

Electrical Certificates, Electrical Regulations and related Statutory Instruments

A guide for insurance legal professionals and loss adjusters

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Introduction

The requirements for electrical systems to be correctly certified as satisfactory, sound and safe for use is established by testing the system and the subsequent issuing of certificates or reports. However, knowledge of the type of certificate and the credentials of electricians deemed 'fit' to issue certificates is often misunderstood.

Other documents and reports issued in relation to the integrity of electrical systems and appliances also exist. Such documents and reports fundamentally provide confirmation that electrical systems and appliances have been tested and deemed as satisfactory, sound and safe and establish evidence in accordance with requirements of statutory instruments with electrical system implications.

The intent of this paper is to present the attributes of Electrical Certificates, Reports, Regulations and related Statutory Instruments to aid understanding of obligations and liabilities of electricians, home owners, landlords, and managers of electrical systems in general.

Regulations - British Standard BS 7671 - Requirements for Electrical Installations

British Standard BS 7671 "Requirements for Electrical Installations, The Institute of Engineering Technology (IET) Wiring Regulations", informally called in the electrical community The "Regs", is the national standard in the United Kingdom for electrical installations and the safety of electrical wiring in domestic, commercial, industrial, and other buildings, also in special installations and locations.

BS7671 defines the 'reference/datum' that all electrical works should attain and surpass; yet the standard is not mandatory or legislative. However, in terms of domestic electrical works, in 2005 the Government introduced electrical safety rules into Building Regulations for England and Wales, such that electricians carrying out work in England and Wales have to comply with Part P of the Building Regulations and in Scotland, the Building Standards system.

Electrician - Credentials

What constitutes a 'registered' Electrician? A reputable electrician should be suitably qualified, experienced, compliant and insured. The credentials of an electrician to check and actions to be aware of are, ...

- Whether the electrician is registered with the 'Competent Electrical Person' scheme, ...www.competentperson.co.uk
- An electrician should have attained suitable qualification's i.e. Level 3 IVQ Technician Diploma in Electrical and Electronic Engineering City and Guilds 8030-22, Qualification No. 500/5762/5 - Electrical Engineering - Electronic Engineering, or a qualification of a similar level.
- Be Part 'P' certified, i.e. possess the qualification, City and Guilds 2393 Building Regulations and Part P, and be member of a Part P scheme provider such as, ...
 - National Inspection Council for Electrical Installation Contracting (NICEIC) - www.niceic.com)
 - National Association of Professional Inspectors and Testers (NAPIT) - www.napit.org.uk
 - Electrical Contractor Association (ECA) – www.eca.co.uk

- Possesses public liability insurance and a warranty policy, which has been vetted by a Part P scheme provider NICEIC, NAPIT, ECA.

Certificates/Reports - When electrical work is completed

When electrical work is completed it is important that the correct certificate/report is issued by the electrician contracted and who has completed the work. The information presented in the report is based on the assessment of work carried out to 'circuits' within the electrical system of the house, flat or whatever.

Note: It is important to be aware that not all electricians are suitable qualified, experienced and compliant to issue certificates/reports in accordance with regulations and statutory instruments, although in some cases 'rogue' electricians will do so without the knowledge and understanding of the consumer/instructor of works.

There are four (4) types of certificate/report,....

1. Electrical Installation Certificate (EIC)

An Electrical Installation Certificate is issued only following the initial certification of a new electrical installation or for an alteration or addition to an existing installation where new electrical 'circuits' have been introduced.

What is an EIC?

An EIC comprises data, observations and test results specific of the electrical installation. Collectively the collated system attributes indicate and importantly certify that the electrical system complies with BS7671 and is deemed by the electrician/responsible person as satisfactory and safe for use.

An EIC is a 'certificate' and being so has legal implications since the electrician issuing the certificate adopts the position to 'certify' work undertaken complies with BS761. An EIC will have the following 'signed' oaths,...

"FOR CONSTRUCTION I being the person responsible for the construction of the electrical installation (as indicated by my signature below), particulars of which are described above, having exercised reasonable skill and care when carrying out the construction hereby CERTIFY that the construction work for which I have been responsible is to the best of my knowledge and belief in accordance with BS 7671:2008, amended to(date) except for the departures, if any, detailed as follows:"

And,...

"FOR INSPECTION & TESTING I being the person responsible for the inspection & testing of the electrical installation (as indicated by my signature below), particulars of which are described above, having exercised reasonable skill and care when carrying out the inspection & testing hereby CERTIFY that the work for which I have been responsible is to the best of my knowledge and belief in accordance with BS 7671:2008, amended to(date) except for the departures, if any, detailed as follows:"

2. Minor Works Certificate (MWC)

Where an addition or alteration is made to an 'existing' electrical circuit, it should be verified that the work complies with BS 7671 and does not impair the safety of the existing installation (*Regulation 610.4 of BS 7671*).

Whilst for such purposes a minor works certificate may be used as an alternative to an Electrical Installation Certificate (EIC), *Regulation 631.3 of BS 7671* requires that a separate minor works certificate is issued for each circuit worked on.

A minor works certificate must not be used to certify the installation of a 'new circuit', even if the circuit supplies only one point (one accessory). It should be noted that before an addition or alteration is

undertaken, *Regulation 132.16 of BS 7671* requires the adequacy of the existing installation to be assessed, including the earthing, bonding and maximum demand, for the altered circumstances.

3. Periodic Inspection Report (PCR)

All electrical installations deteriorate with age and use. They should therefore be inspected and tested at regular intervals to check whether they are in a satisfactory condition for continued use. Such safety checks are commonly referred to as 'periodic inspection and testing'.

A periodic inspection report is less of a requirement for a normal domestic electrical system, yet its prominence comes to the fore when privately buying/selling a property. Moreover, a periodic inspection report is important in the case of a tenanted/leased property or in an industrial situation.

A PCR is similar in format and content to that of an EIC, however a PCR is simply a 'report', is subjective and has no legal 'weight' whereas an EIC as introduced previously is a certificate, signed by the person with overall responsibility for the electrical installation and has legal weight given a signed oath.

Guidance Note 3 of BS7671, clause 3.7, Table 3.2 presents recommended initial frequencies of inspection of electrical installations within numerous environments, i.e. domestic, tenanted, commercial, industrial etc.,

4. Part P Certificate - Building Regulation 2010

Given completion of electrical work, some aspects of that electrical installation work may be deemed as 'notifiable' (see below). Accordingly, this work must be reported to the local-authority building-control department. To allow for this, notifiable electrical works must be confirmed as sound and compliant with BS7617, by a Part P accredited electrician who is registered with one of the Government-approved scheme providers, i.e. NICEIC, NAPIT, SCA.

The Part P accredited electrician will notify the Government-approved scheme provider by submitting a copy of the EIC which includes the notifiable works. The scheme provider will then log the EIC and then notify the local-authority building-control department, who will issue a 'Part P, Building Regulations Compliance Certificate.

Note: Non accredited Part P electricians can install and test an electrical system and duly issue an EIC. However, for the purposes of notifiable works the works must be assessed by a Part P accredited electrician, who will undertake to authorize and take up responsibility for the electrical installation. Duly the Part P accredited electrician will submit details to the Government-approved scheme provider for the issuing of a 'Part P, Building Regulations Compliance Certificate as set out previously by the local-authority building-control department.

Notifiable electrical work

Notifiable electrical work is set out in regulation 12(6A) of the Building Regulations 2010, ...

12. (6A) *A person intending to carry out building work in relation to which Part P of Schedule 1 imposes a requirement is required to give a building notice or deposit full plans where the work consists of, ...*

- (a) *the installation of a new circuit;*
- (b) *the replacement of a consumer unit; or*
- (c) *any addition or alteration to existing circuits in a special location*

12. (9) *In this regulation "special location" means—*

(a) *within a room containing a bath or shower, the space surrounding a bath tap or shower head, where the space extends—*

(i) *vertically from the finished floor level to—*

(aa) *a height of 2.25 metres; or*

(bb) *the position of the shower head where it is attached to a wall or ceiling at a point higher than 2.25 metres from that level; and*

(ii) *horizontally—*

(aa) *where there is a bath tub or shower tray, from the edge of the bath tub or shower tray to a distance of 0.6 metres; or*

(bb) *where there is no bath tub or shower tray, from the centre point of the shower head where it is attached to the wall or ceiling to a distance of 1.2 metres; or*

(b) *a room containing a swimming pool or sauna heater.*

Portable Appliance Testing (PAT)

It is common in commercial and industrial enterprises for portable appliances to be annually tested for electrical integrity, in other words safe for use. Portable appliances are items such as kettles, laptops, monitors, extension cables, etc. On testing and deemed satisfactory the appliance is adorned with a 'tested/conformity' label and a certificate of conformity should be generated and logged by the testing inspector and submitted to the manager of the electrical system to which the appliance is connected.

Similar to periodic testing of electrical systems in accordance with BS7671, PAT testing is not mandatory or legislative, yet acts as a basis for evidence of conformity to the Health and Safety at Work Act 1974 and the Electricity at Work Regulations 1989 which sets out that an employer, or manager of an electrical system must undertake to ensure, so far as is reasonably practicable, that the electrical system is safe and in use does not present danger.

Statutory Instruments

There are several statutory instruments which have implied consequences in respect of sound and safe electrical systems applicable to domestic, tenanted, commercial, industrial environments. Each instrument implies that an employer, or manager of an electrical system (homeowner, landlord), should undertake to conform with the obligation to 'periodically test' the integrity of the electrical system in accordance with BS7671 to establish that "the electrical system is safe and in use does not present danger".

Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 sets out that an employer, or manager of an electrical system must undertake to ensure, so far as is reasonably practicable, that the electrical system is safe and in use does not present danger. The pertinent section is, ...

Part II - General

2. General duties of employers to their employees.

(1) *It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

(2) *Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—*

(a) *the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;*

Electricity at Work Regulations 1989

Similarly the Electricity at Work Regulations 1989 sets out also that an employer, or manager of an electrical system must undertake to ensure, so far as is reasonably practicable, that the electrical system is safe and in use does not present danger. The pertinent section is, ...

Part II - General

Systems, work activities and protective equipment

- 4.(1) *All systems shall at all times be of such construction as to prevent, so far as is reasonably practicable, danger.*
- (2) *As may be necessary to prevent danger, all systems shall be maintained so as to prevent, so far as is reasonably practicable, such danger.*
- (3) *Every work activity, including operation, use and maintenance of a system and work near a system, shall be carried out in such a manner as not to give rise, so far as is reasonably practicable, to danger.*
- (4) *Any equipment provided under these Regulations for the purpose of protecting persons at work on or near electrical equipment shall be suitable for the use for which it is provided, be maintained in a condition suitable for that use, and be properly used.*

Landlord and Tenant Act 1989

The Landlord and Tenant act also has an obligation to “to keep in repair and proper working order,... the supply electricity,... but not other fixtures, fittings and appliances for making use of the supply of electricity”. So, in the case of the Landlord and tenant Act 1989, a valid and current PCR is important. The pertinent section is,..

11. *Repairing obligations in short leases.*

- (1) *In a lease to which this section applies (as to which, see sections 13 and 14) there is implied a covenant by the lessor —*
 - (a) *to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes),*
 - (b) *to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity)*

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