoke training regarding that specific manufacturer's appliances, to install, commission, repair, service and maintain those fittings, e.g. air conditioning units, Combined heat and power plant, etc.. These installers are likely to be based outside the Republic of Ireland and as such consideration should be given to the qualification requirements for this installer category type, i.e. the qualifications may not be the same as Irish qualifications and it should also be borne in mind that these installers would have bespoke training regarding the fittings/appliances in question.

The CER seeks comments from interested parties on the CER's proposals regarding the potential categories of RGIs, as outlined above.

**Categories of RGIs**

- The CER welcomes comments with regards to the registration of entities and the following proposed categories
  - a) individuals with their own insurances
  - b) companies with own insurance
  - c) or both

- The CER seeks comments in relation to the installer category types outlined above which proposes
  - a) one single category of RGI to undertake gas works in respect of both domestic and non-domestic type fittings;
  - b) two distinct installer category types of RGI, one to undertake gas works in respect of domestic type fittings and one single category to undertake gas works in respect of Non-domestic type gas fittings;
  - c) four distinct installer category types of RGI, one to undertake gas works in respect of domestic type fittings and three category types to undertake gas works in respect of Non-domestic type gas fittings.
  
- Comments are welcome with regards to if there should be a trainee and full membership sub-category associated with each of the above installer category types.

## **5.2 Non-Domestic Gas Work Exceptions**

The CER proposes that non-domestic *gas works* will cover any work on a gas fitting in the scope of I.S.820<sup>6</sup> that is used or designed to be used by a commercial customer, with the following exceptions;

- The design of gas works;
- Work on the point of delivery and upstream of the point of delivery;
- Work on gas fittings for the supply of gas for automotive use;
- Connection or replacement of a flexible connector connecting a refillable cylinder to installation pipework;
- Work on mobile gas appliances;
- Work on a single LPG installation without fixed pipework, achieved by a flexible connector from an adjacent LPG storage cylinder (e.g. cabinet heater, barbecue, patio heater);
- Work that is specifically designed to be effected by a person without the use of a tool;
- The manufacture of gas fittings; and
- Bespoke appliances complete with flueing for industrial customers

---

<sup>6</sup> Irish Non-Domestic Gas Installation Standard (I.S. 820) published under the authority of the National Standards Authority of Ireland (2003).

The CER seeks comments from interested parties on the CER's proposals regarding the exceptions in respect of non-domestic gas works.

#### **Exceptions**

- The CER welcomes comments with regards to the proposed exceptions, as outlined above.

Respondents should provide justification, as appropriate.

## **5.4 Training and Assessments**

### **5.4.1 Training**

The CER notes that progress is being made with respect to the development of appropriate training course/courses and award(s) which relate directly to non-domestic *gas works*, i.e. QQI have published documentation regarding a Commercial Gas Safety course (Note: The QQI Documentation (Code Ref: 6N16014 and 6U16016) is available on the QQI website – [www.qqi.ie](http://www.qqi.ie)). The CER, however is not aware of any training provider who has yet become approved to deliver this training. Notwithstanding this the CER is minded to proceed with this consultation process as it is considered that, if required, appropriate training courses will be made available to facilitate the introduction of new regulations in this area in the future.

The CER seeks comments from interested parties regarding the training course(s) that will be required regarding non-domestic gas works. When responding please consider the potential for different installer category types, as discussed above in section 5.1, i.e. different training modules may be required for different installer category types.

#### **Training Course(s)**

- Please provide views and comments regarding the training course(s) required regarding commercial gas works

Respondents are encouraged to provide details regarding the training modules required for different installer category types of non-domestic gas installer, as previously outlined in section 5.1 or should all category types of non-domestic installer complete the same

training course(s).

#### **5.4.2 Assessments**

The current regulatory model requires that RGIs must complete a competency assessment once every five years in order to remain registered. The assessment is an open book exam consisting primarily of multiple choice questions with some additional written questions together with a practical assessment. The RGIs are not required to undertake any training prior to sitting the assessment, however if they feel they require training they may do so.

The assessment, which is operated in line with ISO IEC 17024<sup>7</sup>, is open to be provided by any private provider once they have the requisite approval in place<sup>8</sup>.

The CER is of the opinion that the arrangement whereby RGIs are assessed every five years by a certified assessment centre in a manner which is consistent and verifiable is the most suitable and robust methodology to ensure that RGIs remain competent.

The CER propose to introduce a similar competency assessment on a five year basis for non-domestic RGIs. A suitable committee would be required to prepare the assessment in advance of its implementation.

The CER invites comments regarding the proposed five year assessments for non-domestic RGIs.

### **5.5 Scheme Entry Requirements**

The prerequisites that a gas installer must meet to become an RGI in the current regulatory model are outlined in the gas criteria document and are summarised below:

- A Domestic Gas Safety Award (DGS); or,
  - A Gas Installer Safety (GIS) and a Gas Installer Domestic (GID) award or equivalent
- AND
- A level 6 advanced craft certificate in Gas Fitting, Electrical, Plumbing, or Refrigeration

---

<sup>7</sup> ISO/IEC 17024 Conformity Assessment – General requirements for bodies operating certification of persons.

<sup>8</sup> Bodies wishing to conduct formal competency assessments under the regime require accreditation from the national accreditation body where the relevant certification body is located.

The pre-requisites regarding the entry to the current domestic RGI scheme are outside the scope of this consultation paper and as such no comments are invited regarding this topic.

As previously discussed in Section 5.4.1 QQI have published relevant documentation regarding the provision of a Commercial Gas Safety training course, however the CER is not aware of any training provider who has been approved to provide this training. It is anticipated, however, that if required by a regulatory scheme raining providers will be in a position to offer suitable training courses.

When the current RGI regulatory model was introduced in 2009 a period of time was allowed for installers to register without having sat the appropriate training course. This allowed installers to join the RGI scheme while they were undertaking the appropriate training etc. and as such did not preclude any installer from obtaining an income, while gaining the appropriate qualifications. This allowance was only retained for a set period of time.

The CER propose that a similar requirement be introduced if it is decided to extend the RGI scheme to include non-domestic gas works.

The CER would like to invite comments regarding the suitable training/ qualifications that would be required for non-domestic gas installers. When presenting their comments people should refer to the potential for different installer category types, as discussed above in section 5.1.

#### **Scheme Entry Requirements**

The CER wishes to invite comments on the following issues raised in this section:

- Qualifications and/or trades to be achieved to allow for entry to RGI scheme;
- Lead-in time to obtain relevant qualifications etc.

Respondents should provide justification where appropriate.



## 6.0 Next Steps

The CER now invites comment on its proposals as outlined in this consultation paper.

The CER is committed to full consultation throughout the process of developing regulations which define *commercial gas works*. The CER commits to considering all views equally and affording each respondent the opportunity to clarify any issue raised in this paper.

Following this consultation, the CER will issue a Proposed Decision Paper followed by a Final decision Paper on the matter of *non-domestic gas works*.

**The closing date for this consultation is 12<sup>th</sup> September 2014**

## Appendix B – Glossary of Terms

<b>CER:</b>	Commission for Energy Regulation.
<b>CO</b>	Carbon Monoxide
<b>Commercial Gas Customer:</b>	Commercial gas customers may be defined as those end users who use gas (both Natural Gas and LPG) for commercial business and institutional purposes, e.g. leisure and hotel facilities, restaurants, warehousing, office accommodation, mobile catering and hospitals utilising gas appliances for purposes such as catering and heating. This type of customer typically consumes between 73,000 kWh and 5,500,000 kWh per annum.
<b>GSSB:</b>	Gas Safety Supervisory Body, as designated by the CER under the 1999 Act. See Vision for the Regulation of Gas Installers with Respect to Safety (ref. CER/07/225) – 18th December, 2007.
<b>HSA:</b>	Health and Safety Authority.
<b>LPG:</b>	Liquefied Petroleum Gas.
<b>MoU:</b>	Memorandum of Understanding.
<b>2005 SHWAW Act:</b>	Safety, Health and Welfare at Work Act 2005.