

NICEIC Rules Relating to Registration for Certification of Electrical Installations in Scotland

based on Approved Bodies and
Approved Certifiers of Construction
(Electrical Installations to BS 7671) Scheme

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Introduction

NICEIC is a Scheme Provider for the Certification of Construction (Electrical Installations to BS 7671) Scheme. NICEIC Registration for Certification of Electrical Installations in Scotland provides a route to registration with the Scheme for enterprises to become Approved Bodies or competent individuals to become Approved Certifiers of Construction.

The scope of the NICEIC Scheme is the provision of registration for those enterprises and persons that are, and continue to be, successfully assessed as having appropriate qualifications, experience and systems in place to certify that electrical installation work in Scotland is compliant with the requirements of the Building Regulations and BS 7671, that fire detection and alarm systems are compliant with BS 5839 Parts 1 and 6 and that emergency lighting systems are compliant with BS 5266.

1. Registration of Approved Bodies

1.1. Functions of Approved Bodies

1.1.1 The functions of an Approved Body are to maintain the conditions under which it was approved and to support the Approved Certifiers employed or contracted by it.

1.2. Conditions for Initial Registration of Approved Bodies

An enterprise shall:

- 1.2.1 make an application to NICEIC for registration for each trading title and each address that wishes to certify compliance of electrical installations in Scotland with the Building Regulations; and
- 1.2.2 if it is an enterprise that has applied for, holds, has held or has had refused or cancelled a previous registration/registration/membership for certification of electrical installation work with a Scheme Provider, declare that fact to NICEIC; and
- 1.2.3 employ full time at least one Approved Certifier or one person applying to become an Approved Certifier.

1.3. Conditions for Initial and Continuing Registration of Approved Bodies

An enterprise shall:

- 1.3.1 support the work of at least one Approved Certifier or person applying to become an Approved Certifier who in either case is employed by the enterprise and any other Approved Certifier and/or person applying to become an Approved Certifier who in either case is employed or contracted by the enterprise by providing access to documentation, and access to both technical and procedural training and development in support of certification activities to an appropriate level; and
- 1.3.2 hold the level of public liability insurance cover prescribed by NICEIC appropriate to the range of work undertaken by the enterprise and, where applicable, employers liability insurance cover, and make evidence of these available for inspection; and
- 1.3.3 designate a Certification Coordinator who shall be employed by the enterprise. This person may also be an Approved Certifier; and
- 1.3.4 make available documents, records, equipment, tools, test instruments, access and facilities sufficient for NICEIC assessment purposes; and
- 1.3.5 make available documents, records, equipment, tools, test instruments, access and facilities sufficient for those auditing NICEIC, when requested by NICEIC.

1.4. Additional Conditions for Continuing Registration of Approved Bodies

An Approved Body shall:

- 1.4.1 offer certification services only if it employs full time at least one Approved Certifier and a Certification Coordinator; and
- 1.4.2 be directly engaged in certifying electrical installation work for compliance with Building Regulations; and

- 1.4.3 not be registered as an Approved Body for Certification of Construction (Electrical Installations to BS 7671) with any other Scheme Provider; and
- 1.4.4 operate an appropriate system for checking compliance with Building Regulations in accordance with NICEIC requirements; and
- 1.4.5 within seven days of an Approved Certifier ceasing or commencing to be employed in that capacity report the change to NICEIC; and
- 1.4.6 within seven days of a Certification Coordinator ceasing or commencing to be employed in that capacity, report the change to NICEIC; and
- 1.4.7 notify NICEIC of any changes to registration particulars, e.g. change of name, address or legal constitution of the enterprise, within seven days of the change occurring; and
- 1.4.8 accept assessment visits, the frequency of which shall be as decided from time to time by NICEIC taking into account the level of the Approved Body's compliance with the NICEIC Scheme Rules and the quantity of work certified; and
- 1.4.9 compile certification in the form prescribed by NICEIC, using Certificate of Construction numbers as designated by NICEIC. All Certificates of Construction shall be signed by an Approved Certifier and counter-signed by the Approved Body's Certification Coordinator; and
- 1.4.10 notify NICEIC with prescribed details of Certificates of Construction within five days of their issue; and
- 1.4.11 keep a certification logbook as prescribed by NICEIC that details all Certificates of Construction issued together with a record of the basis of decisions on compliance and details of any third party relied on in making decisions on compliance; and
- 1.4.12 hold records for a minimum of five years and make them available to NICEIC, for inspection, of:
 - i. checklists,
 - ii. certification logbooks,
 - iii. appropriate certification in accordance with applicable British Standards,
 - iv. Certificates of Construction,
 - v. training and development of Approved Certifiers,
 - vi. complaints and any action taken to resolve them,
 - vii. accuracy of test instruments; and
- 1.4.13 allocate adequate time and resource to the certification process; and
- 1.4.14 act in accordance with the NICEIC Scheme code of conduct including:
 - i. acting with integrity and fairness; and
 - ii. having regard to the public interest and to the interests of all those affected by their activities; and
 - iii. not maliciously or recklessly injuring or attempting to injure the reputation of another person; and
 - iv. avoiding conflicts of interest; and
 - v. upholding the reputation of the NICEIC Scheme.

2. Registration of Approved Certifiers

2.1. Functions of Approved Certifiers

2.1.1 The functions of Approved Certifiers are to determine whether low voltage or extra-low voltage electrical installations comply with the Building (Scotland) Regulations 2004 and, where appropriate, to certify that they comply.

2.2. Conditions for Initial Registration of Approved Certifiers



Persons applying to become Approved Certifiers shall:

- 2.2.1 make an application for registration; and
- 2.2.2 satisfy the qualification requirements prescribed by NICEIC. These include suitable electrical qualifications and current Building Regulations qualifications; and
- 2.2.3 have at least two years supervisory experience in the electrical installation industry; and
- 2.2.4 demonstrate adequate knowledge and understanding of appropriate Standards, e.g. BS 7671, BS 5839, BS 5266, and the Scottish building standards system and the role of Approved Certifiers sufficient to act as an Approved Certifier; and
- 2.2.5 if they have applied for, hold, have held or have had refused or cancelled a previous registration /registration/membership for certification of electrical installation work with a Scheme Provider, declare that fact to NICEIC; and
- 2.2.6 disclose to NICEIC any Unspent Convictions or any other adverse finding of any kind (that is not a conviction) made against them by any tribunal, court or other authority.

2.3. Conditions for Initial and Continuing Registration of Approved Certifiers

Approved Certifiers and persons applying to become Approved Certifiers shall:

- 2.3.1 make available documents, equipment, tools, test instruments, access and facilities sufficient for NICEIC assessment purposes; and
- 2.3.2 have sufficient current documents, equipment, tools and test instruments for the certification process or, if employed by an Approved Body or a Scheme Applicant, have access to sufficient of those held by the enterprise; and
- 2.3.3 be present as required during assessments by NICEIC.

2.4. Additional Conditions for Continuing Registration of Approved Certifiers

2.4.1 Approved Certifiers may also be Certification Coordinators;

2.4.2 Approved Certifiers shall:

- i. only issue Certificates of Construction if employed or contracted by an Approved Body; and
- ii. demonstrate to NICEIC, at least once every three years, or more frequently if decided by NICEIC, knowledge of the Scottish Building Standards system and understanding of the role of Approved Certifiers sufficient to act as an Approved Certifier; and
- iii. undertake updated Building Regulations training and successful assessment at least once every three years, or more frequently if required by NICEIC; and
- iv. be satisfied that their knowledge and experience enables them to discharge the responsibility of certifying particular work, bearing in mind the nature of the project; and
- v. adopt appropriate procedures to satisfy themselves of the compliance or non-compliance of electrical installations with BS 7671; and
- vi. undertake certification in a methodical manner, and record the process by which compliance with Building Regulations is assessed using checklists as prescribed by NICEIC; and
- vii. take account of the impact of their work and ensure it does not impinge on the overall integrity of the building and that it complies with Building Regulations; and
- viii. compile and sign certification in the form prescribed by NICEIC, using Certificate of Construction numbers as designated by NICEIC; and
- ix. notify NICEIC, within seven days, of starting or ceasing employment with an Approved Body in the capacity of an Approved Certifier; and
- x. act in accordance with the NICEIC Scheme code of conduct including:
 - acting with integrity and fairness; and
 - having regard to the public interest and to the interests of all those affected by their activities; and
 - not maliciously or recklessly injuring or attempting to injure the reputation of another person; and
 - avoiding conflicts of interest; and
 - upholding the reputation of the scheme.

- exercising appropriate skill, care, diligence and judgement in undertaking the role described in Rule 2.1.1 ; and
 - not misrepresenting themselves as having expertise and experience that they do not possess; and
 - maintaining and broadening their expertise; and
 - undertaking only those tasks for which they have appropriate expertise and experience; and
 - not certifying work carried out by others without carrying out necessary checks to satisfy themselves of the adequacy of the work and compatibility within the whole structure; and
 - acknowledging that for some projects they may lack appropriate experience to enable them to act as the Approved Certifier; and
 - disclosing to NICEIC any Unspent Convictions or any other adverse finding of any kind (that is not a conviction) made against them by any tribunal, court or other authority; and
- xi. hold records for a minimum of five years and make them available to NICEIC, for inspection, of:
- checklists,
 - appropriate certification in accordance with applicable British Standards,
 - Certificates of Construction,
 - training and development undertaken,
 - complaints and any action taken to resolve them,
 - accuracy of test instruments.

2.4.3 Approved Certifiers shall not:

- i. issue any certification for work that has not been checked for compliance with the Building Regulations; nor
- ii. issue certification for incomplete installations; nor
- iii. act as Approved Certifier where the Verifier is the same body as the Approved Body or is the Approved Certifier's employer; nor
- iv. make false or misleading statements in Certificates of Construction; nor
- v. recklessly issue Certificates of Construction; nor
- vi. be registered as an Approved Certifier of Construction (Electrical Installations to BS 7671) with any other Scheme Provider.

3. Certification Coordinators

3.1. Functions of Certification Coordinators

3.1.1 Certification Coordinators are responsible for ensuring that the conditions under which the Approved Body was approved are fulfilled and maintained; and

3.1.2 Certification Coordinators shall act as the contact point for the Approved Body.

3.2. Certification Coordinator Conditions for Initial and Continuing Registration of the Approved Body

3.2.1 Certification Coordinators shall be present as required during assessments by NICEIC.

3.3. Certification Coordinator Conditions for Continuing Registration of the Approved Body

3.3.1 Certification Coordinators may also be Approved Certifiers.

3.3.2 Certification Coordinators shall not countersign Certificates of Construction for any period during which their Approved Body does not employ full time an Approved Certifier; and

3.3.3 Certification Coordinators shall:

- i. only countersign Certificates of Construction on behalf of the Approved Body that employs them; and
- ii. advise NICEIC of any changes of Approved Certifiers, or of the name, address or legal constitution of the Approved Body that employs them within seven days of the change occurring; and
- iii. act in accordance with the NICEIC Scheme code of conduct including:

- acting with integrity and fairness; and
- having regard to the public interest and to the interests of all those affected by their activities; and
- not maliciously or recklessly injuring or attempting to injure the reputation of another person; and
- avoiding conflicts of interest; and
- upholding the reputation of the NICEIC Scheme.

4. Fees and Charges

- 4.1.1 Fees shall be paid for application and annual registration. Items that may result in additional charges are:
- i. additional assessments that NICEIC considers necessary to confirm the enterprise's or individual's compliance with the NICEIC Scheme Rules; or
 - ii. changes of Approved Certifier(s); or
 - iii. changes of registration details or legal constitution of the enterprise; or
 - iv. assessments that NICEIC considers necessary owing to changes by the enterprise as detailed in (ii) and (iii) above; or
 - v. failure to provide documents, equipment, tools, test instruments, facilities or access required for NICEIC assessment purposes; or
 - vi. failure of the appropriate Approved Certifier(s) to be present throughout a visit by NICEIC representatives; or
 - vii. failure of the Approved Body's Certification Coordinator to be present as required during visits by the NICEIC representative; or
 - viii. cancellation by the enterprise or Approved Certifier of assessment visits less than 14 days before the visit is due; or
 - ix. Certificates of Construction issued by NICEIC to Approved Bodies; or
 - x. passing to the SBSA details of Certificates of Construction issued by the Approved Body; or
 - xi. NICEIC's or its agents' inspections of work certified by an Approved Body/Approved Certifier following receipt of a complaint by NICEIC and resulting in the cancellation of the Approved Body's/Approved Certifier's registration.

5. Use of Marks and Designations

- 5.1. Use of Marks
- 5.1.1 NICEIC is a licensee of the NICEIC trade marks under a licence granted to it by The Electrical Safety Council. Subject to that licence, all right, title and interest in the NICEIC trade marks including any reputation and goodwill as may accrue as a result of use of those marks by an Approved body is reserved and belongs absolutely to The Electrical Safety Council.
- 5.1.2 The trade mark for Certification of Electrical Installations in Scotland is 'Certification Scotland' beside the NICEIC logo.
- 5.1.3 Approved Bodies are licensed to use the Certification of Electrical Installations in Scotland trade mark only whilst fully registered. When the registration of an enterprise is suspended or ends, its licence to use the Certification of Electrical Installations in Scotland trade mark shall cease with immediate effect. The enterprise shall immediately cease all use of the trade mark and it shall not use, display or permit to be used or displayed any reproduction, print or replica of the Certification of Electrical Installations in Scotland trade mark in any form or on any material.
- 5.1.4 Approved Bodies shall not use the Certification of Electrical Installations in Scotland trade mark in conjunction with any trading title or address other than those registered through NICEIC.
- 5.1.5 Approved Bodies shall not use the NICEIC trade mark to imply approval or registration with the NICEIC for any work outside the scope of registration.
- 5.1.6 Approved Bodies shall not use the NICEIC corporate logos.
- 5.1.7 Registration does not entitle the use of the logo of the SBSA, the Scottish Executive or, save as stated in these NICEIC Scheme Rules, the NICEIC logos.
- 5.1.8 Approved Certifiers shall not use the NICEIC trade marks or corporate logo.

5.1.9 Applicants for registration under the NICEIC Scheme shall not use the NICEIC trade marks.

5.2 Use of Designations

5.2.1 An Approved Certifier may describe himself or herself as an Approved Certifier of Construction (Electrical Installations to BS 7671).

5.2.2 An Approved Body may describe itself as an Approved Body for the Certification of Construction (Electrical Installations to BS 7671).

5.2.3 Registration does not entitle the use of designation letters such as 'AC', 'ACC', 'AB', 'CoC' or 'SBSA'.

6. Use of NICEIC Forms

6.1.1 Approved Bodies and Approved Certifiers shall safeguard all unused NICEIC Certificates of Construction (Electrical Installations to BS 7671) so as to prevent their loss, theft or misuse.

6.1.2 Approved Bodies shall notify NICEIC in writing immediately on discovery of any loss, theft or misuse of NICEIC Certificates of Construction (Electrical Installations to BS 7671).

6.1.3 When an Approved Body resigns or is removed from registration, it shall immediately destroy all unused NICEIC Certificates of Construction (Electrical Installations to BS 7671) in its possession.

6.1.4 NICEIC Certificates of Construction may only be purchased by Approved Bodies registered with SBSA through NICEIC.

7. Complaints against Approved Bodies and Approved Certifiers

7.1. Complaints

7.1.1 When an Approved Body or Approved Certifier receives a complaint concerning their conduct in connection with their certification of construction under The Act or the Building Regulations or the Procedure Regulations, the Approved Body and/or Approved Certifier concerned shall respond to the complaint in writing without delay, and ensure suitable remedial action is taken if appropriate.

7.1.2 When NICEIC receives a complaint concerning the conduct of an Approved Body or Approved Certifier in connection with their certification of construction under The Act or the Building Regulations or the Procedure Regulations, the Approved Body and Approved Certifier concerned shall co-operate with NICEIC in resolving the complaint, and

- i. They shall respond within five working days of receipt of all correspondence from NICEIC regarding any complaint.
- ii. They will be given a minimum of five working days' notice of any complaint inspection by NICEIC and may attend the inspection.

7.1.3 If the Approved Body or Approved Certifier concerned fails to co-operate with NICEIC, NICEIC may appoint another Approved Body or Approved Certifier to carry out an inspection. The original Approved Body and/or Approved Certifier will have their registrations cancelled and shall be jointly and severally liable to pay all costs incurred by NICEIC.

7.2. Complaint investigations

7.2.1 NICEIC shall investigate any valid complaint concerning the conduct of Approved Bodies or Approved Certifiers registered through NICEIC. The Approved Bodies and Approved Certifiers shall respond within five working days to queries from NICEIC. An investigation may require submission or inspection of documentation and/or a site inspection to be carried out.

7.2.2 Where the investigation finds a breach of section 19(4) of the Act, NICEIC will inform the relevant local authority and the SBSA.

8. Suspension of Registration

8.1 Suspension of Registration of Approved Bodies

- 8.1.1 NICEIC will suspend registration of Approved Bodies that:
- i. do not currently employ at least one Approved Certifier; or
 - ii. do not currently employ a Certification Coordinator.

8.2 Removal from the SBSA Register

- 8.2.1 Within 24 hours of a decision by NICEIC to suspend a registration under the NICEIC Scheme, NICEIC will request that the registration is removed from the SBSA Register.

8.3 Return of Records

- 8.3.1 Within two days of registration being suspended, the Approved Body concerned must supply NICEIC with an up to date copy of their logbook and all prescribed details of Certificates of Construction issued but not previously notified to NICEIC.

9. End of Registration

9.1 Cancellation of Registration by NICEIC

9.1.1 NICEIC may cancel the registration of Approved Bodies that:

- i. are removed from the NICEIC Roll of Approved Contractors; or
- ii. resign from the NICEIC Roll of Approved Contractors without notifying NICEIC of their wish to continue to be registered as an Approved Body; or
- iii. fail to replace their Certification Coordinator within thirty days of the previous one ceasing to be employed in that capacity; or
- iv. fail to employ at least one Approved Certifier for any consecutive period of 121 days.

9.1.2 NICEIC may cancel the registration of an Approved Certifier who

- (a) is the sole owner or proprietor of an Approved Body whose registration as an Approved Body has been cancelled;
- (b) within twenty-one days following the cancellation of the registration of an Approved Body by which he is employed [but of which he is not the sole owner or proprietor] fails to provide written notification to NICEIC that he wishes to continue to be registered as an Approved Certifier; or
- (c) resigns from registration as an Approved Certifier;

9.1.3 NICEIC may cancel the registration of Approved Bodies and/or Approved Certifiers that:

- i. fail to comply with the NICEIC Scheme Rules; or
- ii. fail to make payment of required NICEIC fees or charges within thirty days of the date notified to it as the due date for payment; or
- iii. have made a wilful misrepresentation in connection with their registration; or
- iv. have culpably or negligently failed to identify defective electrical installation work which could create or cause to be created a risk of death or injury or fire or another serious hazard or has created or caused to be created a risk of death or injury or a serious hazard through the use, in electrical installation, inspection or testing work, of faulty or unsuitable materials or by faulty workmanship; or
- v. have failed to comply with an applicable statutory requirement [note that cancellation will always take place if a breach of section 19(4) of the Act has been committed by an Approved Body or Approved Certifier]; or
- vi. have failed within the specified timescale to comply with an action plan required by NICEIC ; or

- vii. have performed any act which in the opinion of NICEIC is contrary or prejudicial to the objects or reputation of NICEIC or The Electrical Safety Council; or
- viii. are unable or admit inability to pay their debts as they fall due, or suspend making payment on any of their debts, or any action, legal proceeding or other procedure or step is taken in relation to them concerning:
 - the suspension of payments, a moratorium of any indebtedness, winding up, dissolution or reorganisation (by way of voluntary arrangement, scheme of arrangement or otherwise, but excluding a members' winding up for the purposes of reconstruction) of them and in the case of a winding up petition, such petition is not discharged or stayed within 14 days or, if earlier, prior to its advertisement; or
 - a composition, assignment or arrangement with any of their creditors; or
 - the appointment of a liquidator, receiver, administrator, administrative receiver, compulsory manager or other similar officer in respect of them or any of their assets; or
 - the enforcement of any mortgage, charge, pledge, lien, or other security interest securing any obligation of them or any other agreement or arrangement having similar effect; or
 - any attachment, sequestration, distress or execution that affects any of their assets and is not discharged within seven days.

9.2. Cancellation of Registration by an Approved Body or Approved Certifier

9.2.1 Any resignation of an Approved Body or Approved Certifier from the SBSA Register must be confirmed in writing by them.

9.3 Removal from the SBSA Register

9.3.1 Within 24 hours of a final cancellation decision made following completion of all applicable and properly implemented notification, disciplinary and appeals procedures, NICEIC will request that the registration is removed from the SBSA Register.

9.4 Return of Records

9.4.1 Within two days of NICEIC's cancellation of an Approved Body's or Approved Certifier's registration, the Approved Body or Approved Certifier concerned must supply NICEIC with an up to date copy of their certification logbook and all prescribed details of Certificates of Construction issued but not previously notified to NICEIC.

10. Appeals

10.1 Appeals against NICEIC decisions

10.1.1 An applicant for registration as an Approved Body or as an Approved Certifier or an enterprise or individual whose registration as an Approved Body or Approved Certifier has been suspended or cancelled may make a written appeal to NICEIC against any decision made by NICEIC either to refuse the application or to suspend or (except a decision to cancel made under Rule 8.1.1) to cancel the registration.

10.1.2 The Appeal Committee shall comprise three persons who are independent of NICEIC, any parent organisation of NICEIC, the appellant and the decision under appeal. The Chairman of the Electrical Contracting Certification Management Committee of The Electrical Safety Council shall appoint the independent chairman of the Appeal Committee who shall then appoint two other persons from an independent Appeal Panel.

10.1.3 Subject to these NICEIC Rules, the procedure for the conduct of the appeal shall be as from time to time laid down by the Board of The Electrical Safety Council and stated in The NICEIC Guide to the Certification of Construction [Electrical Installations to BS7671] Scheme.

10.1.4 The Appeal Committee shall have full powers to:

- (a) allow the appeal and either to reverse or modify the decision appealed against, subject to any conditions that the Appeal Committee may apply;

- (b) reject the appeal; and
- (c) make such order for the payment of the costs of the appeal as it thinks fit.

10.1.5 Any prescribed deposit shall be applied in such a manner as the Appeal Committee will decide. In the absence of any order by the Appeal Committee to the contrary, each party shall bear its own costs of the appeal.

10.1.6 The decision of the Appeal Committee shall be final, conclusive and binding on NICEIC and the appellant. The decision, which shall include a brief statement of reasons, shall be communicated in writing to both NICEIC and the appellant as soon as practicable after it is made.

11. NICEIC

11.1 NICEIC obligations

11.1.1 NICEIC shall:

- i. prescribe and publish fees, deposits and charges, informing Approved Bodies and Approved Certifiers at least 30 days prior to the annual re-registration date; and
- ii. inform Approved Bodies and Approved Certifiers at least 60 days prior to the annual re-registration date of any revisions to the NICEIC Rules; and
- iii. inform Approved Bodies and Approved Certifiers at least 60 days prior to the annual re-registration date of any revisions to prescribed requirements, such as training and experience requirements; and
- iv. have power from time to time to modify its policies concerning the manner in which Approved Bodies and Approved Certifiers may describe themselves, the manner in which the trade mark for Certification of Electrical Installations in Scotland may be used, the process by which complaints against Approved Bodies and Approved Certifiers shall be investigated and determined and the procedure for the conduct of appeals, and NICEIC shall promptly inform Approved Bodies and Approved Certifiers and applicants for registration as Approved Bodies and Approved Certifiers of any such modifications ; and
- v. administer its procedures in a non-discriminatory manner; and
- vi. hold in confidence all information acquired and held about Approved Bodies and Approved Certifiers and applicants for registration as Approved Bodies and Approved Certifiers, other than that published in the SBSA's registers, that required by SBSA and that required by NICEIC to confirm compliance with Building Regulations. Confidential information shall not be disclosed to a third party without the prior written agreement of the enterprise or individual to whom NICEIC's duty of confidence is owed, except as required by the SBSA, any other accreditation or monitoring body, or by law; and
- vii. act in accordance with the NICEIC Scheme code of conduct, including:
 - acting with integrity and fairness; and
 - having regard to the public interest and to the interests of all those affected by its activities; and
 - not maliciously or recklessly injuring or attempting to injure the reputation of another person; and
 - avoiding conflicts of interest; and
 - upholding the reputation of the NICEIC Scheme;

11.2 Complaints against NICEIC

11.2.1 NICEIC will investigate any written complaint concerning the conduct of NICEIC or its staff while engaged in carrying out their duties for NICEIC in connection with the NICEIC Scheme received from:

- i. an Approved Body or Approved Certifier; or
- ii. an enterprise or individual applying to NICEIC for registration; or
- iii. the SBSA; or
- iv. a member of the public.

11.2.2 All complaints will be acknowledged within five working days of receipt.

11.2.3 The complainant will be advised of the outcome of the complaint, normally within a further four weeks, with a timescale for corrective action if appropriate.

12. Data Protection & Freedom of Information

12.1. Data Protection

12.1.1 NICEIC may:

- i. keep and use personal data about personnel of Approved Bodies and Approved Certifiers for all purposes that it requires to maintain properly the SBSA Register and NICEIC's and SBSA's records and to ensure compliance with the NICEIC Scheme Rules, including, but not limited to, the disclosure to third parties of the identity of such personnel.
- ii. unless the relevant Approved Body or Approved Certifier requests otherwise, authorise the distribution to Approved Certifiers and Approved Bodies' personnel of sales and marketing materials that NICEIC believes would be of interest to them. These distributions may be made by NICEIC or by other persons authorised by it.

12.1.2 NICEIC is required to and will forward to SBSA:

details of Approved Bodies;
details of Approved Certifiers;
details of Certification Coordinators;
details of Certificates of Construction issued by Approved Bodies.

12.1.3 NICEIC is required to and will forward to SBSA:

grounds for rejection of approvals; grounds for rejections of renewals; grounds for removal;
findings of emergency inspections;
findings of complaints procedures.

12.2. Freedom of Information

12.2.1 As a Scottish public authority, the SBSA is bound by the provisions of the Freedom of Information (Scotland) Act 2002 and is obliged to consider requests made under that Act for access to information that it holds. The release of information can be expected in some cases.

13. Law and Jurisdiction

13.1. The registration process and the validity, construction and performance of these NICEIC Scheme Rules shall be governed by English Law.



14. Definitions

In these NICEIC Scheme Rules:

The Act =	the Building (Scotland) Act 2003.
Annual re-registration date =	1 April.
Appeal Panel =	a number of independent people who are available to be called to make an Appeal Committee.
Approved Body =	an enterprise that is registered through NICEIC as an Approved Body for Certification of Construction (Electrical Installations to BS 7671) on the register held by SBSA.
Approved Certifier =	an Approved Certifier of Construction (Electrical Installations to BS 7671) who is registered through NICEIC with SBSA.
Available full time =	available in person to the enterprise during the enterprise's normal working time.
BS 7671 =	the current edition of BS 7671 including all amendments.
Building Regulations =	the Building (Scotland) Regulations 2004 and all subsequent amendment regulations.
Certificate of Construction =	a Certificate of Construction (Electrical Installations to BS 7671).
Certification Coordinator =	a person employed by an Approved Body who countersigns Certificates of Construction.
contracted =	not directly employed by the enterprise, but paid as self-employed or through another enterprise.
employed =	paid by the enterprise to carry out certification of electrical installation work other than through a sub-contract arrangement.
enterprise =	a sole trader, partnership, private limited company, public limited company, public body or other legal entity.
NICEIC =	NICEIC Group Limited
NICEIC Scheme =	the NICEIC Scheme for Certification of Construction (Electrical Installations to BS 7671).
NICEIC Scheme Applicant =	an enterprise or person who has made an application to NICEIC to become registered for Certification of Electrical Installations in Scotland.
NICEIC Scheme Application =	an application to NICEIC to become registered for Certification of Electrical Installations in Scotland.
NICEIC Scheme Rules =	These Rules governing the NICEIC Scheme
Procedure Regulations =	The Building (Procedure) (Scotland) Regulations, the Building (Procedure) (Scotland) Regulations 2004 and all subsequent amendment regulations.
Registered for Certification of Electrical Installations in Scotland =	registered through NICEIC as an Approved Body or as an Approved Certifier.
SBSA =	the Scottish Building Standards Agency.
SBSA Register =	the Register of Approved Certifiers of Design, Approved Certifiers of Construction, Approved Bodies and Schemes maintained by the SBSA on behalf of Scottish Ministers at www.sbsa.gov.uk
Scheme =	Scheme for Certification of Construction (Electrical Installations to BS 7671).
Scheme Provider =	An organisation that operates one or more schemes to register Approved Certifiers of Design and/or Approved Certifiers of Construction and Approved Bodies.
sub-contracting =	engaging another enterprise to carry out certification work.
Unspent Conviction =	a conviction of a criminal offence that is not spent within the meaning of the Rehabilitation of Offenders Act 1974
Verifier =	a body appointed by Scottish Ministers to oversee the administration of the building warrant process. For the foreseeable future these bodies will be Scottish Local Authorities.

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