House of Commons

Communities and Local Government Committee

Building Regulations applying to electrical and gas installation and repairs in dwellings

Tenth Report of Session 2010–12

Volume I: Report, together with formal minutes, oral and written evidence

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The Communities and Local Government Committee

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The current staff of the Committee are Glenn McKee (Clerk), Edward White (Second Clerk), Josephine Willows (Inquiry Manager), Kevin Maddison (Committee Specialist), Emily Gregory (Senior Committee Assistant), Mandy Sullivan (Committee Assistant), Stewart McIlvenna, (Committee Support Assistant) and Hannah Pearce (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Communities and Local Government Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 1234; the Committee's email address is clgcom@parliament.uk

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Summary

Homeowners can be at risk of death or injury because of faulty gas and electrical installations and repairs. Such work needs regulation and safeguards to ensure safety. Building Regulations, for which the Department for Communities and Local Government (DCLG) has responsibility, stipulate that liability for the state of electrical installations and repairs rests with the homeowner, rather than the installer. Many homeowners and the general public are unaware of this liability, and the Government needs to co-ordinate a concerted effort by the various industry organisations to raise public awareness levels.

More also needs to be done to raise public awareness of the dangers of using sub-standard electricians and of the need to have regular maintenance checks on the electrical circuits in homes. We recommend that sockets and other electrical equipment sold by DIY stores should carry a health warning that it is illegal for an unregistered person to carry out most electrical works in the home without checks being completed by either the Building Control Service or, if our recommendation is accepted, by a member of a Competent Person Scheme, acting instead of the Building Control Service. This will encourage the general public to use registered electricians, and reinforce the general health and safety message that electrical work can potentially be extremely hazardous.

By law, all gas engineers must be on the Gas Safe Register (which replaced CORGI). Gas Safe has been granted Competent Person Scheme status for self-certification under the Building Regulations, and we recommend that there be a major publicity campaign, involving all relevant bodies, to ensure that householders know the legal and safety consequences of not choosing a Gas Safe engineer. Our inquiry focussed specifically on Part P and Part J of the Building Regulations, which cover the safety and use of electrical and gas installations in the home, and the issues surrounding the Government's current consultation on possible changes to these Building Regulations.

Part J of the Building Regulations applies to the safe combustion of gas in heat-producing appliances, and covers the risk of carbon monoxide poisoning from faulty or malfunctioning heat producing systems. The Government is not suggesting changes to Part J, but our written and oral submissions were overwhelmingly in favour of adding a requirement to fit carbon monoxide alarms. We are clear that too little is still known by the public about the risk of the odourless, invisible and potentially lethal fumes of carbon monoxide. The Government should co-ordinate a concerted effort by various industry organisations to continue to raise public awareness of carbon monoxide poisoning and we recommend that audible, wired-up EN 50291-compliant carbon monoxide alarms be installed with new heating appliances in all new-build or existing homes. There is evidence that they can make a significant difference to safety in the home.

Part P focuses on electrical installation and repair, and we have concluded that it is adequate in its current form and its coverage should not be reduced, though there is need for improvements in its operation. Our evidence has shown that since the introduction of Part P, the number of deaths and injuries due to electrical faults has decreased. We would only support the deregulation options the Government is examining if there was sufficient assurance that safety standards would not be reduced, and that has not been provided by the Government.

The electrical Competent Person Scheme is a voluntary scheme that electricians can join, and, since its implementation, there has been an overall reduction in the number of installations by unqualified, and possibly sub-standard, electricians. We are concerned, however, by the potential conflict of interest, highlighted in our evidence, where those running the scheme have a financial incentive to recruit as many to the scheme as possible. We recommend better supervision by the Government of the bodies operating the Scheme.

1 Introduction

1. Gas and electrical installations and repairs are potentially extremely dangerous areas of work, and need proper regulation and safeguards to ensure they are carried out in a safe way. Building Regulations, for which the Department for Communities and Local Government (DCLG) has responsibility, stipulate that work must be carried out in a safe and efficient manner. This is an important area of DCLG's remit, which governments pay close attention to. Andrew Stunell OBE MP, Under Secretary of State at DCLG, with responsibilities for Building Regulations, told us that the overall aim of the current review of Building Regulations that the Government was conducting was "to reduce the regulatory burden on the industry without in any way compromising safety".[1]

2. The parts of the Building Regulations that are of most relevance to this inquiry are Part P, which covers installation work on certain types of fixed electrical installations in both new and existing dwellings, and Part J, which covers the safe installation and use of combustion appliances, including boilers. In our inquiry, we wanted to examine these two areas of the Building Regulations in relation to safety in the home, and in particular within the context of DCLG's current review of the Building Regulations. This is an important area, affecting householders, landlords and business across England.

Building Regulations Review

3. Between July 2010 and the end of 2011, DCLG carried out a programme of work to develop proposals for consultation on the Building Regulations.[2] DCLG's written evidence described the findings:

> There has been some criticism of Part P around the cost and bureaucracy it imposes on installers, Building Control bodies and consumers. It was in the light of these concerns that Part P has been included in the 2013 review. This major review is examining the costs associated with the existing regulatory regime and whether there is a continuing case for regulation and, if so, whether the regime could be made more cost-effective.[3]

4. On 31 January 2012, Mr. Stunell announced the consultation on changes to the Building Regulations, including Part P. He said:

> I believe the proposals, by seizing the opportunity to deregulate where possible whilst delivering even better levels of compliance and energy efficiency in buildings, will support our commitment to ensuring that our buildings are safe and sustainable whilst helping to secure future growth and employment by means of a robust and effective bedrock of regulation. […] The consultation we are publishing today includes proposals which provide annual net savings to business of £63.1 million.[4]

1 Q 79

2 Ev 55, paras 20-21

3 Ev 55, para 21

4 HC Deb, 31 January 2012, col 38-39WS

The statement went on to describe proposals that relate specifically to our inquiry, including:

> proposals which respond to concerns about the burdens associated with Part P (Electrical safety – dwellings) and the costs which fall on electricians, local authorities and ultimately the consumer. We are consulting on two changes to reduce these costs whilst not undermining safety. Firstly, we propose to extend the range of simple jobs that can be carried out without notifying building control. Secondly, we propose to allow DIY-ers and other unregistered installers to use a competent electrician rather than a building inspector to certify work.[5]

Our inquiry

5. We were keen to contribute to the Government's consultation and review in this important area for housing, and therefore we launched our own inquiry into Building Regulations—as they apply to gas and electrical installation and repairs in dwellings—in December 2011. We issued a call for evidence, asking:

- whether the Building Regulations are adequate in safeguarding health and safety in domestic dwellings;
- what are the costs of complying with the relevant Regulations;
- how those Regulations could be revised, to make them more streamlined and effective; and
- what would be the consequences of the removal or significant reduction of the scope of those Building Regulations.

6. We received over 30 written submissions and we held two oral evidence sessions in February 2012, inviting witnesses from the relevant gas and electrical organisations, the Local Authority and private building control sectors, and the Government. We are grateful to all those who gave oral evidence, and we would also like to thank our specialist adviser, David McCullogh.[6]

7. In this Report, we looked at the Building Regulations review, and examined gas safety, including the issue of Carbon monoxide alarms, and then electrical installation and repairs in households.

5 HC Deb, 31 January 2012, col 38WS

6 Employment as Operational Excellence Director, TPS, a multi disciplinary design consultancy (architects, engineers, project managers and surveyors – including an arm's length Approved Inspector Building Control Body, Carillion Specialist Services); TPS is part of the Carillion group. Building Regulations advisor to Royal Institution of Chartered Surveyors (RICS); RICS Governing Council member and member of RICS Knowledge Board. Director of the Building Control Alliance, a pan sector Building Control organisation aiming to give a unified voice on non sector related building control issues; representation on behalf of RICS, other members are LABC (Local Authority Building Control), ACAI (Association of Consultant Approved Inspectors), ABE (Association of Building Engineers) and CIOB (Chartered Institute of Building). Chairman of Industry Group commenting on closing the compliance gap in the area of Building Regulations (Energy Conservation Regulations). Trustee of Corner House Youth Project, Stockton on Tees, a youth work charity. Trustee of Norton (Teesside) Sports Complex, a sports based charity

2 Gas

Gas Safety and Building Regulations

8. Building Regulations do not apply to the safety aspect of the installation of gas supply. That is covered by the Gas Safety (Installation and Use) Regulations 1998[7]and enforced by the Health and Safety Executive (HSE). Part J of the Building Regulations applies to the safe combustion of gas in heat-producing appliances, particularly:

- the adequacy of the air supply to allow efficient and safe combustion;
- the safe discharge of the products of combustion i.e. such that the occupants are protected from internal discharge, the potential of burns from flues or the risk of fire from hot flues in contact with building elements; and
- the provision of information to building owners on safe operation and maintenance needs.[8]

9. There is, however, a wider overlap between the HSE regime and Building Control. The installation of a fixed heat-producing appliance, using gas as a fuel, is defined as "Building Work", and thus subject to Building Regulations, for which the Department for Communities and Local Government (DCLG) has responsibility. Paul Everall, from Local Authority Building Control, told us that a body such as his, representing building control management across local authorities, found that dealing with two government departments "can bring added complications in trying to find solutions".[9] This complication was also highlighted by Simon Ayers, from Gas Safe Register: while describing the Gas Safety (Installation and Use) Regulations as "proportionate and fair",[10] he said that gas engineers and installers sometimes did not realise that they had also to comply with a broader set of requirements, as specified in the Building Regulations. He suggested that confusion and misunderstanding was common by engineers,[11] and it appears to us that this was likely to be much more widespread among householders, who under current arrangements, have liability and responsibility for the safety of domestic installations.

Liability of householders

10. There is overlap between the HSE regime and Building Control, which ensures that the Building Regulations are being followed. This overlap also covers liability: the householder is *not* liable for work covering the safety aspect of the installation of gas supply, which is covered by the Gas Safety (Installation and Use) Regulations 1998;[12] the householder *is*

7 SI 1998/2451

8 www/planningportal.gov.uk/buildingregulations/approveddocuments/partj/approved

9 Q 53

10 *As above*

11 *As above*

12 SI 1998/2451

liable for work that is covered by Part J of the Building Regulations and under the Building Act 1984 .[13] As we said, many engineers do not realise that they have to comply with two sets of requirements, let alone homeowners. Chris Yates, from the Heating and Hotwater Industry Council, drew attention to the problem of consumers' lack of understanding of this highly technical area:

> Most householders do not really appreciate what the heating system is about; they will not know who the boiler manufacturer is. They might know who the energy supplier is but they will not have much of an appreciation of the heating system, so the emphasis is probably more on the trade to communicate that. When it comes to replacing appliances, in 90% of cases that is dictated by the installer. There is a huge amount of responsibility on the installer, but the fact is that the consumer trusts the individual.[14]

11. This lack of public awareness can allow the proliferation of unscrupulous contractors who leave faulty work unchecked. The Gas Safe Register, the official gas registration body for the United Kingdom, stated that:

> The responsibility for Building Regulation compliance rests with the property owner but many property owners will take advice from practising businesses as to the requirement to comply with legislation. The risk in relation to compliance will depend on the knowledge and business ethics of the practising business and does not ensure the completion of an installation that meets the required standards.[15]

12. **Under the legislation, the ultimate responsibility for Building Regulation compliance rests with the building owner as the procurer of the work, even though in reality they rely on those carrying out the work to advise them adequately. During the evidence sessions, we raised the possibility of removing liability from the householder. We accept that such a step would remove a key component from the system of compliance and would set gas and electrical work at odds with the rest of the building control regime. But the operation of the current arrangements is unsatisfactory. In order to work properly, householders must become aware of their responsibilities. Much of our evidence pointed out that, in order to protect homeowners adequately from those who would mislead them (and who are also most likely to fail technically), much more needs to be done to raise the public level awareness of homeowners' obligations, and where independent advice can be gained. The Government needs to be far more proactive—working with the gas industry, DIY shops, planning authorities—in promoting a campaign of awareness about gas safety and houseowners' liabilities and responsibilities. We recommend that, in responding to this Report, the Government sets out a programme of measures to raise awareness and that in two years it provides us with a memorandum estimating the effectiveness of the measures.**

13 Building Act 1984, ss 35 and 36

14 Q 53

15 Ev 40

Compliance

13. By law, all gas engineers must be on the Gas Safe Register.[16] The Gas Safe Register replaced CORGI as the gas registration body in Great Britain. The Gas Safety (Installation and Use) Regulations 1998 require membership of the Gas Safe scheme for 'paid for' installation of gas supply. Gas Safe has also been granted Competent Person Scheme[17] status for self-certification under the Building Regulations.[18]

14. However, statistics from the Association of Registered Gas Installers highlighted that, at the last gas safety review, at least 50% of all gas work carried out in the United Kingdom was considered to be illegal in that, at the very least, it was not notified to any relevant body.[19] The Heating and Hotwater Industry Council explained that the current Building Regulations were not being implemented properly:

> Gas Safe Register data suggests that 250,000 gas installations are carried out every year by individuals who are not part of a Competent Persons Scheme. Our view is that compliance with the regulations needs to be more closely monitored to start overcoming this problem of non-competent engineers being involved with installations.[20]

The Government is alert to the issue and the Minister told us that the current consultation exercise included an examination of the issue of compliance and that "we are working closely with colleagues in the HSE to see if there is any change that is needed on that front".[21]

15. **We welcome the fact that the Government's current consultative exercise includes the strengthening of enforcement under the Building Regulations, and that the Government is working closely with the HSE to examine if there are ways to address the problem of non-compliant engineers working on gas installations. The level of failure to meet the requirements of the regulatory regime is worrying. It must follow that more stringent enforcement of requirements will reduce illegal and potentially unsafe works being carried out. We recommend that the Government produces a programme of measures to strengthen enforcement of the regulatory regime, and that it provides us with a memorandum in two years' time, with statistical details showing any improvement or otherwise in compliance on gas installations.**

Carbon monoxide alarms

16. Part J of the Building Regulations covers the risk of carbon monoxide (CO) poisoning from faulty or malfunctioning heat producing systems. Since 2010, the Building

16 Ev 54 [DCLG], para 12

17 Competent Person Schemes (CPS) were introduced by the Government to allow individuals and enterprises to self-certify that their work complied with the Building Regulations, as an alternative to submitting a Building Notice or using an approved inspector.

18 It is compulsory for electricians to register under the Gas Safe Competent Person Scheme.

19 Ev w8

20 Ev 44

21 Q 129

Regulations have required a carbon monoxide alarm to be fitted where there is a solid fuel appliance installed. Dr Walker, an expert in carbon monoxide poisoning, described the most likely source of carbon monoxide cases of exposure, as being through:

> the incomplete combustion of carbon-containing fuels. Such fuels include gas used for cooking and heating (usually methane, propane or butane, either bottled or mains-supplied), fuel oil (sometimes referred to as kerosene), paraffin, coal, charcoal, wood, paper, petrol and diesel. Essentially anything used to provide heat for cooking or home heating, to heat water, or to power an engine can produce CO.[22]

He cited statistics on the number of people affected by carbon monoxide poisoning in the home:

> Current figures suggest that in the UK, annually, there are some 50 deaths and around 4,000 recognised hospital attendances resulting from CO exposure. Lethal outcomes are sometimes the result of a single, acute episode of exposure to high concentrations of CO. Sometimes there has been chronic, undiagnosed or misdiagnosed exposure in the weeks, months or years leading up to the fatal episode. In other cases, people are poisoned at so-called 'low levels' over a prolonged period of time, but not so severely poisoned as to be killed before a diagnosis is finally established.[23]

The Gas Industry Safety Group (GISG) also quoted the above figures—from the Department of Health—on carbon monoxide poisoning in the home, but added that "it is believed that the actual number of injuries and fatalities are much higher".[24] Evidence from CO-Gas Safety supported this view: "As there is no automatic testing on dead bodies for CO, it is impossible to ascertain the true number of deaths from CO".[25] The HSE Divisional Director, Peter Brown, said that there have been improvements in gas safety:

> One set of figures that to me demonstrates improvements is that, in the late 1990s, there were approximately 30 deaths a year from CO poisoning from mains gas. That has fallen to about half that level over the last 20 years. Certainly in the last five years, we have seen 12 to 15 deaths.[26]

17. However, the dataset is small, which, although tragic for those suffering loss or injury, makes it difficult to determine trends. We attach weight to the HSE's view that the trend over the past 20 years is down. It is likely that better appliances and installations, and the installation of more carbon monoxide alarms and their better installation and maintenance underpins this trend. The question we therefore asked was whether the requirement to install carbon monoxide alarms should be extended by a revision to the Building Regulations.

22 Ev w18

23 *As above*

24 Ev 44

25 Ev w23

26 Q 136; see annex 2 for HSE figures, sent in supplementary evidence.

18. Our written and oral submissions were overwhelmingly in favour of carbon monoxide alarms being fitted in dwellings.[27] The Gas Safety Trust said that the current DCLG consultation provided an opportunity "for improvements to Part J so that carbon monoxide detectors and alarms are installed or where necessary replaced whenever notifiable work is carried out".[28] GISG recommended that Part J of the building regulations should be revised "to require audible carbon monoxide alarms to be fitted in any dwelling where a heating appliance is installed in new-build properties or retrospectively fitted".[29] Chris Bielby, from the Gas Safety Trust, told us:

> If it was the same as smoke alarms at 84%, the accident rate comes down quickly and dramatically. At the moment, between 12% and 15% of properties have carbon monoxide alarms.[30]

19. However, the Government's current consultation does not include any proposed changes to Part J of the Building Regulations. The document outlining DCLG's work programme on changes to the Building Regulations made the following point about Part J, and highlighted the results of responses from the initial consultation of 2010:

> There were 11 responses that mentioned Part J. The only significant comments related to the scope of the new regime. In particular there was concern that the provision of carbon monoxide alarms was limited to homes with solid fuel heat sources. Given we consulted widely on changes introduced in October 2010, and that no evidence has been provided as to why the costs and benefits contained in the recent Impact Assessment should be revised, the Department will not be taking forward any further work on Part J at this time.[31]

20. The Minister, Mr Stunell, told us that it was a question of proportionality, and that the figures for carbon monoxide deaths did not justify extra regulation:

> The current building regulations require CO detectors where there are solid fuel appliances. Solid fuel appliances are about 10 times more likely than gas to generate CO emissions when they should not do. It is a question of proportionality in terms of the risk or the threat that there is of CO poisoning, and making sure that we have a proportional regime.[32]

21. We questioned whether this approach squared with the view expressed by Gregory Barker MP, the Minister of State at the Department of Energy and Climate Change (DECC), who said there should be a requirement to test for carbon monoxide and, if necessary, to fit a carbon monoxide alarm, as part of the Green Deal initiative. In a letter to Barry Sheerman MP, he wrote:

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27 For example: Ev w16 [All Party Parliamentary Gas Safe Group]; Ev w17 [Council of Gas Detection and Environmental Monitoring]; Ev w18 [Dr E Walker]; Ev w23 [CO-Gas Safety]

28 Ev 43

29 Ev 44

30 Q 76

31 DCLG, *Future changes to the Building Regulations – next steps,* December 2010, para 2.40

32 Q 156

> The New Green Deal installer standard being developed by BSU will include a requirement that all installers must assess the impact of their work on the air tightness of the property and any associated increase in risks of CO poisoning that might occur as a result. If there is any increase, installers will be required to fit a CO monitor. They will also be required to check properties where there is an existing monitor to ensure it is fully working.[33]

22. In response, Mr Stunell said that he was "not aware of that"; he stated it was a matter for the DECC to decide whether to impose such a requirement as a condition of delivering a grant, but that did not make it a regulatory requirement.[34] In supplementary evidence, Mr. Stunell quoted the DECC Green Deal installer standard (PAS 2030) published in February 2012:

> 5.2.2 *Safety alarms*. Where carbon monoxide (CO) or other safety alarm(s) have already been installed at the designated location, the surveyor shall ascertain whether or not they are operational and report the outcome in the survey record. Where the energy efficiency measure to be installed requires the installation of safety monitoring as part of the specification the surveyor shall assess whether or not any pre-existing alarms will be sufficient for the new installation.[35]

He explained that "as such, a carbon monoxide alarm would only need to be provided where the energy efficiency measure to be installed is one where such an alarm is necessary, ie where they are required to satisfy the Part J Building Regulations for solid fuel installations".[36]

23. There seems to be a degree of uncertainty over whether DECC is imposing a requirement of a carbon monoxide alarm as a condition of delivering a grant, or whether DECC is simply adhering to Part J of the Building Regulations for solid fuel installations. While Peter Brown, from the HSE, recommended that carbon monoxide alarms be fitted, he added that the HSE's:

> focus is primarily on getting people to install their appliances professionally and service them regularly to take the problem out at source. CO alarms are very useful, but it is much better to ensure that there will not be a leak in the first place, through using professionals to install and maintain gas appliances.[37]

The All Party Parliamentary Gas Safe Group in its representations made the point, however, that new appliances can break down at any time, and recommended the installation of new EN 50291-compliant carbon monoxide alarms for all new-build housing.[38]

33 Letter from Gregory Barker MP to Barry Sheerman MP, June 2011 (*not published*)

34 Q 158

35 Ev 55

36 *As above*

37 Q 159

38 Ev w16

24. **Carbon monoxide alarms can make a significant difference to safety in the home, by the early detection of the odourless, invisible and potentially lethal fumes of carbon monoxide. The Government has already agreed that the new Green Deal will include a requirement that all installers must assess the impact of their work on the air tightness of the property, and any associated increase in risks of carbon monoxide poisoning that might occur as a result. Where there is an increase in risk of poisoning, the Government has agreed that installers will have to fit a carbon monoxide alarm, and will have to check that existing carbon monoxide monitors are in working order. We welcome the inclusion of carbon monoxide alarms in the Green Deal standard. Confusion between government departments, particularly in respect of public safety issues, is unacceptable and we conclude that the Government needs a comprehensive policy. We recommend that Part J should go even further and require audible, wired-up EN 50291-compliant carbon monoxide alarms to be fitted wherever a relevant heating appliance is installed in any new-build or existing homes.**

Public awareness of gas installation and safety issues

25. Simon Ayers, from Gas Safe Register, told us of the publicity work that the Register supported, and of the work of the Gas Safe charity.[39] Chris Bielby, from the Gas Safety Trust, also said that:

> In 2007, Ofgem in its supplier licence review, made sure that each year any energy retailer gave information on the safety of gas and carbon monoxide.[40]

We welcome this work, as many members of the public are, understandably, unaware of the complicated regulatory framework for gas installation and do not know how to check whether the installer has carried out the work safely and satisfactorily. The presumption is that members of the public will use a Competent Person, but many do not, which puts them, their neighbours (due to the fire risk for neighbouring properties) and future owners of their property in danger.

26. The All Party Parliamentary Gas Safety Group highlighted the need for better public awareness of carbon monoxide poisoning, through initiatives and joint working between various industry organisations:

> Campaigns run by the Gas Safe Register and CO Be Alarmed are good examples of initiatives that are making inroads in this area, but there are other ways in which the message can be reinforced. One example is the trial currently being undertaken by Merseyside Fire and Rescue Service, who are including a test for carbon monoxide as part of their home fire safety checks.[41]

27. **We recommend that the Government co-ordinate a concerted effort by the various industry organisations to continue to raise public awareness of carbon monoxide poisoning, to be overseen by the Government. Too little is still known by householders about the danger of carbon monoxide in the home, and the greater the number of**

39 Q 76

40 *As above*

41 The All Party Parliamentary Gas Safety Group, *Preventing Carbon monoxide Poisoning* , p 31

households that have carbon monoxide alarms, the less the risk of death or injury through carbon monoxide poisoning.

28. **Householders need to be more aware of current legislation surrounding the installation of gas appliances, and the fact that they are liable for the consequences of not using certified engineers. We recommend that there be a major publicity campaign, involving all relevant bodies—including the Government, local authorities and the gas industry—to ensure that householders know the legal and safety consequences of not choosing a Gas Safe engineer.**

3 Electricity

The Introduction of Part P of the Building Regulations

29. There seems to be a widespread belief that electricity is generally less dangerous than gas, in terms of the risks arising from faulty installations. However, as the Electrical Safety Council explained, "sub-standard electrical installation work and incompetence can and do result in death, injury and loss of property through electric shock and fire".[42] Phil Buckle, from the Electrical Safety Council, told us that when something goes wrong with electricity, "it is the silent killer that causes fires and takes life".[43] Part P was introduced into the Building Regulations in 2005, with the aim of redefining "Building Work"—operations controlled by Building Regulations—to include installation work on certain types of fixed electrical installations in both new and existing dwellings, and to ensure that more fixed electrical installations in more dwellings comply more thoroughly with accepted safety standards during their service lives.[44]

30. The aim of Part P was to reduce the risk of death and injury caused by electricity, or fires started by electrical faults. It also aimed to improve the level of competence and responsibility of those undertaking electrical work—DIY workers as well as professional electricians—and raising the awareness of builders and householders of the need for appropriate levels of care and safety. The Residential Landlords Association explained how the changes brought about as a result of the introduction of Part P in 2005 were intended to operate:

> Riskier electrical work in the home must be inspected, tested and approved by a building control body or more usually be self-certified by a registered competent person. These jobs include new circuits and new/replacement consumer units and extensions to circuits in kitchens, bathrooms and outdoors. This is to protect both current residents, and also those who may live there in the future.[45]

31. Those who were critical of Part P focussed on the adequacy of enforcement.[46] The majority of written and oral evidence not only supported the aims of Part P, but also attested to its effects.[47] We were told by the electrical organisations that standards had improved since the introduction of Part P. Steve Bratt, from the Electrical Contractors Association, said that:

42 Ev 46, para 1

43 Q12

44 See Annex 2 for a flow chart, issued by DCLG, which highlights the procedure that needs to be followed when starting electrical work in the home.

45 Ev 36, para 8.4

46 We received a few written submissions that were against Part P, for a variety of reasons. Examples of these submissions include: Ev w2 [Mark Wilkinson], Ev w2 [Steve Lomax]; Ev w4 [Unite]; Ev w15 [Fred Williams]; Ev w16 [Philip Jamieson]; Ev w20 [Andy White]; Ev w20 [McCarthy and Stone]; Ev w29[Electrotechnical National Forum]; Ev w32 [Richard Hall].

47 Examples of these submissions include: Ev 26[NICEIC and ECA]; Ev 34 [Residential Landlords Association]; Ev 53 [DCLG]; Ev 25[GMLABC]; Ev 45 [Electrical Safety Council]; Ev 25 [LABC].

> We monitor contractors and have an inspection every year, and we keep statistics on that work. The number of contractors has been increasing and the number of faults identified has been decreasing, and the same principle applies to complaints. That would suggest that standards are significantly increasing.[48]

Phil Buckle, from the Electrical Safety Council, agreed, and he cited the recent statistics: "Fires […] attributed to mains wiring—that is, after the distribution system—have declined by 17.5% from 1,057 in 2004 to 872 in 2008. It has had a significant impact on safety".[49]

Proposed changes to Part P

32. The DCLG consultation document issued in January 2012 outlined possible changes to the Building Regulations regime, and set out the options for amending Part P in 2013, to:

(a) leave Part P unchanged;

(b) revoke Part P; and

(c) amend Part P, to reduce the costs and burdens it imposes on installers, building control bodies and consumers.[50]

The third option of amending Part P is the Government's preferred option because, in the Government's view, "it would significantly reduce the cost to business of Part P in a way that continues to deliver the health and safety benefits sought".[51] The proposed reduction in costs would be achieved by:

(a) making a greater proportion of electrical installation jobs non-notifiable […]; and

(b) allowing DIYers and other unregistered installers (firms not registered with a Part P Competent Person Self-Certification Scheme) to employ a third party qualified electrician to inspect and test their work as an alternative to using a building control body.

The consultation document explained that:

> We would implement option C [amend Part P] by publishing a new edition of Approved Document P containing revised guidance, and amending the Building Regulations 2010 as appropriate.
>
> We could also amend the Building (Local Authority Charges) Regulations 2010 to ensure that building control charges would be lower where qualified third party electricians took over responsibility for inspection and testing from the building control body and were able to issue a BS 7671 inspection and testing form. The lower

48 Q 3

49 *As above*

50 DCLG, *2012 consultation on changes to the Building Regulations in England: Section three – Part P (Electrical safety – dwellings)*, 31 January 2012, para 25

51 DCLG, *2012 consultation on changes to the Building Regulations in England: Section three – Part P (Electrical safety – dwellings)*, 31 January 2012, para 27

charges would recognise the savings in building control time, and reflect the fact that the amendments to the Charges Regulations would require local authorities to take into account third party certification in setting their charges.

These lower building control charges would apply equally to qualified electricians capable of inspecting and testing their own notifiable installation work (and of issuing a BS 7671 Electrical Installation Certificate) and who under the existing arrangements choose, for whatever reason, not to join a registration scheme.[52]

33. **From the evidence we received, we are satisfied that Part P has been successful in driving up standards and in reducing the number of electrical faults. We would therefore be reluctant to endorse any diminution of the scope or operation of Part P, which might reverse that trend. We require the Government to seek research and evidence to show that safety would not be reduced.**

34. **In its consultation exercise, the Government is suggesting that certain installation work currently classified as 'notifiable'—because the work is carried out in parts of dwellings considered in 2005 to be of higher risk (in kitchens, bathrooms and gardens)—could be reclassified as non-notifiable, which would remove some of the associated regulatory burden. Again we do not endorse any diminution of Part P, taking minor works in areas of higher risk such as kitchens, bathrooms and gardens out of its reach. Any proposals to remove work from notifiable status need to weigh the reduction in the regulatory burden carefully evaluated against the impact on safety, to show clearly that such a change would not result in more death and injury.**

Competent Person Schemes

35. For an organisation to run a Competent Person Scheme (CPS), it has to meet stringent criteria. It must demonstrate that it:

- has the administrative and managerial capacity to run a scheme;
- sets a competence standard for members that would achieve compliance with BS 7671 and other relevant Parts of the Building Regulations;
- is capable of testing potential members to that standard;
- has in place appropriate measures to guard against non-compliance and mechanisms to have instances of non-compliance put right; and
- is able to issue certificates of compliance to customers and relay information on installations to local authorities.[53]

52 DCLG, *2012 consultation on changes to the Building Regulations in England: Section three – Part P (Electrical safety – dwellings)*, 31 January 2012, para 28

53 www.communities.gov.uk/planningandbuilding/buildingregulations/competentpersonsschemes/howapply

Costs of becoming a Competent Person Scheme

36. There are costs associated with self-certification. It is necessary for potential scheme members to pay to join a scheme (covering initial vetting of competence and administration costs) and an annual fee (to cover ongoing vetting of competence and administrative costs). There are also costs involved in the certification process, both in giving householders a certificate and in passing the information on a certificate to a local authority. In the case of Part P all these costs and benefits were included, as far as it was possible to identify them, in the costs and benefits set out in the associated Regulatory Impact Assessment (RIA).[54] As it turned out, the costs of maintaining registration appears to have been a burden on small contractors carrying out relatively low-cost jobs. Steve Lomax, a proprietor of a small electrical business, wrote that the largest cost of complying with the Building Regulations is maintaining approval with a Competent Person Scheme:

> Maintaining approval with an authorised body […] along with admin costs would come to typically £800-1,000 per annum, with the cost of around £4 per job in certification. This is a flat rate and would represent around 10% of a small job or 0.2% of a medium rewire. These would include some re-training and re-qualification for the "Qualified supervisor" each time the regulations are upgrades, typically once or twice every 10 years.[55]

37. The DCLG memorandum described the process of registering with a Competent Person Self-Certification Scheme, such as NICEIC, NAPIT or ELECSA:

> Some installers must first attend training courses to gain extra qualifications in order to reach the required level of competence and purchase electrical test equipment. There are now around 39,000 installers registered with Part P Competent Person Schemes who have had their competence assessed; samples of their work checked regularly for compliance. At the time Part P was introduced there were 13,000 registered installers.[56]

This process of registering, while ensuring that installers are suitably qualified, also adds to the burden place on installers.

Conflict of interest?

38. Some written evidence claimed that the three approval authorities for Competent Person Schemes—NICEIC, NAPIT and ELECSA—monopolise the Scheme. Steve Lomax was concerned that:

> The approval authorities are commercial companies that derive income by a number of contractors they 'sign up' and then sell certificate forms, tools and other merchandise to. They stand to lose income by rejecting applications or revoking the approval of unsafe installers. This is a conflict of interest.[57]

54 www.communities.gov.uk/publications/planningandbuilding/regulatoryimpactassessment

55 Ev w2

56 Ev 54, para 8

57 Ev w4

Richard Hall, from Red Kite Electrical, made the point that the approved authorities stand to lose income by rejecting unsuitable applications:

> [An] inherent weakness of the inspection regime is that those being inspected are those paying the bills. For the several organisations (unlike the single one for gas) this creates an invidious position. They inevitably compete with one another for paying members. If these competing inspection organisations set their standards too high trades people will simply switch organisation.[58]

The trade union, Unite, had concerns about the effects on standards across the sector:

> The Schemes are commercially motivated, which [...] sadly detracts from raising the bar to the best standards in the field, instead the set up encourages the pursuit of more companies to sign up to the schemes, to the detriment of bona fide highly skilled contractors and operatives, who find the 'level playing field' based on the highest standards in the domestic market eroded by those who are less scrupulous and less committed to the very best in quality, competence, customer services and workmanship within the trade.[59]

39. Emma Clancy, Chief Executive Officer of NICEIC, sought to allay these concerns. She described the stringent monitoring of the Competent Persons Scheme:

> [T]he scheme operation is monitored by UKAS, who come and do their own inspections. They will look in detail at our complaints logs and how we are operating our procedures and practices to make sure we adhere to that. DCLG operates the scheme rules and gives us criteria against which we operate. We as a competent persons scheme go out on an annual basis and check two jobs of a domestic installer. Those jobs are picked anonymously from a list. Trained engineers employed by us look at that work and say that it meets the standard and so on. They also do the paperwork audits; they will make sure that the Competent Persons Scheme member has all the appropriate insurances and so on, so in that sense it is a thorough check.[60]

The Minister, Mr Stunell, told us that the Government believes that standards are being met: "The schemes set themselves standards internally. They do check, they are required to check and there is an overlapping check carried out by the supervisory body".[61]

40. We take some comfort from what the Minister said but we are not reassured that internal checks will uncover serious conflicts of interests. **Concern has been raised about the potential conflict of interest that exists in the three approval authorities of the Competent Person Scheme under Part P. These Scheme operators obtain their finance from the very same companies whose work they judge and they are in competition with each other. We consider that the Government needs to put stronger controls in place over the Competent Person Scheme, to show that the Scheme is serving the best interests of the safety of the public. The current arrangements need greater**

58 Ev w33

59 Ev w5, para 8

60 Q 16

61 Q 108

independent supervision to offset the pressures to compromise safety standards and actively to seek out conflicts of interest and distortions of the market.

Benefits for installers to be a member of a Competent Person Scheme

41. We recognise that there are benefits from self-certification. Installers save on the time and effort needed to submit a building regulation application, and in not paying building control fees, to a building control body. This also frees local authority building control resources to concentrate on areas of greater risk to health and safety and reduce the need for them to employ staff skilled in electricals. Another expected benefit is that operation of a competent persons scheme will increase the quality of workmanship and reduce the number of installations by unscrupulous traders, because such traders ought not be able to satisfy scheme operators of their competence. Competent Persons Schemes also provide mechanisms for redress without the need for formal legal process, if the electrical work done in their home does not meet safety standards. The DCLG Document, "Building work, replacements and repairs to your home" highlights this benefit:

> An installer registered with a Competent Person Scheme is qualified to carry out specific types of work in accordance with Building Regulations and will deal with Building Control issues for you. You will usually have access to insurance backed warranties and a robust complaints procedure to use in the unlikely event work is found to be non compliant.[62]

Mandatory electrical competence scheme?

42. We asked ourselves whether we should go further, in introducing a mandatory scheme; indeed, some of our evidence called for a mandatory registration requirement to be imposed upon electrical installation work as currently exists in the case of gas installations in the Gas Safety Register. The Electrical Safety Council (ESC) wrote of the benefits of registration and the use of registered contractors:

> The ESC believes that because Part P of the Building Regulations is not effectively enforced, electricians who comply are undercut by 'cowboys' and thus put the safety of householders at risk. As a consequence, the ESC also believes that the lack of enforcement means customers have a low awareness of the need to employ Part P registered contractors and thus allows those who are not registered [to] continue to abuse the system and homeowners.[63]

43. When we asked the Minister about imposing a mandatory registration requirement on electrical installation work, he replied that it was not "justified by the evidence we have. […] In the climate of the current Government, it would be a major regulatory step, which we would want to see real justification for before we considered doing it".[64] We agree with the Minister that the imposing of a mandatory electrical competence scheme would be a

62 www.communities.gov.uk/documents/planningandbuilding/pdf/buildingworkleaflet, p 2

63 Ev 48, para 25

64 Qq 112-13

considerable imposition on the electrical installation industry. It would only be justified if the current arrangements were failing.

44. **There have been calls for a mandatory requirement to use qualified electricians to install any electrical installation—in effect, the Gas Safe model applied to electrical work—with its mandatory use of registered installers. On balance, we are not convinced that such a scheme would be justified for electrical works at the present time. In our view it is better to improve the current arrangements, as we have suggested in our Report, and that a strengthened Part P Building Regulation regime would be better than a fully mandatory scheme at the present time. However, we recommend that the Government reports back to us in two years, on the success of the Government's changes, and in the report review the possibility of a mandatory use of registered installers.**

Building regulation approval

45. One of the options in the current DCLG consultation paper on Part P is to allow people who wish to carry out DIY electrical installations or electricians who do not wish to seek Competent Persons Scheme membership themselves to carry out electrical work and then employ a suitably qualified electrician to provide a view (by way of a certificate), which satisfies the requirements of Building Control, and which the Building Control body can then rely on. Paul Everall, from the Local Authority Building Control, thought such a move could be "a satisfactory solution in those sorts of circumstances".[65]

46. The Minister told us that:

> [t]he proposed reductions in the requirements to get building regulation approval are going to be replaced by the option of getting competent advisers to do that. We do not believe that will do anything other than reduce the cost of the inspection; it will not reduce the level of inspection.[66]

This proposals, however, requires all parties working together, and we received evidence that showed that CPSs could work more closely with the Local Authority Building Control, to assist more closely with adherence to the Building Regulations. Paul Everall told us that better, and earlier, integration between the LABC and CPSs generally would help to control those not complying with Part P:

> We have made representations to DCLG over the years for improvements. One of the biggest problems we have with Competent Persons Schemes is that we have to be notified only up to 30 days after the work has been completed. We believe that, from the point of view of compliance, it would be so much better if we had to be notified in advanced, as is the case with anybody wanting to have a house extension or work done on their property. That would give us a better opportunity to check whether the person is indeed on the competent persons register, whether they should have submitted a building notice, or whether they are doing unauthorised work and therefore we can take appropriate action. In relation to the current DCLG

65 Q 10

66 Q 82

> consultation paper, there will be an opportunity to put forward to them our thoughts about how Part P could be improved.[67]

We see scope in allowing a member of a Competent Person Scheme being able to take over responsibility for inspection and testing of DIY and non-registered electricians' work from the Building Control Body, as is recommended by the Government's consultation document. **Competent Person Schemes should work more closely with the Local Authority Building Control, to assist more closely with adherence to the Building Regulations. We see force in a requirement for work to be notified to the relevant Building Control *before* that work is carried out, and we recommend that the Government studies such representations in the consultation exercise seriously. We also see scope in allowing a member of a Competent Person Scheme being able to take over responsibility for inspection and testing of DIY and non-registered electricians' work from the Building Control Body.**

Liability

47. We raised the responsibility for ensuring compliance with Building Regulations for electrical works. As with liability for gas installations and repairs, the Minister, Mr Stunell, pointed out again that the householder had legal responsibility when it came to electrical installations and repairs:

> It seems right, in the UK context, to have the liability resting with the building owner, the commissioner of the works, rather than delegating that to, in effect, a subcontractor to that person. […T]here is a general duty for the tradesperson to proceed in a workmanlike way and to comply with the broader regulations. An installer who failed to do that could be prosecuted under building regulations for putting in an installation that does not comply with those regulations. If we take away the general duty that there is to the person who commissions the work, then I think the system would be that much weaker.[68]

48. However, it is self-evident to us that the vast majority of people who have electrical work carried out in their houses have neither heard of the Competent Persons Scheme nor have any idea what Part P of the Building Regulations states. Although the householder is legally responsible for non-compliance of the regulations, as Steve Lomax, pointed out:

> There is no public advertising that the regulations exist. It is the householder who is ultimately liable for non-conformity of the regulations, not the installer, yet the majority of householders are unaware of this liability.[69]

The Electrical Safety Council (ESC) wrote that because Part P is not effectively enforced, electricians who comply are undercut by 'cowboys' and effectively put the safety of householders at risk. Steve Lomax wrote that the conviction rate of unsafe installers is "grossly disproportionate to the number of offences committed" and gave the following example:

67 Q 11

68 Qq 95-96

69 Ev w3

> The conviction rate is certainly disproportionate to the number of circuit breakers sold by DIY stores, each of which should carry a warning that it is breaking the law for an unregistered person to fit this item.[70]

We agree with the thrust of what Mr Lomax says and consider that sales of certain electrical equipment such as sockets in DIY stores should carry a health warning that it is illegal for an unregistered person to carry out most electrical works in the home without checks being completed by the Building Control service or, if our previous recommendation is accepted, by a member of the Competent Person Scheme. This could significantly reduce the number of unsafe electrical installations, as well as making the general public aware of the need to use a registered electrician when fitting such equipment.

49. **We recommend that sockets and other electrical equipment sold by DIY stores should carry a health warning that it is illegal for an unregistered person to carry out most electrical works in the home without checks being completed by the Building Control service or, if our earlier recommendation is accepted, by a member of a Competent Person Scheme, acting instead of the Building Control service. This will encourage the general public to use registered electricians, and reinforce the general health and safety message that electrical work can potentially be extremely hazardous.**

50. Peter Brown, from the HSE, said that the Electricity at Work Regulations 1989 (SI 635) require anybody carrying out electrical work to be competent:

> In theory, the duty is there on a contractor, and installer, coming in to do the work safely. They could be open to prosecution if the work was not done safely.[71]

But this "theoretical" requirement does not take away the legal responsibility of the homeowner to have work done that complies with the current law. This applies to electrical work in the same way as we have previously noted applies to gas installation. **Householders, not installers, are legally responsible for any electrical work in their homes, yet—as with gas installation work—the majority of householders are unaware of the regulations and of this legal responsibility, and, instead, rely on those carrying out the work to advise them adequately. Many observed that, in order to protect them better from those who would mislead them (and who are also most likely to fail technically), more needs to be done to raise awareness levels within the public of their obligations and where independent advice can be gained.**

Publicity

51. The lack of public knowledge about the Competent Person Scheme and householder responsibilities highlighted, as with gas installation, the need for better public information. Much of our evidence highlighted the fact that the general public, and homeowners in particular, were unaware of Part P of the Building Regulations, even though they have been

70 Ev w3; from this, the assumption is drawn that the number of circuit breakers sold is an indicator of the number of house rewiring being carried out.

71 Q 101

in existence since 2005. As we have noted Steve Lomax has pointed out that "there is no public advertising that the regulations exist".[72]

52. Furthermore, the Residential Landlords Association made the point that such a low awareness of Part P among homeowners allowed those that were not registered to abuse the system.[73] The NICEIC sent out a survey on Part P to its registered contractors, and 96% said that they wanted DCLG to recognise the need for increased public awareness.[74] The NICEIC recommended that a levy should be put onto Part P Competent Person Scheme operators to publicise the regulations to householders, which would help to ensure "that small businesses registered with the Scheme have the right level of marketing support to win business from homeowners".[75]

53. Supplementary evidence from DCLG described the Government's efforts in supporting Competent Person Scheme operators, to promote and publicise the requirements of the Building Regulations:

> We intend for scheme operators to be required under new conditions of authorisation to invest more in marketing their Part P schemes to the industry and wider public. We will not be prescribing the effect such marketing must achieve, but the arrangements put in place by the scheme operators will be subject to UKAS monitoring under the new accreditation plans to ensure that marketing has taken place.[76]

The Electrical Safety Council supported this proposal by DCLG.[77]

54. As well as the need for publicity directed as those carrying out works, there is also a need for the public to be aware of the need for regular checks on electrical circuits in older housing stock. Phil Buckle, from the Electrical Safety Council, explained that:

> The new housing stock is wired up to the current standard and you can have some confidence that it complies and is safe. The older housing stock needs regular checks. Many houses in England and Wales do not enjoy the benefit of a regular check because people are not aware that is necessary. The whole debate is about having Part P to create or maintain a framework of electrical safety for new and upgraded work, but also to campaign to make sure people are aware that they need to check regularly the maintenance of their electrical installation.[78]

He believed that raising public awareness "is a collective effort. We all have a responsibility, but it is about making sure the messages are consistent. […] However messages are developed, they need to be delivered consistently".[79]

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72 Ev w3

73 Ev 36, para 8.5

74 Ev 29, para 2.14

75 Ev 29, para 2.11

76 Ev 55

77 Ev 48, para 27

78 Q 6

79 Q 45

55. **There is a need for greater public awareness about the dangers of sub-standard electrical repairs and installations, in order to increase the public's understanding both of the dangers of using unqualified electricians and of the need to have regular maintenance checks on the electrical circuits in their homes. The Government should join with the other main players—especially the scheme operators—to ensure that the public are better informed of their responsibilities. We support the Government's efforts to support Competent Person Scheme operators to promote and publicise Building Regulations. We reiterate our recommendation that in responding to this Report the Government sets out a programme of measures to raise awareness and that in two years it provides us with a memorandum estimating the effectiveness of the measures.**

4 Conclusion

56. We welcome the Government consultation into and review of the Building Regulations. After studying the issues surrounding Part P and Part J of the Building Regulations, our main recommendations are that:

- Part J should require that all new-build houses be installed with audible, wired-up EN 50291-compliant carbon monoxide alarms;
- Part P should not be reduced in its current scope or operation;
- There should be better supervision of Competent Person Scheme operators, to avoid any potential conflicts of interest and distortions of the market;
- There should be greater public awareness about the dangers of sub-standard electrical and gas work in the home, and about the homeowners' responsibility and liability in these areas. The Government should join with the other main players to ensure that the public are better informed.

Annex 1: Department of Health and HSE statistics

Supplementary evidence from the HSE highlighted Department of Health and HSE statistics from 2004 to 2010:

Department of Health Statistics

Number of deaths from accidental poisoning by carbon monoxide, England and Wales, 2004-101,2,3
Excluding fires and transport accidents

ICD 10 Code	Cause	2004	2005	2006	2007	2008	2009	2010
X47 Total	Accidental poisoning by other gases and vapours	34	22	41	47	39	39	32
X47.0	Occurrence at home	22	19	34	35	26	29	23
X47.1	Occurrence in residential institution	0	0	0	0	0	0	0
X47.2	Occurrence at school other institution/public administration area	1	0	0	0	0	0	0
X47.3	Occurrence at sports/athletics area	0	0	0	0	2	0	0
X47.4	Occurrence on street/highway	0	0	2	1	4	1	1
X47.5	Occurrence at trade/service area	0	0	0	0	0	1	0
X47.6	Occurrence at industrial/construction area	3	0	3	4	2	1	1
X47.7	Occurrence on farm	3	0	0	0	0	0	0
X47.8	Occurrence at other specified place	4	3	2	7	3	5	6
X47.9	Occurrence at unspecified place	1	0	0	0	2	2	1

1 Cause of death was defined using the International Classification of Diseases, Tenth Revision (ICD 10). Deaths were selected where the underlying cause of death was accidental (ICD 10 codes V01-X59), and where the secondary cause of death was the toxic effect of carbon monoxide (ICD 10 code T58).
2 Figures for England and Wales include deaths of non-residents.
3 Deaths registered in each calendar year.
Source: Office for National Statistics

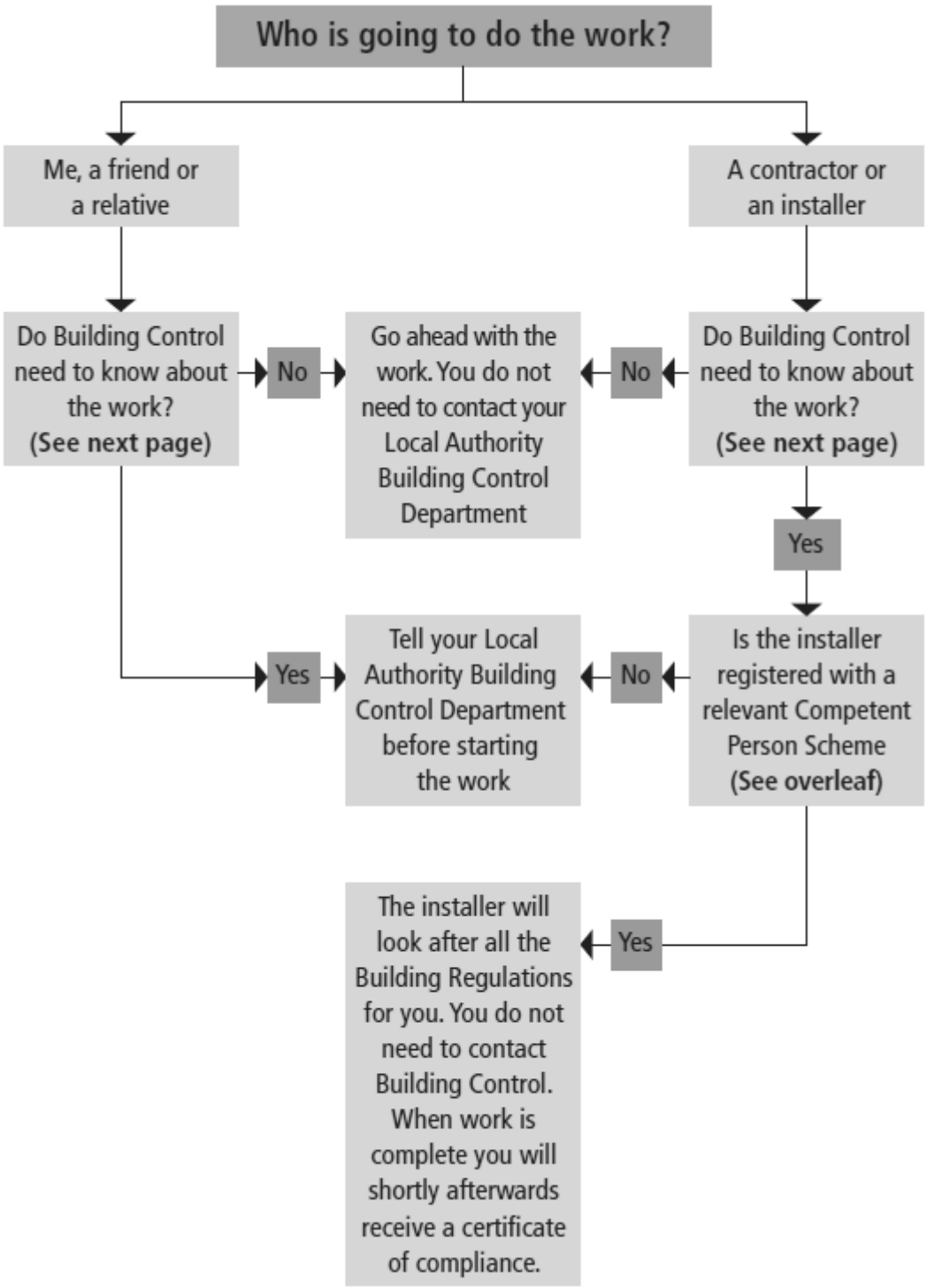
HSE Statistics

RIDGAS - Incidents relating to the supply and use of flammable gas (a) 2006/07 - 2010/11p

Incidents relating to the supply and use of flammable gas (a) 2006/07 - 2010/11p						
		2006/07	2007/08	2008/09	2009/10	2010/11p
Number of fatalities	Explosion/fire	2	2	2	1	3
	Carbon monoxide poisoning	10	13	15	9	14
	Other Exposure	-	3	1	-	1
	Total	12	18	18	10	18

Notes:
(a) Mainly piped gas but also includes bottled LPG
(b) An incident can cause more than one fatality or injury
p Provisional
Regulation 6(1) of RIDDOR places a duty on certain conveyors of gas (including LPG), to notify HSE of an incident involving a fatal or major injury that has occurred as a result of the distribution or supply of flammable gas. The statistics published above are as reported to HSE. When a report is made under Reg 6(1), it will be at an early stage of the incident, thus the detailed circumstances of the incident will not have been confirmed.

Annex 2: how to meet the requirements of the Building Regulations



You DO need to tell your Local Authority Building Control about the following work unless you use an installer who is registered with a Competent Person Scheme.

- new installation or replacement of a heating system or any boiler, regardless of fuel type
- new installation or replacement of an oil tank
- installation of a new bathroom or kitchen if existing electrics or plumbing are altered or if new electrics or plumbing are installed
- installation of fixed air conditioning systems
- installation of additional radiators to an existing heating system
- new electrical installations in bathrooms, kitchens and outdoors
- replacement window and door units
- replacement of roof coverings on pitched and flat roofs.

You DO NOT need to tell your Local Authority Building Control about the following work but you can still use an installer who is registered with a Competent Person Scheme.

- most repairs, replacements and maintenance work (except replacements of combustion appliances, oil tanks, electrical consumer units or glazing units which do need to be notified)
- additional power points or lighting points or any other alterations to existing circuits (except in bathrooms, kitchens or outdoors)
- like for like replacements of baths, toilets, basins or sinks.[80]

80 www.communities.gov.uk/documents/planningandbuilding/pdf/buildingworkleaflet, which refers only to local authority building control. The same applies to private building control approved inspectors.

Annex 3: glossary of terms, initials and acronyms

Approved document – Each of the 14 sections of the Building Regulations has its own approved document, which sets out the relevant legislation and describes the means by which the Regulations can be met.

BS 7671 – The British Standard that sets out the fundamental principles for achieving safety, from which Part P derives. To achieve the requirements in BS 7671, electrical installations must be:

> designed and installed to afford appropriate protection against mechanical and thermal damage, and so that they do not present electric shock and fire hazards to people; and
>
> suitably inspected and tested to verify that they meet the relevant equipment and installation standards.

Building Control – Independent third party checking of design proposals and work carried out by either a Local Authority or a licensed private sector organisation (Approved Inspector) in order to audit compliance with the Building Regulations. *See Annex 1 for a flow chart that shows when electricians need to tell their Local Authority Building Control Department about electrical work, in accordance with Part P of the Building Regulations.*

The Building (Local Authority Charges) Regulations 2010 – allows local authorities to bring in external expertise and capability, and to vary building control fees when inspecting installations, dependent on whether or not the installer is registered.

Building Regulations – Statutory instruments that seek to ensure that the policies set out in the relevant legislation are carried out. Building regulations approval is required for most building work in the UK.

Building Regulations Review – DCLG is currently reviewing the Building Regulations, including Part P. The consultation closes on 27 April 2012, after which the final proposals will be published.

Competent Persons Scheme – A scheme introduced by the Government to allow individuals and enterprises to self-certify that their work complies with the Building Regulations, as an alternative to submitting a building notice or using an approved inspector. To be eligible to self-certify that electrical work complies with the Building Regulations, electrical contractors must be registered with a DCLG-authorised Part P Competent Person Scheme. To become registered, electrical contractors have to undergo an assessment process to confirm that they can work in compliance with the scheme rules, including an on-site inspection, evaluation of technical competence, qualifications and inspecting, testing and certification ability of a nominated employee, confirmation of possession of appropriate test instruments and public liability insurance, and confirmation

of having systems in place to certify electrical work as safe to put into service, and to handle complaints. The contractors must undergo re-assessment annually.[81]

CORGI – Gas Safe Register replaced CORGI as the gas registration body in Great Britain. The acronym was derived from the Confederation of Registered Gas Installers.

DCLG – the Department for Communities and Local Government

DIY – 'Do-It-Yourself'; the activity of making repairs in the home by the homeowner, rather than employing a professional.

ECA – The Electrical Contractors Association

ELECSA – ECA Certification Limited. One of the organisations authorised by DCLG to operate a Part P Competent Person Scheme.

Electrical installation – Defined in the Building Regulations as fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter.

The Gas Safety (Installation and Use) Regulations 1998 (GSR)[82] – Gas safety is subject to these regulations. These regulations have independent and separate requirements to Building Regulations, but there is overlap between the two regulations.

Gas Industry Safety Group (GISG) – Formed in 2002, the Gas Industry Safety Group encourages co-operation between the main UK gas industries, to promote best practice and providing a forum to promote gas safety.

The Health and Safety Executive (HSE) – The HSE is a Non-Departmental Public Body with Crown status, established under the Health and Safety at Work etc Act 1974. It has responsibility for enforcing the Gas Safety (Installation and Use) Regulations 1998.

Housing Health and Safety Rating System (HHSRS) – A standard by which the adequacy of housing can be measured. Used by Housing Authorities as part of their licensing process.

HMO Management Regulations – The current regulations are the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.[83] Various duties placed on the manager of an HMO (House in Multiple Occupation) and, by virtue of the regulations, local authorities have the power to inspect gas safety certificated required under the Gas Safety (Installation and Use) Regulations.

LABC – Local Authority Building Control

NAPIT – The National Association of Professional Inspectors and Testers. NAPIT is one of the organisations authorised by DCLG to operate a Part P Competent Person Scheme.

81 Ev 52, Annex D

82 SI 1998/2451

83 SI 2007/1903

NICEIC – NICEIC (National Inspection Council for Electrical Installation Contracting) is the United Kingdom's largest private sector building control body. It is authorised by DCLG to operate a Part P Competent Person Scheme.

Notifiable work – Work that is deemed notifiable, as stated in Approved Document P, must be notified to the relevant Local Authority's Building Control (LABC) department. If the work is carried out by a registered electrical contractor (also known as a 'competent person'), they report the completed work to their scheme operator. The scheme operator then informs the relevant LABC of the completed work, in accordance with the Building Regulations. If the work was done by somebody who was not registered, then a Building Control Body (either the Local Authority or a Private Sector Approved Inspector) must be appointed to provide checks. There is a fee payable to the Building Control Body to cover their costs in checking compliance with the Building Regulations. Notifiable work covers major work, and other 'high-risk' areas, such as kitchens, bathrooms and gardens.

Non-notifiable work – covers minor work, such as replacing switches or adding sockets to existing circuits other than in special places (for example, kitchens and gardens). Such work does not need to be notified to the relevant LABC department.

Part J – Part J of the Building Regulations covers the safe installation and use of combustion appliances, including boilers.

Part P – Part P of schedule 1 to the Building Regulations 2000[84] is the sole specific legal framework that covers the safety of electrical installations in the home. It states:

> Part P Electrical Safety
>
> Design and installation
>
> > P1. Reasonable provision shall be made in the design and installation of electrical installations in order to protect persons operating, maintaining or altering the installations from fire or injury.
> >
> > The requirements of this part apply only to electrical installations that are intended to operate at low or extra-low voltage[85] and are: in or attached to a dwelling; in the common parts of a building serving one or more dwellings, but excluding power supplies to lifts; in a building that receives its electricity from a source located within or shared with a dwelling; and in a garden or on land associated with a building where the electricity is from a source located within or shared with a dwelling.

Risk Based Assessment (RBA) – An approach to vetting Competent Persons favoured by several scheme operators, where the vetting extent is based upon a risk-based analysis of the Competent Persons performance and quality controls. RBA would allow Part P scheme

84 SI 2000/2531, as amended by SI 2004/3210 and SI 2006/652

85 Approved Document P states that extra-low voltage is defined in the Building regulations as voltage not exceeding 50 volts between conductors and earth for alternating current or 120 volts between conductors for direct current. Low voltage which normally exceeds extra-low voltage is defined in the Building Regulations as not exceeding 1000 volts between conductors or 600 volts between conductors and earth for alternating current; or 1500 volts between conductors or 900 volts between conductors and earth for direct current.

providers, such as NICEIC, to reward those contractors with a good track record, thereby removing annual assessments, with their associated costs.

Residual Current Devices (RCDs) are designed to prevent people from getting a fatal electric shock if they touch a live wire. Older homes—approximately 50% of England's housing stock, do not have adequate RCD protection.[86]

Section 4 of the Defective Premises Act 1972 – There is liability in negligence on the part of the landlord for death or personal injury arising out of a breach of these repairing obligations. For example, if somebody is injured due to carbon monoxide fumes, a claim for personal injury can be made.

Section 11 of the Landlord and Tenant Act 1985 – the landlord is contractually responsible for the repair and/or keeping in proper working order the installations in a rented property, for the supply of gas and electricity, as well as the installations for space and water heating.

UKAS accreditation – The United Kingdom Accreditation Services (UKAS) is the sole national accreditation body recognised by the Government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services. According to NICEIC, UKAS accreditation for NICEIC and ECA Domestic Installer Scheme works out as a cost of £30 per day.[87]

86 Ev 45

87 Ev 29, para 2.10

Conclusions and recommendations

Gas

1. Under the legislation, the ultimate responsibility for Building Regulation compliance rests with the building owner as the procurer of the work, even though in reality they rely on those carrying out the work to advise them adequately. During the evidence sessions, we raised the possibility of removing liability from the householder. We accept that such a step would remove a key component from the system of compliance and would set gas and electrical work at odds with the rest of the building control regime. But the operation of the current arrangements is unsatisfactory. In order to work properly, householders must become aware of their responsibilities. Much of our evidence pointed out that, in order to protect homeowners adequately from those who would mislead them (and who are also most likely to fail technically), much more needs to be done to raise the public level awareness of homeowners' obligations, and where independent advice can be gained. The Government needs to be far more proactive—working with the gas industry, DIY shops, planning authorities—in promoting a campaign of awareness about gas safety and houseowners' liabilities and responsibilities. We recommend that, in responding to this Report, the Government sets out a programme of measures to raise awareness and that in two years it provides us with a memorandum estimating the effectiveness of the measures. (Paragraph 12)

2. We welcome the fact that the Government's current consultative exercise includes the strengthening of enforcement under the Building Regulations, and that the Government is working closely with the HSE to examine if there are ways to address the problem of non-compliant engineers working on gas installations. The level of failure to meet the requirements of the regulatory regime is worrying. It must follow that more stringent enforcement of requirements will reduce illegal and potentially unsafe works being carried out. We recommend that the Government produces a programme of measures to strengthen enforcement of the regulatory regime, and that it provides us with a memorandum in two years' time, with statistical details showing any improvement or otherwise in compliance on gas installations. (Paragraph 15)

Carbon monoxide alarms

3. Carbon monoxide alarms can make a significant difference to safety in the home, by the early detection of the odourless, invisible and potentially lethal fumes of carbon monoxide. The Government has already agreed that the new Green Deal will include a requirement that all installers must assess the impact of their work on the air tightness of the property, and any associated increase in risks of carbon monoxide poisoning that might occur as a result. Where there is an increase in risk of poisoning, the Government has agreed that installers will have to fit a carbon monoxide alarm, and will have to check that existing carbon monoxide monitors are in working order. We welcome the inclusion of carbon monoxide alarms in the Green Deal standard. Confusion between government departments, particularly in

respect of public safety issues, is unacceptable and we conclude that the Government needs a comprehensive policy. We recommend that Part J should go even further and require audible, wired-up EN 50291-compliant carbon monoxide alarms to be fitted wherever a relevant heating appliance is installed in any new-build or existing homes. (Paragraph 24)

Gas safety: public awareness

4. We recommend that the Government co-ordinate a concerted effort by the various industry organisations to continue to raise public awareness of carbon monoxide poisoning, to be overseen by the Government. Too little is still known by householders about the danger of carbon monoxide in the home, and the greater the number of households that have carbon monoxide alarms, the less the risk of death or injury through carbon monoxide poisoning. (Paragraph 27)

5. Householders need to be more aware of current legislation surrounding the installation of gas appliances, and the fact that they are liable for the consequences of not using certified engineers. We recommend that there be a major publicity campaign, involving all relevant bodies—including the Government, local authorities and the gas industry—to ensure that householders know the legal and safety consequences of not choosing a Gas Safe engineer. (Paragraph 28)

Electrical work: scope of Part P

6. From the evidence we received, we are satisfied that Part P has been successful in driving up standards and in reducing the number of electrical faults. We would therefore be reluctant to endorse any diminution of the scope or operation of Part P, which might reverse that trend. We require the Government to seek research and evidence to show that safety would not be reduced. (Paragraph 33)

7. In its consultation exercise, the Government is suggesting that certain installation work currently classified as 'notifiable'—because the work is carried out in parts of dwellings considered in 2005 to be of higher risk (in kitchens, bathrooms and gardens)—could be reclassified as non-notifiable, which would remove some of the associated regulatory burden. Again we do not endorse any diminution of Part P, taking minor works in areas of higher risk such as kitchens, bathrooms and gardens out of its reach. Any proposals to remove work from notifiable status need to weigh the reduction in the regulatory burden carefully evaluated against the impact on safety, to show clearly that such a change would not result in more death and injury. (Paragraph 34)

Electrical work: Competent Person Scheme

8. Concern has been raised about the potential conflict of interest that exists in the three approval authorities of the Competent Person Scheme under Part P. These Scheme operators obtain their finance from the very same companies whose work they judge and they are in competition with each other. We consider that the Government needs to put stronger controls in place over the Competent Person Scheme, to show that the Scheme is serving the best interests of the safety of the

public. The current arrangements need greater independent supervision to offset the pressures to compromise safety standards and actively to seek out conflicts of interest and distortions of the market. (Paragraph 40)

9. There have been calls for a mandatory requirement to use qualified electricians to install any electrical installation—in effect, the Gas Safe model applied to electrical work—with its mandatory use of registered installers. On balance, we are not convinced that such a scheme would be justified for electrical works at the present time. In our view it is better to improve the current arrangements, as we have suggested in our Report, and that a strengthened Part P Building Regulation regime would be better than a fully mandatory scheme at the present time. However, we recommend that the Government reports back to us in two years, on the success of the Government's changes, and in the report review the possibility of a mandatory use of registered installers. (Paragraph 44)

10. Competent Person Schemes should work more closely with the Local Authority Building Control, to assist more closely with adherence to the Building Regulations. We see force in a requirement for work to be notified to the relevant Building Control *before* that work is carried out, and we recommend that the Government studies such representations in the consultation exercise seriously. We also see scope in allowing a member of a Competent Person Scheme being able to take over responsibility for inspection and testing of DIY and non-registered electricians' work from the Building Control Body. (Paragraph 46)

Electrical work: public awareness

11. We recommend that sockets and other electrical equipment sold by DIY stores should carry a health warning that it is illegal for an unregistered person to carry out most electrical works in the home without checks being completed by the Building Control service or, if our earlier recommendation is accepted, by a member of a Competent Person Scheme, acting instead of the Building Control service. This will encourage the general public to use registered electricians, and reinforce the general health and safety message that electrical work can potentially be extremely hazardous. (Paragraph 49)

12. Householders, not installers, are legally responsible for any electrical work in their homes, yet—as with gas installation work—the majority of householders are unaware of the regulations and of this legal responsibility, and, instead, rely on those carrying out the work to advise them adequately. Many observed that, in order to protect them better from those who would mislead them (and who are also most likely to fail technically), more needs to be done to raise awareness levels within the public of their obligations and where independent advice can be gained. (Paragraph 50)

13. There is a need for greater public awareness about the dangers of sub-standard electrical repairs and installations, in order to increase the public's understanding both of the dangers of using unqualified electricians and of the need to have regular maintenance checks on the electrical circuits in their homes. The Government should join with the other main players—especially the scheme operators—to ensure

that the public are better informed of their responsibilities. We support the Government's efforts to support Competent Person Scheme operators to promote and publicise Building Regulations. We reiterate our recommendation that in responding to this Report the Government sets out a programme of measures to raise awareness and that in two years it provides us with a memorandum estimating the effectiveness of the measures. (Paragraph 55)

Formal Minutes

Wednesday 21 March 2012

Members present:

Mr Clive Betts, in the Chair

Bob Blackman	James Morris
Simon Danczuk	Heather Wheeler
Stephen Gilbert	

Draft Report (*Building Regulations applying to electrical and gas installation and repairs in dwellings*), proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 56 read and agreed to.

Annexes agreed to.

Summary agreed to.

Resolved, That the Report be the Tenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (ordered to be reported for publishing on 6 and 20 February 2012).

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till 4.00pm, Monday, 26 March

Witnesses

Monday 20 February 2012

Page

Monday 27 February 2012

List of printed written evidence

List of additional written evidence

(published in Volume II on the Committee's website www.parliament.uk/clgcom)

List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Chief Fire Officers Association (CFOA)

List of Reports from the Committee during the current Parliament

Session 2010–12

First Special Report	Beyond Decent Homes: government response to the Committee's Fourth Report of Session 2009–10	HC 746
First Report	Local Authority Publications	HC 666 (HC 834)
Second Report	Abolition of Regional Spatial Strategies: a planning vacuum?	HC 517 (CM 8103)
Third Report	Localism	HC 547 (CM 8183)
Fourth Report	Audit and inspection of local authorities	HC 763 (CM 8209)
Fifth Report	Localisation issues in welfare reform	HC 1406 (CM 8272)
Sixth Report	Regeneration	HC 1014 (CM 8264)
Seventh Report	Pre-appointment hearing for the Government's preferred nominee for Chair of the Homes and Communities Agency Regulation Committee	HC 1612
Eighth Report	The National Planning Policy Framework	HC 1526
Ninth Report	Taking forward Community Budgets	HC 1750

Oral evidence

Taken before the Communities and Local Government Committee

on Monday 20 February 2012

Members present:

Mr Clive Betts (Chair)

Heidi Alexander
Bob Blackman
Simon Danczuk
Stephen Gilbert
David Heyes
George Hollingbery
Heather Wheeler

Examination of Witnesses

Witnesses: **Paul Everall**, Chief Executive, Local Authority Building Control, and Trustee of Gas Safety Trust, **Emma Clancy**, Chief Executive Officer, NICEIC, **Steve Bratt**, Chief Executive Officer, ECA, **Chris Town**, Director, Residential Landlords Association, **Phil Buckle**, Director General, Electrical Safety Council, and **Diane Marshall**, Group Head of Building Control, NHBC, gave evidence.

Chair: Good afternoon and welcome to the first evidence session of our inquiry into building regulations applying to electrical and gas installation and repairs in dwellings. Before we start, I think Heidi Alexander has an interest to declare.

Heidi Alexander: I should declare as an interest that my father is an electrical contractor and is registered with NICEIC.

Q1 Chair: I am sorry to keeping you waiting for a little while, but thank you for your written evidence so far and for coming this afternoon. Quite a lot of you are giving evidence together. By all means disagree with one another, but if you agree fully with what someone else has said there is no need to repeat it. Just an indication that you are supportive of comments already made would be very helpful. To set off, the subject of this inquiry is electrical installation work and building regulations. Consultation is going on as to whether changes may or may not be made. We have Part P of the building regulations. Do you believe that, by and large, Part P has worked, and are our homes safer because of it?

Chris Town: There is no doubt that it has improved things. I represent landlords who are quite confused about the various different levels of electrical regulation. What landlords would like to see is more clarity in that regulation. They do not particularly grasp Part P, because clearly that is about new installations and additions, and become confused about testing and things like that. What landlords would like to see is more clarity from the industry.

Q2 Chair: At the beginning I should have asked all of you to say who you are and introduce yourselves. Perhaps you could do that.

Chris Town: I am Chris Town from the Residential Landlords Association.

Q3 Chair: It would be helpful if each of you could do that as you make your first comments.

Paul Everall: I am Paul Everall and currently I am chief executive of LABC, which is the representative body for building control officers working in local authorities. I was appointed to that post in 2005, but for the 14 years prior to that I was the senior civil servant in ODPM and the predecessor Departments responsible for building regulations. I was there at the time advising Ministers on whether or not we should introduce Part P to the building regulations. Seven years later I still strongly believe that it was the right thing to do.

Before Part P was introduced, an impact analysis had to be done. That demonstrated at the time that electrical safety was an important issue in the home that for some reason had never been covered by building regulations in England and Wales, but the case was made for it in terms of reducing deaths and injuries from electrocution and, just as importantly, fires in dwellings. I still believe that Part P should be retained.

Phil Buckle: I am Phil Buckle from the Electrical Safety Council. I support Paul's comments in that regard. It is quite clear from the statistics that Part P has had a beneficial impact on electrical safety. If it was taken away, it would remove the only regulation that supports electrical safety in dwellings in England and Wales. If we look at the statistics in a little more detail, the most recent ones to hand show that fires attributable to mains wiring—that is, after the distribution system—have declined by 17.5% from 1,057 in 2004 to 872 in 2008. It has had a significant impact on safety.

Steve Bratt: I am Steve Bratt, chief executive of the Electrical Contractors Association. We monitor contractors and have an inspection every year, and we keep statistics on that work. The number of contractors has been increasing and the number of faults identified has been decreasing, and the same principle applies to complaints. That would suggest the standards are significantly increasing. The number of training courses provided to operatives is also significant. Undoubtedly, standards in the industry are being raised.

Diane Marshall: I am Diane Marshall, group head of building control at NHBC. We have taken a fairly neutral position on the evidence base in relation to Part P, predominantly because of the clients with

whom we work. We tend to work in the new homes sector, where an approved inspector carries out building control. We work with new home builders, who are required to conform to NHBC standards for warranty. Our warranty requires electrical installations to be to the latest British standard. With our customer base there is no hard evidence that Part P has made a difference, but it is predominantly because of the quality of the customers with whom we deal through registered builders.

Emma Clancy: I am Emma Clancy, chief executive of the Ascertiva Group, which includes the NICEIC. Along with our colleagues at ECA and ESC, we believe that Part P is crucial to maintaining high standards of electrical safety. For consumers, it is, first, a badge of confidence and trust, because as competent person scheme operators we guarantee the work undertaken in people's homes. It is of value to a householder to know that they have that warranty and guarantee if something goes wrong.

Secondly, it is a badge to work in the industry. We recently helped a constituent of Simon Hughes to gain NICEIC membership. That constituent felt it was important to have NICEIC endorsement as well as his qualifications and training to enable him to differentiate himself in getting work. Therefore, it is a benefit both to consumers and to industry.

Q4 George Hollingbery: Mr Buckle, I want to press you a little harder on the 17.5% to get a proper feel for it. I think your evidence is that it contributed to a 17.5% reduction. To explore that a little further, plainly there are lots of buildings out there that have never been touched since Part P came into being. It may well be that lots of the fires occurred in buildings that had never been subject to the regulations in Part P. Do you have a more solid number? Can you give us hard evidence about the actual reduction under Part P itself?

Phil Buckle: These statistics are attributable to mains wiring and are in a category that we have drawn down from the CLG statistics that are most relevant to domestic wiring. That is the figure we are working on in regard to the 17.5% reduction. In respect to housing stock across England and Wales where Part P is in force, about 50% of homes in England and Wales—we can provide you with a more exact figure following this session—have not benefited from an upgrade to the current edition of the wiring regulations, which means there is not RCD protection within those dwellings. The Electrical Safety Council is campaigning to address that issue. That means that for users of those installations there is a greater risk of both fire and electrical hazards.[1]

There is a whole range of issues that Part P underpins and supports in terms of improvement. Without that regulatory framework there would be no incentive for some who own or rent out homes potentially to make those improvements. We are particularly concerned about the accidental landlords. Responsible landlords take due diligence and make sure their housing stock is maintained appropriately, but accidental landlords can fall foul of not having regular checks undertaken. We have case study examples where in the past that has caused tragedies.

Q5 George Hollingbery: Is it possible to produce any figures in a more granular form?

Phil Buckle: We can certainly provide more granularity for you following this session.

Q6 Chair: That is an issue not about the standard of installation at first instance but follow-ups to make sure it is still safe?

Phil Buckle: Indeed. The new housing stock is wired up to the current standard and you can have some confidence that it complies and is safe. The older housing stock needs regular checks. Many houses in England and Wales do not enjoy the benefit of a regular check because people are not aware that is necessary. The whole debate is about having Part P to create or maintain a framework of electrical safety for new and upgraded work, but also to campaign to make sure people are aware that they need to check regularly the maintenance of their electrical installation.

Q7 George Hollingbery: I think most of us are much more aware of gas regulation than electrical regulation and would not employ a gas fitter who was not qualified. We know that that should not happen. Should not everyone just be a competent person?

Phil Buckle: If I may start—I am sure my industry colleagues will want to add to it—the Electrical Safety Council feels that it would be better if anybody doing paid-for work was registered with a competent persons scheme. That makes life so much more straightforward for members of the public who look to procure electrical work. There will be minimal risk of falling foul of a cowboy electrician who is not registered because they will be able to ask for evidence of their registration.

Q8 George Hollingbery: I wonder what the builders think about that.

Diane Marshall: Currently, house builders use the option of doing not a competent persons scheme but certification to the latest British standard. That is an option within the regulations that we accept. They provide evidence by submitting a Part P certificate and using qualified electricians, so there is still a qualification aspect. Most of those qualified engineers will be members of one of the professional bodies for electrical engineers.

Q9 George Hollingbery: Mr Town, do you think everyone should be qualified to touch a plug?

Chris Town: I do, but I think there should be skill. Speaking from the landlords' perspective, many do a lot of their own repairs, and in some cases it is the only way that makes the business work. If they are competent to carry out electrical work, that is to say they have some qualification in that regard, and it is kept up, I believe they should be allowed to work on their own stock with self-certification.

Q10 George Hollingbery: Does anyone else have an opinion?

[1] See ev

Paul Everall: One of the options in the current DCLG consultation paper on Part P is for people to be able to self-certify and then to get someone else to come in and do a test of the final result. That might well be a satisfactory solution in those sorts of circumstances, although it is out to consultation.

At the moment local authorities are the Part P body of last resort, in the sense that they have to provide a service if people for some reason do not choose to use a competent persons scheme. It is not that we want the work, but, like all other aspects of the building regulations, we have to ensure compliance for those people who come to us. If everybody was a member of a competent persons scheme, or the same rules applied as in gas, we would be very happy.

Emma Clancy: We would look for competence to be defined in terms of practical experience as well as qualifications. That would be an important point to remember in this. There is also a weakness in that you are inspecting things after they have been installed. If you are using a competent person from the beginning of the job, you can be clear that they are seeing the standards all the way through the process, whereas if you are asking someone to check at the end, the wall may have been covered, or whatever. Therefore, there are some difficulties or points of detail that could be very important in terms of protecting the safety standards that we all hold dear.

Q11 George Hollingbery: Could these certificated or competent persons schemes be better integrated with local authorities and their competencies to try to square this circle?

Paul Everall: They certainly could. We have made representations to DCLG over the years for improvements. One of the biggest problems we have with competent persons schemes is that we have to be notified only up to 30 days after the work has been completed. We believe that, from the point of view of compliance, it would be so much better if we had to be notified in advance, as is the case with anybody wanting to have a house extension or work done on their property. That would give us a better opportunity to check whether the person is indeed on the competent persons register, whether they should have submitted a building notice, or whether they are doing unauthorised work and therefore we can take appropriate action. In relation to the current DCLG consultation paper, there will be an opportunity to put forward to them our thoughts about how Part P could be improved.

Q12 George Hollingbery: I want to ask about regulation and inspection of the DIY sector. How should the current scheme be changed? A lot of the representation we have had from the smaller end—contractors and people in the DIY market—is that they are being charged disproportionately. Do you have any thoughts on that?

Steve Bratt: From a DIY perspective there is a demarcation point at which carrying out like-for-like work is probably a reasonable thing. Many people may be expected to be capable of doing so. When you start to extend a circuit you move into the realms of being a competent person. If you add to that the cost of getting the thing approved, consumers are not going to save a lot of money by doing it themselves; they still have to have the thing validated. There is a distinction to be drawn between simple like-for-like work and extending a circuit, which is work only for competent people.

Phil Buckle: I echo Mr Bratt's sentiment, but I also suggest that where people potentially feel aggrieved that they cannot do work there can be a review of what is and is not notifiable. The Electrical Safety Council would be supportive of a reduction in the type of work that is notifiable, but that should not extend to bathrooms or kitchens. When we were discussing the structure and requirements of the regulations introduced in 2005, it was clear that work undertaken in a kitchen, while not such a high-risk area as a bathroom for example, was often undertaken by those not competent to do any type of electrical work whatsoever. Typically, that was done by kitchen-fitting companies that perhaps used a carpenter to do work. From our point of view, there are very important and genuine safety reasons why work undertaken in bathrooms and kitchens was made notifiable.

I think that some of the concerns from the smaller end of the market that you mention are predicated on the feeling that they should be able to undertake work without any regard to the safety of the installation or the consumer. I am not saying they deliberately want to flout safety rules, but they do not understand electricity; they do not smell it and see it. Therefore, when something goes wrong, it is the silent killer that causes fires and takes life. We have examples where faulty installations across England and Wales have led to the unfortunate death of individuals.

Q13 George Hollingbery: Are there any further thoughts on that particular end of the market?

Paul Everall: One of the things that persuaded Ministers and Parliament generally back in 2005 was a case where a piece of work undertaken in a kitchen had been poorly done. The daughter of an MP was unfortunately killed. Incidents like that—simply touching a draining board and a clamp, providing a connection that is not properly earthed—bring home to you just how dangerous electrical wiring can be.

Q14 George Hollingbery: In summary, do you have some sympathy for small work to be taken out completely, but anything that involves even moderate or substantial work, like extending circuits and so on, should be completely regulated and inspected by a competent person? Is that a fair summary?

Phil Buckle: It should be undertaken by a competent person in the main, or, if not, notified through an appropriate route so that the work is checked and inspected, bearing in mind the point Emma Clancy raised that some of that work would be within the fabric and could not be seen by a third party.

Q15 Stephen Gilbert: If we say that people who are undertaking this work, which can be dangerous as has been suggested, have to be members of competent persons schemes, how are competent persons schemes regulated? Who is policing that part of the regulations?

Emma Clancy: Predominantly, UKAS. CLG obviously operates under the scheme rules policed by them, so those are the two main ways in which we are monitored.

Q16 Stephen Gilbert: What are the mechanics of that monitoring? How does that physically demonstrate itself? Does it come to light only when a customer makes a complaint and there is an investigation? What is the proactive role in maintaining some kind of assurance that the people who are working under the CPS schemes are competent persons?
Emma Clancy: The scheme operation is monitored by UKAS, who come and do their own inspections. They will look in detail at our complaints logs and how we are operating our procedures and practices to make sure we adhere to that. CLG operates the scheme rules and gives us criteria against which we operate. We as a competent persons scheme go out on an annual basis and check two jobs of a domestic installer. Those jobs are picked anonymously from a list. Trained engineers employed by us look at that work and say that it meets the standard and so on. They also do the paperwork audits; they will make sure that the competent persons scheme member has all the appropriate insurances and so on, so in that sense it is a thorough check.

Q17 Stephen Gilbert: Therefore, annually two jobs by a domestic installer are checked by you as a CPS operator?
Emma Clancy: That is correct.

Q18 Stephen Gilbert: In your experience in any year how much fraud is there? How many people out there come forward to say they are members of CPS schemes when they are not?
Emma Clancy: A reasonable number, and one which is growing in the recession. We take off the roll, to use our phrase, about 10% for a variety of reasons. A certain number do not meet the standard, so they cannot be registered with us anymore. We have a growing concern about misuse of logo and so on, and people who pretend to be members of competent persons schemes who are not, but we do a number of things to challenge that proactively. Those who are registered legitimately are very happy to help us track down those who are not, because they are the ones doing it the hard way. They raise things and we investigate them.
We have a number of campaigns to promote that. We have our Ask campaign and run a helpline. If you are getting work done in your home, give us a call and we will tell you whether or not your contractor is truly registered. We also have things like a wall of shame, where we display the names of those who have been naughty. That is a remarkable deterrent.

Q19 Stephen Gilbert: Presumably, that wall of shame is for people who are legitimate members of the CPS but have breached it?
Emma Clancy: Not necessarily; it is often people who pretend that they are. We then follow it up, investigate it properly and follow appropriate due diligence, but if they are found lacking, we will publicise that.

Q20 Stephen Gilbert: 10% a year strikes me as quite a high churn. Has that figure gone up over recent years, or is it about the same? One in 10 are people who claim to be competent providers.
Emma Clancy: Unfortunately, that also involves firms that have gone bust. Obviously, that has increased due to recessionary pressures in the last couple of years.

Q21 Stephen Gilbert: What would be the breakdown as between firms that are not fulfilling the criteria and those that are not able to weather the financial storm?
Emma Clancy: About half and half.

Q22 Stephen Gilbert: Therefore, about 5% of people each year within the scheme are not fulfilling the requirements?
Emma Clancy: Yes, which can be for a range of reasons.

Q23 David Heyes: The Electrical Safety Council told us that the costs associated with self-certification of competent persons were about £7 per notifiable job, compared with building control fees that average £230 per compliance certificate. Are those figures right? Is that a view shared by all the panel?
Paul Everall: I think they are reasonable figures in terms of their accuracy. You may find they are unreasonable in other ways. They are not comparable in the sense of what is done. If you go to the local authority, they will need to carry out inspections on that particular job and it is likely they will do two: one while the work is in place to see that wiring is being put in the right way, and then, at the end of the job, to have it tested to make sure that completion certificates can be issued.
The system of building regulations in this country is that it must be self-financing; there is no cross-subsidy from the ratepayer, so the building control departments in each local authority have to be self-financing. For each job they have to charge what it costs them to take on the work. The cost of a couple of inspections, checking the paperwork and the travel probably averages out at £200.

Q24 David Heyes: It is conceivable that the cost of that inspection could be greater than the cost of the original work.
Paul Everall: I think it is unlikely, because a lot of small work is not notifiable anyway. It is supposed to comply with Part P, but it is not notified to anybody. I think you would be doing well if you got a rewiring job done for less than £200.

Q25 David Heyes: I am not getting dissent on those figures from the other members of the panel. What can be done to make it more cost effective? I think that is where we are going with this.
Diane Marshall: From the NHBC's point of view, we carry out the inspection of Part P alongside every other part of the home we inspect. The cost to us of providing building control on Part P is minimal, because it is part of the overall work; it is not a stand-alone bit. It is only when you are looking at regulating Part P that the costs are necessarily that high to cover

the inspections relating to just that aspect of the work, not where it is absorbed as part of a bigger project. Our costs are minimal in comparison.

Phil Buckle: When we looked at those figures we discussed with industry colleagues how the notifications were structured. We are quite confident that they are reasonably accurate. One of the key things about having work done by an electrician who is a member of a competent persons scheme is the added benefit in regard to the warranty; insofar as there is a problem, most scheme providers provide to the customer through registered operatives. The customer also has the confidence that, if they need to make a complaint about the electrician's work, they can go to that scheme operator. Therefore, there are additional safeguards for those who use a competent person.

Steve Bratt: There will be good reasons to use building control, as has been explained. For the vast majority of pure electrical work, it would be more cost-effective for a competent persons scheme provider to do that work. The issue for the consumer is knowing that they are using a competent person so they can have that work self-certified without incurring the cost of building control. That is why in the proposal we have talked about a levy to create a fund to encourage the consumer to choose a competent person right from the start, which was the point made earlier by one member of the Committee.

Q26 David Heyes: Mr Everall acknowledged earlier that there was a need to look at the administrative procedures surrounding Part P to improve them. Is that a shared view? If it is, what needs to be done?

Emma Clancy: One of the key points of the proposal from the ECA and NICEIC is the introduction of risk-based assessment, and the idea that we will look more closely at those we need to look at but look less often at those who have a history of doing good work and no complaints and so on. That would, we believe, cut down the paperwork in a way that also allowed us to maintain those safety standards that we think are very important.

Q27 Bob Blackman: Perhaps I may touch on local authority fees for do-it-yourself jobs. In the written evidence NICEIC say there is evidence of inconsistencies between the fees charged by local authorities. What evidence is there for the range of fees charged for the same jobs?

Emma Clancy: The evidence we are talking about is gathered by our contractors and employees when they are on the scene. There can be a difference of about £100 between different building controls for the same type of work, and there is a huge variation for that reason.

Q28 Bob Blackman: Has there been an explanation for why that would be the case?

Emma Clancy: It is not something into which we have inquired.

Q29 Bob Blackman: Mr Everall, I was going to come to you next. What is the explanation for the inconsistency in the fees charged?

Paul Everall: I think it is logical given what I said earlier about each local authority having to be self-financing. It will depend on the nature of the authority. If an authority has a great deal of town centre redevelopment, or something of that sort, it may not need to charge so much money for small jobs. If it is a big rural area where travel costs are a large proportion of the inspection costs, the costs are likely to be higher than in a densely packed local authority with tight boundaries.

Two or three years ago the Government set the fees for all local authorities. That was changed as a result of representations that that was unfair, in that many authorities were not able to charge what they needed to charge to break even on their building control account and yet others were making a surplus. The logic of having a system of regulations that required each local authority to break even is that they need to vary their charges to achieve that.

Q30 Bob Blackman: At the moment a do-it-yourself person can go only to their own local authority for this inspection work?

Paul Everall: Yes.

Q31 Bob Blackman: He cannot shop around and go to the next-door borough, which does it for half the price but is still competent because it is inspecting things?

Paul Everall: At the moment local authorities are not allowed to carry out the building control function in another authority area.

Q32 Bob Blackman: They are not allowed to make a profit on the fees they charge for these services?

Paul Everall: No; they are supposed to break even on a rolling basis. Of course, the accounts are subject to audit, like all local authority functions.

Q33 Bob Blackman: Having been in local government for a long time, I know a bit about this. The fees charged are not transparent figures, are they?

Paul Everall: Local authorities are normally expected to have a scale of charges that people can look at before they decide to carry out the work. It is not a hidden cost in that sense. Local authorities have scales of fees and charges.

Q34 Bob Blackman: To broaden it, should there be wider exemptions for do-it-yourself work rather than the existing position?

Chris Town: To go back to the local authority issue, we know anecdotally that some authorities use third-party inspections; they do not do it themselves. That could explain some of the price variations.

Paul Everall: If we do not have the expertise in-house, we need someone to go out there and do the checking for us.

Q35 Bob Blackman: A local authority could contract out this work?

Paul Everall: The inspection and testing, yes.

Q36 Bob Blackman: It would then determine the fees in accordance with the charges being made by the external consultants, as it were?
Paul Everall: Yes.

Q37 Bob Blackman: Do any of the panel think there should be greater exemptions?
Phil Buckle: Apart from a relaxation of some of the notifiable work that would not be detrimental to the safety of the installation, I do not think there should be wider exemptions for DIY-ers. We are currently in a position where the public are not fully aware of their responsibilities and obligations to ensure that the electrical installation work they are having done, either by themselves or by a professional electrician, should comply with Part P in a domestic situation.
If the person doing the work prefers not to use a competent persons scheme electrician, they need to go through a process whereby that work is notified. It may be that the contracting out could be through a competent persons scheme company that provides that third-party inspection, potentially at a cost lower than that charged by the local authority for that service. There are some disadvantages to that, as has been outlined by colleagues. We come back to Steve's point about publicity. The Electrical Safety Council can certainly play its part in raising awareness among consumers about their obligations.

Q38 Bob Blackman: I think we will come to communications in a minute. Paul, to come back to you, how many people have action taken against them for failure to comply with this on the do-it-yourself side? Do you have evidence of how many people have action taken against them?
Paul Everall: Not evidence in the sense we have collected statistics nationally. A few cases go to the courts where people are prosecuted for failure to comply with Part P, but it is a relatively small number.

Q39 Bob Blackman: How does that evidence come to pass? If it is someone who does their own work in their own home and they never bother notifying building control, how are they found out?
Paul Everall: Maybe because there is a fire, death or injury.

Q40 Bob Blackman: It would be only in those terrible cases where there was a fire or some other incident that action would be taken?
Paul Everall: Yes. Part of the problem is that a lot of work goes on that ideally should be carried out competently by a member of a competent persons scheme or checked by a third party to make sure it complies.

Q41 Bob Blackman: And you do not have any national statistics on the number of people who have action taken against them?
Paul Everall: No.
Emma Clancy: The NICEIC with Trading Standards have prosecuted six people in the last year for exactly that scenario. Obviously, it does not represent all in that sense, but we have had those successful prosecutions, where, as Paul has indicated, something goes wrong afterwards and it comes to light, maybe when new people move in or other contractors suggest it is an area we should investigate with Trading Standards. Those are the two ways that it comes to light.
Steve Bratt: In terms of monitoring, the scheme operators and the competent persons themselves often report cases of bad workmanship. An electrician will notify the scheme operator, who will take it up with the local authority, so that monitoring goes on. The problem usually arises when there is a difficulty in doing something about it. It brings you back to the point that, if they were to use a competent person in the first place, and we did as much about that, everybody would really benefit.
Phil Buckle: As you point out, the DIY-er can do the work and it is hidden for many years, if it is not going to cause a problem. Fortunately, the system of house selling picks that up, because when they go to sell their property they have to fill in a form through the solicitor and provide evidence that they have had the gas and electrical installations checked. If not, they must have a condition report undertaken. That condition report will highlight problems and concerns about the safety of the installation, so at the point of sale issues will come to light. It is not ideal, but at least it provides a check and balance. Those safeguards are in place.[2]

Q42 Simon Danczuk: I am conscious that there is nobody on the panel representing DIY-ers in terms of electrical work. We will talk about your case later. I am also conscious that the number of accidents is decreasing. It could well be the case that there are DIY-ers out there who have done lots of competent work. Is that not the case?
Phil Buckle: We have done many surveys to develop our baseline evidence about consumer attitudes, because the way we work is to try to change behaviours. The competent DIY-er will take care and be cautious and is likely to find a competent electrician to confirm that the work is to the required standard. There are also cavalier DIY-ers, who have no regard for their safety or the safety of anybody else and will carry on regardless. It is about educating those people to bring them to a point where they understand that their behaviour could be detrimental to the safety of people using their installations.

Q43 Heidi Alexander: I would like to ask some questions about raising public awareness in respect of the regulations that control the safety of electrical installations. I grew up in a household where, since I was this high, my father was a very small electrical contractor, so I am quite familiar with the whole language and systems that changed in 2005. Who do you think should be responsible for raising public awareness of these regulations and the liability on the householder, not the person who has done the installation? Mr Buckle, I think you said that perhaps the Electrical Safety Council has a role to pay, but who do you think should be ultimately responsible for raising public awareness?

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Emma Clancy: I think the scheme operators have a significant responsibility, and that is one of the reasons we are asserting there should be a levy to fund and provide that. Certainly, the NICEIC does a lot of work in the form of national media campaigns. We try to make it relevant and fun; we have Linda Barker and other stars promoting things to try to make it relevant to people and give real examples about when you should use a competent person in your home. I think it is very much the responsibility of scheme operators to do that.

Q44 Heidi Alexander: Would the operators cover the costs as opposed to the people who are registered with your scheme?
Emma Clancy: Yes, that would be the current situation.

Q45 Heidi Alexander: Is there a role for anyone else in raising public awareness? There are probably millions of people out there who are blissfully unaware of these regulations.
Phil Buckle: It is a collective effort. We all have a responsibility, but it is about making sure the messages are consistent. There is a risk that with a number of scheme operators there might be a different slant on the message. However messages are developed, they need to be delivered consistently. It is analogous to the smoke alarm campaign that went on for many years; it is about raising awareness of the importance of safe electrical installations. The campaigning activities in which the Electrical Safety Council has been involved have started to have an impact, but there is a long way to go to increase awareness.
Paul Everall: As colleagues have said, there has to be a collective effort. Most, if not all, local authorities have booklets about what building regulations cover. Therefore, part of that will deal with Part P, so anybody who comes along to a local authority can get information on that. I believe that one of the strongest advocates for safe electrical wiring ought to be the companies that sell the products—for example, B&Q and things of this sort. To be fair to them, a number do participate in campaigns with installers. I agree that more can be done to raise public awareness.

Q46 Heather Wheeler: That was to be my exact question. As we are talking about DIY-ers, what responsibility is there on the shops that sell the kit? Do they stick up signs around the stores where electrical equipment is for sale saying, "Do you comply with Part P? Do you have a competent person signing off on this? Have you been to LABC?" I have never noticed any of those signs when I have walked round Wickes, B&Q or anywhere like that.
Phil Buckle: There are challenges in that regard. We have worked hard to try to get B&Q to have point-of-sale information, which we have now achieved in some of their stores. They have a commercial imperative to sell product to whoever comes through their doors, whether or not they are competent, but a more responsible attitude is being taken in respect of Part P.

Q47 Stephen Gilbert: You say there are challenges with the supermarket retailers. You gave the example of B&Q—that they found it difficult to put customer safety first and foremost, and therefore perhaps restrict the market to which they are able to sell products.
Phil Buckle: Perhaps it would be fairer to ask B&Q that question.

Q48 Stephen Gilbert: What is your experience?
Phil Buckle: My experience of DIY sheds in general is that they will sell product to whoever comes through their doors regardless of whether that person is putting it in themselves or getting someone else to do it. Rather than DIY, I am an advocate of GSI, or getting someone in. You can buy it yourself and get someone to do it. There are potential ways to raise awareness through those sheds to allow them still to sell their product but then to get a registered installer to do the work.

Q49 Chair: However hard you try, you will struggle in some areas to raise public awareness. You might raise it with someone who is going to do a job themselves in the home, but if someone orders a new kitchen, for example, they are interested in how it looks—the make and model of taps, the sort of cooker to be put in and all that sort of thing, quite rightly. They will assume that the people who put it in are competent, and that the plumber will do the plumbing and the electrician will do the electrical work, and it will all be all right. Surely, to put the onus on them to make sure that a competent person has done the electrical work is something you will never be able to communicate to the public, will you? Why should not the onus be on the person who is paid to do the work to be a member of the scheme and to be competent to do that work, rather than on the householder who knows very little about this to ensure that the person doing the work is a competent person?
Phil Buckle: It is a double-edged sword, isn't it? You have to encourage the procurer of the work to do their checks. Are they a card-carrying member of a scheme? That is a clear message to give them. You mentioned kitchen-fitting companies. They have had a bad reputation. There are good and poor kitchen-fitting companies out there. Unfortunately, they may bring in somebody to fit the kitchen who is very competent at making it look nice on the face of it, but everything behind it is perhaps lacking in regard to electrical or even gas safety. The customer has to ask the question and have evidence provided to ensure that the work is adequately carried out.

Q50 Chair: Why do we not turn it around and make sure that the company doing the work is itself part of the competent persons scheme; otherwise, they are committing the offence, not the householder?
Phil Buckle: We would support a mandatory requirement for people to be in a competent persons scheme. However, the customer should still ask the question. When I have work done, I ask to see proof that they are a member of a competent persons scheme.
Bob Blackman: It is that message.

Paul Everall: Surely, there is a difference between gas and electricity. You have to use a registered gas company to have gas work done, but you do not have to use a Part P-competent person to do electrical wiring. Although I think that the proportion of people using competent persons is steadily rising since it was introduced, there is a long way to go before the same message is got across. Of course, CORGI was in existence for many years to raise awareness in the same way that Part P has yet to achieve.
Phil Buckle: If, as we said earlier, everybody was a member of a competent persons scheme, the onus would be on the installer to ensure they were appropriately registered. That would take the burden off the home owner or purchaser of the work.

Q51 Chair: Is there general support for that sort of approach?
Phil Buckle: Yes.
Diane Marshall: If you require everyone to be a member of a competent persons scheme and go through that route, you are putting an extra burden on part of the industry in the new build housing sector, where there are professionally qualified installations that do not go through a CPS.
Chair: We hear that. Thank you very much indeed for your evidence.

Examination of Witnesses

Witnesses: **Paul Everall**, Chief Executive, Local Authority Building Control, and Trustee of Gas Safety Trust, **Simon Ayers**, Service Director, Gas Safe Register, **Chris Bielby**, Chair, Gas Safety Trust, and Chair, Gas Industry Safety Group, and **Chris Yates**, Deputy Director, Heating and Hotwater Industry Council, gave evidence.

Q52 Chair: Welcome to the second part of our evidence session this afternoon. I will try to get it right this time and ask all of you at the beginning to indicate who you are and the organisation you represent. Mr Everall, we have already seen you once.
Paul Everall: I will not repeat what I said before, but I would add that I am also a trustee of the Gas Safety Trust.
Chris Yates: I am Chris Yates. I work for the Heating and Hotwater Industry Council. We represent the domestic sector, which covers virtually all the gas-boiler manufacturers in the UK, including micro combined heat and power. We also represent builders' merchants and predominantly large gas-installation companies and also some small installers, so the whole spectrum of the installation and supply network.
Simon Ayers: I am Simon Ayers. I work for Gas Safe Register, the replacement for CORGI. Currently, we have 68,500 registered businesses and 136,000 competent engineers. We manage that process through very different means.
Chris Bielby: My name is Chris Bielby, chairman of the Gas Industry Safety Group and Gas Safety Trust, although the people who pay my wages are Scotia Gas Networks. The Gas Industry Safety Group was set up 10 years ago to look at any cracks in the safety regime of the UK, and we put corrective measures in place. The Gas Safety Trust is about furtherance of gas safety among consumers, so we provide and fund underpinning research for campaigns.

Q53 Chair: Thank you very much. You probably heard the session we had with the people about electrical installation. From what we understand, that was the easy part. We got on to gas, which appears to be incredibly complicated, with a mix of building regulations and health and safety legislation. Is it really that complicated? Do you think improvements could be made to make it more understandable and perhaps safer?

Simon Ayers: The gas safety installation and use regulations that determine the need for Gas Safe Register and competent engineers working for businesses are under review, as are all the other ACoPs, but have been around for a number of years. Mandatory registration came into play in 1991, and since then we have seen huge leaps and bounds in terms of competent engineers and safer work. A number of people still operate outside the legal requirements and we spend a lot of time trying to chase them up. Overall, I think those regulations are proportionate and fair in terms of the gas industry. It becomes slightly more grey when we move into the area of building regulations on the grounds that we have to insist that engineers comply with certain approved documents of the building regulations, but sometimes they do not understand the requirement to comply with a broader set of regulations, so it is not just one but a set of approved documents. Similar to what was said previously, when we have engineers that comply, they will comply well, but there is quite a lot of misunderstanding and confusion in terms of both engineers but also consumers. I do not think consumers truly understand what they are asking and expecting.
Chris Yates: As to building regulations, it is not just about gas but oil and other solid fuel appliances. Quite often, although it is outside gas safety, it is applying the same principles in terms of a central heating system. By and large, there is similarity between a gas and oil installation. The fact you have one document helps to channel the thinking, so you could have engineers that are doing gas, oil and solid fuel, and one set of documents covers all of that for them. By and large, they are following the same sorts of principles. Trying to combine it and perhaps put some of the gas safety issues within building regulations might confuse what you are trying to achieve overall. The building regulations are telling you how to do something and what considerations you can take into account. Simon is right that it is not always obvious.

When you talk to engineers they are not always aware of the latest regulations. That is really a communications issue, which was talked about in the previous session, where industry has a big role to play. We see the information and it is down to us to push it out to installers. The installer is the primary contact with the householder. Most householders do not really appreciate what the heating system is about; they will not know who the boiler manufacturer is. They might know who the energy supplier is but they will not have much of an appreciation of the heating system, so the emphasis is probably more on the trade to communicate that. When it comes to replacing appliances, in 90% of cases that is dictated by the installer. There is a huge amount of responsibility on the installer, but the fact is that the consumer trusts that individual.

Paul Everall: It certainly is complicated. When Gas Safe Register took over the running of the gas register, one of the things on which we had lengthy discussions with them was the education and training of installers. Undoubtedly, they are competent in the gas work they do: the boiler installation and things of that sort. It is very important that you do not undermine other bits of the building regulations, for example by putting a pipe through somewhere or through the fire stopping, which is an integral part of fire safety in the building. LABC works closely with Gas Safe Register to ensure that all of their registered members appreciate that there are parts of the building regulations other than just the installation of a boiler.

The other point I make about complication is that having to work with two separate Government Departments makes it more difficult for a representative body like ours. The principal responsibility of GSR is to the HSE; the principal responsibility of building regulations is to DCLG. That can bring added complications in trying to find solutions.

Q54 Chair: You are not saying that two bits of Government do not work together?

Paul Everall: As a former civil servant, I would not dream of making that comment. Sometimes it is more difficult than on other occasions.

Chris Bielby: From my point of view, there is a regime of legislation right from the gas safety management regulations, which govern instant investigations, through to the installation and use regulations. As Simon indicated, there is a fundamental review of the approved code of practice this year funded by the HSE. That will cover any additions to that guidance document.

Of course, every gas operative goes through an assessment every five years to test their competence. There is a plethora of legislation from the point of view of a gas operative. Some companies take it very seriously. As the electrical people said, some people practise within the competence regime and some practise without. We have to guard against that, educate and bring them into the regime.

As I understand it, the legislation is quite clear about the responsibilities of operatives, and the guidance document just needs updating to take account of new issues that arise, like flues in voids, smart metering and things that will be coming on to the terrain in the next 12 months.

Q55 Simon Danczuk: I have a simple yes or no question. I have here some statistics from the Gas Safe Register that show 55% of work carried out by unregistered workers is unsafe. Some figures from the Association of Registered Gas Installers show that at least 50% of all gas work carried out in the UK is considered to be illegal. My question to each of you—it can be answered yes or no—is, do you think that the current building regulations are adequate when it comes to the installation of gas heating appliances? Paul, what do you think—yes or no?

Paul Everall: No, because gas safety is not covered by the building regulations.

Chris Yates: My answer is the same as Paul's.

Simon Ayers: It is very difficult because I am quoting two pieces of legislation, so it would be "no" for one and "yes" for the other.

Chris Bielby: From my point of view, yes; if they are in the competence framework, they are aware and taking the test. For the others you cannot legislate.

Q56 Simon Danczuk: Do you think there is a need to monitor compliance better than currently?

Simon Ayers: In terms of compliance, we must not forget that at the moment Gas Safe Register is undertaking over 40,000 inspections a year of its engineers and businesses. We already have in place an effective risk engine, so we focus our resource where we need to. Currently, we have 84 inspectors based around GB undertaking those inspections, so we already have in place a pretty strict compliance regime.

We also pick up a lot of work through things like complaints. If a consumer makes a complaint, whether against a registered or unregistered business, we will investigate and work with the HSE to enforce some action through that process.

Q57 Simon Danczuk: To be fair, all that sounds great, but these statistics suggest that half the work is either illegal or defective. Do we need to encourage more compliance? It is a serious risk, isn't it?

Simon Ayers: As to the current numbers for unregistered illegal work, you quote the figure of 55%. These are people who flout the law and do not go through a recognised competency regime; they do not become registered and undertake gas work. Without a doubt, that is where we find the biggest risk, but we also have a team of inspectors dedicated to looking for those people. Again, we have almost a hit squad that works tirelessly to reduce those numbers. I think that in there it quotes 250,000 jobs.

Q58 Simon Danczuk: The hit squad is not hitting the problem, because half of it is not right.

Chris Yates: We run a scheme called Benchmark, which is referenced in the building regulations and is a means of compliance. Within that you have to detail the appliance and its serial number. The manufacturer is using that as part of its warranty. It is not just terms and conditions; it is the other extended warranties, if you like. Provided that form is filled in, they will get

the other part, the warranty. The benefit of it is that you have the serial number and you know that appliance has gone in and you can trace it back to the manufacturer. It does not solve all the issues but it goes a way to try to get visibility. Unlike a car, you do not know where a gas central heating system or any boiler is.

Q59 Simon Danczuk: Paul, do you have a view?
Paul Everall: Not really, because the main responsibility for compliance with the Gas Safe Register is nothing to do with local authorities or building control.

Q60 Heather Wheeler: I think you have just said a magic word. Did you say that gas boilers had a serial number on them?
Chris Yates: Yes. As part of the product standards they must have a serial number.

Q61 Heather Wheeler: The other week we did an inquiry in which somebody suggested there was no such thing, like a VIN number on a motor vehicle. Somebody gets a gas boiler installed and three months later they are burgled and the gas boiler is nicked and moved somewhere else. Therefore, that could be traced.
Chris Yates: Provided you have the number, it could be traced, but that assumes it is on there.

Q62 Heather Wheeler: You will have the number because it will be on your warranty?
Chris Yates: You could. If one is stolen it would be relatively easy. Unlike a VIN, which is stamped on the body of the car and is hard to remove, this number is on foil. It is to a certain specification, but it is stuck to the inside of the boiler, and it could be taken off, if you had a mind to do it.

Q63 Heather Wheeler: But the next person buying it should check that it has a new number for a warranty?
Chris Yates: Yes, they should. That is part of the communication exercise. The whole point is that you want to know where it is, but it is a difficult area. I have been in the industry for 12 years, and trying to get people to register products so you know where they are is a constant battle. Compliance is at best 40%; typically, it is 10% to 15% depending on the manufacturer, but the changes we have made under Benchmark are moving in that direction.

Q64 George Hollingbery: Gentlemen, you know that we have just been talking to the electrical side of the business. Can you describe to me how the Gas Safe scheme works and is different from the electrical scheme, assuming you know enough about the latter?
Simon Ayers: For me, the key would be that in 1991 it became a mandatory requirement for any engineer undertaking gas work for gain to become registered, so we ended up with a change in the regulations. The gas safety installation and use regulations included that requirement under regulation 3. We are not a competent persons scheme; we are a mandatory scheme with registrants and we are the registrar. We are clear about that message. We also have to be a competent persons scheme for some areas of building regulations, and that is where a lot of confusion arises, especially as gas engineers in their everyday jobs of installing central heating systems may install the radiators, water system and electrical system so they would need to be compliant in a number of areas. That is where we tend to see people drifting into different things as well.
In terms of competence, I do not think anybody would argue that there is a similar requirement across the board for people to be competent when undertaking electrical or gas work and other areas that have been mentioned such as oil and so on. We have a high number of very competent, able and skilled building services people, but we also have a number who will flout both those areas.

Q65 George Hollingbery: Just to be clear, you are not at all responsible for the building regulations side of things. Do you even certify for the competent persons scheme?
Chris Yates: Yes. To go back to the point made earlier about serial numbers, we have a notification process, so a gas engineer has the ability to self-certificate for compliance with building regulations. The current cost is £2.20, so it is a fairly cost-effective process to go through. They are self-certificating as a competent person that the installation is compliant with building regulations. We have tried to pull this together to allow probably a less costly and easier process for the person to be compliant.

Q66 George Hollingbery: Mr Everall, if, let's say, we have a mandatory competent persons scheme for electricity, it will be different from the gas scheme because building regulations will not be involved at all on the electrical side of things. Is that correct?
Paul Everall: Local authority building control would not be involved at all. The building regulations and the means of complying would still be there. If you were to go down that route with electrical work, it would be similar to gas, except that you would not have the gas installation and use regulations on top of the building regulations.

Q67 George Hollingbery: You still have the complications about going through firewalls and so on and so forth. If you had a competent persons scheme, there would be exactly the same complication but there is also a raft of building regulations?
Paul Everall: But one of the requirements of any competent persons scheme operator, not just in electricity but elsewhere, is that the work must comply with all parts of the building regulations, not just the specialism that is being put in at that time.

Q68 George Hollingbery: If we as a Committee recommended that something like the Gas Safe scheme was put in as a competent persons scheme—I suspect that Gas Safe will always be at a higher standard, maybe not—it will still end up looking very like the Gas Safe scheme with the building regulations lying underneath it?
Paul Everall: Yes.

Q69 George Hollingbery: Do any of the gentlemen from the gas industry recommend that as an approach for electricity? Do you feel competent to answer that?
Chris Yates: I could not judge the electrical scheme. I am pretty comfortable with the way Gas Safe works. As a model I would say it is very good, but I could not draw a comparison between that and the electrical sector.

Q70 George Hollingbery: I have no doubt it has become more expensive to install gas over the last 20 to 25 years because you have to have much more competent and highly trained people and so on, quite rightly. That reflects the inherent dangers. Would we expect, therefore, to see the same thing happen in the electrical arena? Would we expect householders to end up paying more to have electrical circuits installed?
Paul Everall: Not necessarily, given the earlier discussion. There would not be substantial fees being paid to local authorities, for example, if all the work was done in that way. You heard a comparison between the figures charged by competent persons schemes and people like the NICEIC, so there would be savings as well as additional costs. I would argue that one of the benefits of the Part P scheme is that there are more competent electricians around now than 10 years ago. They may not all be competent yet, but we are heading in the right direction at the very least.

Q71 George Hollingbery: Mr Ayers, I am sure you run a perfect organisation. However, would you allow us to inquire what does not work in Gas Safe and ought to be improved, and what you would like to see done?
Simon Ayers: The one area where improvement could probably be made is in the messaging and the understanding of areas that need compliance. I think we have made that clear in our submission.

Q72 George Hollingbery: We will be asking questions about that later, so I do not want to press you on that. Are you happy that as a scheme to regulate a dangerous activity within the domestic setting it is about right?
Simon Ayers: Yes.
Chris Bielby: One system for reporting dangerous occurrences within the gas arena is RIDDOR. Any fatalities or major injuries are reported consistently through gas safety management regulations as well, so when it comes to reported statistics we know there is a pretty accurate correlation with HSE. There is not just one registration scheme; there is also one system of reporting injuries and accidents.

Q73 George Hollingbery: Mr Everall, the NHBC did make the point that there was confusion in the building regulations about voids and communal spaces, and where Gas Safe, building regulations and so on were involved. Do you accept that there is some tidying up to be done in the regulations?
Paul Everall: Yes.

Q74 Stephen Gilbert: Each year 4,000 people go to A&E as a result of carbon monoxide poisoning. Of those, 200 are admitted; of those 200, 50 die each year, which is more than the number of people in this room. The country loses about £158 million a year in terms of either lost revenue through NHS services provided to those people who suffer carbon monoxide poisoning or lost productivity from the people who are out of circulation. Clearly, the regime is not working 100% effectively, and perhaps you could argue that no regime would, but how can we take extra steps to prevent that level of carbon monoxide poisoning occurring?
Chris Bielby: To make one clarification, not all the 50 deaths are attributed to mains natural gas or LPG; they are across all fossil fuels, so oil, coal and other solid fuel. Two reports are issued each year: one is the HSE's "Re Gas" report; the other is the downstream incident data report of the Gas Safety Trust Commission, a copy of which I will leave for your reference. One report runs from June through to July, so it takes into account the heating season of October to March; the HSE report runs from January. The correlation is good, but this year we will be announcing, as we did at a breakfast meeting the other week, eight mains and LPG gas-related deaths; the rest are to do with other fossil fuels. There has been a downward trend over the last 25 years.

Q75 Stephen Gilbert: I do not suppose it matters to the other 42 people that it was not mains gas that made them peg out. Overall, how can we improve it?
Chris Bielby: We would like to encourage the RIDDOR reporting process to cover all fossil fuels so we get accurate reporting across the field. A number of trusts exist. One of them is under Gas Safe and I chair one. We do a lot through the medical fraternity. Last year we did a large study of four A&E departments to look at those cases where people come in with flu-like symptoms. You will see a lot happening in the medical fraternity about algorithms used to assess whether it is flu or carbon monoxide poisoning. We are repeating that study through GP surgeries. One of the recommendations of the report of the all-party gas safety group chaired by Baroness Finlay is that we widen that research and, once we have found out the reasons, use that awareness in the medical fraternity and all first-call operatives, whether health visitors or community nurses. At the moment that piece of research is funded by the trust.

Q76 Stephen Gilbert: I have read the report of the all-party parliamentary group. To press you on the point, I expected you to say, because I thought your evidence suggested it, that carbon monoxide detector alarms should be installed or, where necessary, replaced whenever notifiable work was carried out. I notice that is different from what the all-party parliamentary group suggests.
Chris Bielby: All the reports are consistent. Our wish is to get carbon monoxide alarms in every home in the land. If it was the same as smoke alarms at 84%, the accident rate comes down quickly and dramatically. At the moment, between 12% and 15% of properties have carbon monoxide alarms. Whether

different groups want common denominators, the one thing that prompts action is an audible carbon monoxide alarm.

Paul Everall: Under the current building regulations carbon monoxide detectors are a requirement for solid fuel appliances. I would agree with the recommendation in the APPG report that it should apply to all fuels. Later this year we shall see the introduction of the Green Deal, which will allow people to have energy efficiency improvements done at no upfront cost. If it was made a requirement that a carbon monoxide alarm should be fitted in all dwellings where energy efficiency work is done under the Green Deal, that would help to solve a lot of the problems. A big problem is that building regulations can bite only where building work takes place, and what we really need to do in many of these policy areas is tackle the existing stock.

Chris Yates: I fully agree with the necessity of carbon monoxide alarms, but it must not be a replacement for annual servicing. There are instances where people put them in and think, "Fantastic. I don't need to bother about a Gas Safe-registered engineer coming to inspect my property every year." That is a dangerous situation to get into, and it comes back to communication. We must have a consistent message. Part J of the building regulations details that because it follows the British standard. It cannot be a substitute for annual servicing, and it is very important that they are linked together.

Simon Ayers: For me, there are two aspects to add to this. First, as the register we now have really good awareness in terms of gas. We aim to send messages about Gas Safe Register and carbon monoxide to every user at least 10 times in a 12-month period. We are also talking to all the charities concerned with carbon monoxide; we talk to all of our 400 stakeholders to get out the wider message, so that is a regular point.

Secondly, wearing a slightly different hat, I am also a trustee of the Gas Safe charity. We are working with people like WRVS and RoSPA to broaden that awareness. I think that will touch a wider audience than just gas. That is probably where you will start to see more around solid fuel, oil etc. A lot is taking place.

Chris Yates: One thing worth emphasising is the fact that the industry takes it as an absolutely critical issue. We have been involved in quite a lot of different issues related to CO over the last three years. We have made a lot of strides in getting the same message out from every manufacturer through every training programme. When you make recommendations to installers, they get the same message from each manufacturer. That has helped in training engineers to be aware of the potential problems and to do something about it. We have proved it can be done, and it is a case of continuing to look at it and at what opportunities industry has to try to influence that.

Chris Bielby: To complement that, in 2007 Ofgem in its supplier licence review made sure that each year any energy retailer gave information on the safety of gas and carbon monoxide. That means every home in the land gets some communication each year about carbon monoxide hints and tips.

Q77 Heather Wheeler: Earlier we talked a little about publicity, particularly along the lines of using registered competent firms that are qualified to do the job. But we have statistics showing that time and again work has been done by rogue contractors. Whose responsibility is it to get the information out there so the public understand the simple change from CORGI to Gas Safe? That was a big jump to me. We understand CORGI. I remember filling in a survey about 10 days ago, and I did not know Gas Safe. If it had asked whether I was aware of CORGI, I would have known. What are you guys doing about getting publicity out there to the public?

Simon Ayers: We probably have two angles on this. The first is that we have identified that the registered businesses were perhaps not the best ambassadors in the world. They are all issued with individual licence cards and are registered as being competent in anything up to 93 different areas of work. We have gone to a back-to-basics-style process to get them to start to show the card when they arrive at a door. Rather than being asked, they start to promote themselves positively. We also work with energy suppliers on a pool process to get them to use straplines on bills to get messages out to say you should use a Gas Safe-registered business and engineer; you should have CO alarms; you should have your appliances serviced, and all the key messages. We also go to our 400-plus stakeholders, who put out a huge number of messages. It is very, very difficult, because in most cases behaviourally we find that people normally want to engage only when they need to do so. They need to understand when the boiler goes wrong, something happens, or when a cooker needs to be fitted, and that is quite a difficult one to change.

Chris Bielby: When Gas Safe came into being it did some very vivid television advertising about cowboys. All the vehicles now must have the Gas Safe livery. I know that your inspection team looks for that. There is a review of the building regulations going on at the moment. I know there will soon be a review of the approved code of practice under the installation-and-use regulations. I also know that work is being done by the HSE research establishment at Buxton on flues in voids, which have an implicit impact on building regulations. If the timing is right, all of this could come together in a very co-ordinated way. I just make you aware that there are other pieces of research going on at the same time that will impact on building regulations. The HSE and Building Research Establishment are very much involved in that.

Chair: Thank you very much indeed for your evidence this afternoon.

Monday 27 February 2012

Members present:

Mr Clive Betts (Chair)

Heidi Alexander	David Heyes
Bob Blackman	George Hollingbery
Simon Danczuk	Mark Pawsey
Stephen Gilbert	Heather Wheeler

Examination of Witnesses

Witnesses: **Andrew Stunell OBE MP**, Parliamentary Under-Secretary of State, Department for Communities and Local Government, and **Peter Brown**, Divisional Director, Work Environment, Radiation and Gas, Health and Safety Executive, gave evidence.

Q78 Chair: Good afternoon and welcome to our second and final evidence session for the inquiry into building regulations applying to electrical and gas installation and repairs in dwellings. Minister, you are most welcome, as always, to join us this afternoon. Thank you for your evidence so far. Mr Brown, could I ask you to, for the sake of our records, identify yourself and the organisation that you represent?
Peter Brown: My name is Peter Brown. I work for the Health and Safety Executive, and I am head of the HSE's Work Environment, Radiation and Gas division.

Q79 Chair: Thank you both for coming. The Government has embarked on an extensive review of building regulations. We do not want to go into the whole of building regulations this afternoon, but to focus on electrical and gas. With regard to Part P of building regulations, what is the perceived problem that the Government is trying to address?
Andrew Stunell: If I put it in a slightly wider context, we have carried out a review that is intended to identify where building regulations need to be improved and extended, and also where we might reduce the regulatory burden and achieve better levels of compliance. The proposals that are in consultation in relation to Part P recognise that, since Part P was introduced, there has clearly been some significant progress, and I am sure you will want to ask about that. There is also some evidence that it is capable of improvement and getting at least as good a result for less of a bureaucratic burden. We are consulting on that and we are going to take into account the responses we get, including from this Committee. The consultation is open as we speak. The overall aim is to reduce the regulatory burden on the industry without in any way compromising safety.

Q80 Chair: As an idea of how much money might be saved from a more streamlined approach, I presume that the intention is not simply to save money but to have regulations that are effective in this regard. Can they be made more effective so that, at the same time, they might actually be less costly?
Andrew Stunell: Yes. In terms of the saving, you will see from the impact assessment that we took stock of the possibility of completely abolishing Part P. If we did that, there would be a net cost, because the safety would be prejudiced. What we have looked at is something that is a more proportionate set of proposals, which would, as the impact assessment sets out, save a net of £16 million. That is the estimate you will see there.

Q81 Chair: That will make them more effective as well, will it?
Andrew Stunell: We do not think there is any risk of a worsening but, in parallel to that, we are taking measures overall to aim to improve compliance with the building regulations. In fact, that is one of the tasks that I have set myself—to look not just at what regulations we set but whether those regulations are being conformed to, which is a function of: first, whether people understand the regulations that are in place; secondly, whether they accept and take ownership of them; and thirdly, whether the regime that monitors them is capable of telling whether they are complying or not. All three of those are matters for consideration when you are looking at how you improve compliance.
Chair: We will come on to compliance again in a minute.

Q82 Mark Pawsey: Minister, we can all agree that reducing bureaucracy and improving compliance are very worthy aims, but what are the consequences of removing or reducing Part P? Have you done an assessment as to what might happen if that were to take place?
Andrew Stunell: What we are saying is that the proposed reductions in the requirement to get building regulation approval are going to be replaced by the option of getting competent advisers to do that. We do not believe that will do anything other than reduce the cost of the inspection; it will not reduce the level of inspection. The second part of this is to look at whether there are some very simple tasks that technically require having building regulation approval but are commonly done by DIYers and probably getting in under the radar, at the moment, in any case. There is an argument there—it is not one that we particularly stated in the impact assessment was a measurable one—that there may be some impact from people understanding that, if it is not going to cost them £200 but they could get a much cheaper inspection, they will in fact be prepared to pay that sum of money rather than the higher sum.

Q83 Mark Pawsey: Is it your belief that people are not willing to pay those sums? What is driving this change in regulation? Is it because the regulations are not currently working?
Andrew Stunell: In some respects, they clearly have performed. We want to make sure that they are proportionate and effective. Both of those are what we are challenging in the consultation we are carrying out. Are they proportionate? We have set out a view that there is scope for changing the way in which the applicant has to approach the regulatory system, and also, in very minor works, it would not be necessary to go into the regulatory system at all.

Q84 Mark Pawsey: I suppose my question is one of "why now?" Is it because this has not been recognised up to now? Have we been running with a system that has not been working terribly effectively for some time? Should the previous Government have acted sooner? What is your view?
Andrew Stunell: Part P was only introduced in 2005, and I think it would be good practice in any case to review new regulations and see whether or not they were doing what was required and were proportionate. As I did say briefly at the start, it is part of a wider review we have done to look at not just building regulations but all the regulations that this Department is responsible for, and of course right across Government, to see whether we have proportionate and effective regulation.

Q85 Mark Pawsey: Wouldn't you agree, Minister, that Part P has been working, because the incidence of fires attributed to mains wiring, which I understand Part P relates to, has declined from 1,057 in 2004 to 872 in 2008? Isn't that an indication that Part P has been effective?
Andrew Stunell: It is certainly an indication that something has been effective. Several things have worked to achieve that. It is certainly not part of our case that Part P has not been effective; it is about whether it has been proportionate. Actually, the much more widespread use of circuit breakers has probably had quite a lot to do with that as well. Of course, I do not think the figures distinguish whether the balance of fires that are still occurring is mostly in property that has been subject to Part P or, in fact, in property that has not been touched since 2005 and to which Part P would not apply. I certainly acknowledge that there has been an improvement, but we need to be careful in attributing specific improvement to specific measures.

Q86 Mark Pawsey: You think that there has been improvement, but it could have been for reasons other than Part P. In our evidence session last week, we heard that there are no national statistics being collected with regard to compliance with Part P. Is that an omission? Should that have been taking place? If that were taking place, would you have better evidence for the changes that you wish to make?
Andrew Stunell: The evidence that you took last week included some information about prosecutions that had been held. I have to say to the Committee that it has been something I have been challenging the system on, as to whether we have got compliance where it should be as far as regulations go. There is, I am sure, more work that could be done, but we need to be proportionate in the search for information about what needs to be done, as well as making sure we have good information to take decisions on.

Q87 Bob Blackman: Minister, the consultation on Part P suggests that the Government is minded to remove the regulations on kitchens, gardens and some parts of bathrooms as well. How can you convince us that it would be a safe position to do that?
Andrew Stunell: The question we are posing is, if you like, to test that assertion that there are types of work being carried out at the moment that are within the regulatory framework and, in all probability, a high proportion of them are carried out without anybody actually making reference to the regulatory framework. We are not excluding kitchens and bathrooms; we are not proposing that kitchens and bathrooms should be taken out of what is in the consultation document, but it would be open to people to argue that case, if they wish to do so.

Q88 Bob Blackman: My reading of the consultation suggests that you are minded to do that. Is that not the case? Are we reading it as something we should not?
Andrew Stunell: I do not think that is quite right. It would perhaps be sensible for me to give the Committee a written note on that, just so that we do not have any misunderstanding between us.

Q89 Bob Blackman: I think that would be very helpful. If the regulations are being changed to reduce the burden, we can understand that. However, in the evidence we have taken, everyone has been quite surprised about some of the issues in relation to do-it-yourself work and also ensuring that competent individuals are carrying out work in the first place. One of the concerns that I think we would all have—and we will go on to the competent persons scheme in a minute—is making sure that it is people who know what they are doing who are carrying out this particular work. One of the issues is what happens about compliance. We were all quite surprised to identify that the onus is on the householder to ensure compliance, rather than the individual carrying out the work. Do you not think that we should be shifting the onus to the person carrying out the work, rather than the householder, who probably does not know whether someone is competent or not to do the job?
Andrew Stunell: If the householder employs an electrician who is not a competent person, that electrician is required to apply for building regulation approval. That is where the cost comes in. The driver for electricians to become competent persons was very much the new framework of Part P, which would allow them to self-certify, provided they had trained and been authorised as a competent person. The burden is therefore on them, as a competent person, to do that job in an appropriate way. If work is carried out on a DIY basis, it is very much a question of whether the DIYer is aware that the job even needs to have a regulatory framework or not. I know you took some evidence on that—about how suppliers of

electrical equipment to DIYers might inform people—and that is something where I think there is work that can reasonably be added to the lists of tasks to be done.

Q90 Bob Blackman: If someone is buying a house and work has been carried out, what is the duty there?
Andrew Stunell: The duty is on the person selling the house to demonstrate that it has an appropriate level of electrical safety. Just as, if they have an extension, they will need to be able to show that they have building regulation approval, if the house has been rewired, they need to show that they have approval for it, if not by the building control system then by the competent person, having done the work and notified the local authority within the 30-day period.

Q91 Bob Blackman: There is no change to the current position proposed by the Government.
Andrew Stunell: Correct, yes.

Q92 Chair: Minister, coming back to what you said about someone looking to employ tradespeople to come to do work checking that they are either a member of the competent persons scheme or that the person doing the work is notifying the local authority or whoever about building regulations, if you, before you became a Minister and had all these civil servants to advise you, had gone and ordered a new kitchen from a supplier, would the first question you asked them be, "Is the electrician who is going to do the electrical work on this part of a competent persons scheme or are they going to notify the building inspectors that this work is going on?" You would not actually know to ask that question, would you?
Andrew Stunell: No, and one of the things that has happened over the last few years is that it has become more of a saleable commodity. One of the reasons why electricians have been keen to become competent persons, and the number has expanded rapidly, is the gateway that it provides for them to offer an enhanced service—"I can not only do this; I can also deliver you the saving on building control."

Q93 Chair: Fine, but wouldn't it therefore be better if the obligation was on the tradesperson rather than on the consumer to ensure either they are a member of the competent persons scheme or notifying building control about it?
Andrew Stunell: If you are a competent person, you have that obligation. It is one of the things that you have. Whether you are a DIYer or an electrician who is not registered as a competent person, you have the duty to inform the building control authorities if you are carrying out work that reaches the threshold.

Q94 Chair: Or the kitchen installer who is employing those people. Shouldn't the responsibility be somewhere there—on the person who has been employed to do the work, rather than the person actually commissioning the work?
Andrew Stunell: They are going to have a duty of care anyway in offering that service, but the obligation arises from common law, rather than from the building regulations, to make sure that they are complying with the legislation that applies to doing that job.

Q95 Chair: Would the building regulations be better enforced if it was the other way round—that the person doing the work was the one who was responsible?
Andrew Stunell: I think we need to just look at what the differences are in the different systems that one can have. It seems right, in the UK context, to have the liability resting with the building owner, the commissioner of the works, rather than delegating that to, in effect, a subcontractor to that person.
Peter Brown: There is another level of security here, in that the Electricity at Work Regulations require anyone carrying out electrical work to be competent to do that work. There is a duty on the tradesperson coming in and their employer to be competent to do the work that they are coming to do in domestic premises, so there is an onus on the employer and the tradesperson.

Q96 Heidi Alexander: Minister, you said in the UK it makes sense for that obligation to rest with the homeowner as opposed to the contractor carrying out the work. Why? I do not understand. Can you explain to me why, in your view, that makes sense?
Andrew Stunell: The important point here is to make sure that we have a safe installation. As Mr Brown has said, there is a general duty for the tradesperson to proceed in a workmanlike way and to comply with the broader regulations. An installer who failed to do that could be prosecuted under building regulations for putting in an installation that does not comply with those regulations. If we take away the general duty that there is to the person who commissions the work, then I think the system would be that much weaker.

Q97 Chair: Why?
Andrew Stunell: It would be weaker because there would be every opportunity for that person to attempt to pass off his or her responsibility to the person around the corner or whatever. Placing the obligation on the owner, the commissioner of that work, to make sure that the works that they have commissioned are lawful and done properly is, I think, an important safeguard to the whole process.

Q98 Heidi Alexander: Minister, the point is the vast majority of people in the UK who are having this sort of work done in their home have absolutely no idea about the competent persons scheme, Part P of the building regulations or anything. Actually, the people who should know about the rules and regulations are the people who are doing the work. I cannot understand what makes it better that the responsibility lies with the householder about the works that are being carried out, as opposed to the contractor, who should know about all the rules that pertain to the business that they are in.
Andrew Stunell: Chairman, it is somewhat analogous to having a roadworthy car. Clearly it is important that your car should be roadworthy; it is important it should be MOT'd; and it is important that those who carry out MOT repairs and so on do so properly, and

that they do not deceive the customer about what they have done, but it is ultimately the driver or the owner of that vehicle's responsibility to have a roadworthy vehicle. The same is true as far as buildings go. Clearly, and I absolutely accept the point that the Committee is making to me, there is scope for wholesale improvement in public awareness. As people have public awareness of their obligations for a roadworthy vehicle, so it should be for having an electrically safe home that they live in and that they have adapted.

Q99 George Hollingbery: I am afraid for me the MOT analogy simply does not work. You cannot get insurance and drive your car, and you cannot go down the garage, if it fails the MOT. There are all sorts of mechanisms in place to ensure that you comply. Everybody knows you have to; it is right there in front of you. If you do not do it, you cannot get insurance; you cannot get a new tax disc; you cannot go out on the road or, if you do, you will almost certainly get your car taken away and crushed. How is that analogous to people having no idea at all that these regulations are in place and they are supposed to comply with them? It is not analogous. This is a very difficult situation for householders, even though they do not know it is. It seems to me, on the balance of reasonableness, the obligation is in the wrong place in this regard.

Andrew Stunell: I want to stay with my point and say that I think there is an ultimate obligation and it should be kept there. Obviously if work is carried out by contractors that is unlawful, if they go absent, if they disappear—all of those things can happen—the owner of the building, the commissioner of the works, cannot escape that obligation. The installer has a duty, and if it is not fulfilled, prosecution of the tradesman or the company that has wrongly carried out the work or failed to carry out the work can result. In the absence of that, there still has to be an ultimate liability on the owner or the commissioner of the building.

Q100 Bob Blackman: I keep coming back to this, because I can picture a scenario of an elderly couple who have just retired. They decide to have their bathroom and kitchen redone. They commission someone to do it. They may have done something completely different in their lives; they will not have a clue about electrical work or whether the people coming in are competent or not. It is all hidden; they will never be able to see it, witness it and know whether it has been done properly and, yet, if something goes wrong with it, they are responsible. That cannot be right. I am sorry; I just cannot accept that that can be right. It must be that the onus is on the people who are doing that job to make sure that they have qualified this and registered it properly to demonstrate that they are competent to do the job. It cannot be that the onus is on that poor retired couple, just pulling an example out of the air.

Andrew Stunell: First of all, I think perhaps we need to take it in steps. The person who has been appointed or commissioned to carry out the work has an obligation to do it in a lawful way and to comply with building regulations. That includes going through the full compliance procedure. If the person the elderly couple has taken on board is a competent person, then that is a very clear route to getting compliance, because they can self-certify themselves. If they employ somebody who is not such a person, then that other person can, at the moment, apply through the building regulatory system to get approval for the work that they have done. The proposal we are bringing forward is that, as well as having the option of going to the building regulatory system, they can themselves get a competent person to come and examine the work that they have done, which will be a much simpler route and which, I believe—and I think there is some evidence to support it—will tend to mean that more of these jobs are actually looked at and checked, because there will be a second and potentially substantially cheaper route to getting that examination carried out.

There is a broader point that the Committee is making about whether the commissioner or the owner of the building should have any ultimate liability if things go wrong. I would put to the Committee that that is actually analogous to owning a motor vehicle, where again you might be a little old lady who does not know whether or not it has a bald tyre, but you still have that obligation to make sure your vehicle is roadworthy. That is precisely the case that we have here.

Q101 Stephen Gilbert: Can I ask about the point Mr Brown made, which is that, whoever does the work, they have an obligation to get the work right? Can you develop that point slightly, because I think it is potentially putting the onus in two places rather than the point that my colleagues are exploring?

Peter Brown: It does. Under the Health and Safety at Work etc Act, there is a set of regulations, the Electricity at Work Regulations, whereby anyone carrying out electrical work needs to be competent to do that work. In theory, the duty is there on a contractor, and installer, coming in to do the work safely. They could be open to prosecution if the work was not done safely.

Q102 Stephen Gilbert: Just to be clear: that is a duty regardless of whether the contractor is a member of a competent persons scheme.

Peter Brown: Yes, it is their duty as an employer or self-employed person, under the Health and Safety at Work etc Act.

Q103 Bob Blackman: Can I just come back on that one? If I was an elderly man and decided to commission this work, how would I know someone was competent or not? They produce a piece of paper; I assume that is okay. The onus is on me then to make sure that this person has done the work properly. It still does not seem right.

Andrew Stunell: If the person doing the work or quoting to do the work is a competent person, it is highly likely that they will show their card, which illustrates that point. It will be a strong marketing point for any electrical firm or contractor to do that, and of course it would be just the same if it was an

electrician who was carrying out work, say, for a kitchen installer. It would be very much to the advantage of the electrician to demonstrate their membership of a competent persons scheme. There is, if you like, a self-promotion point as far as that goes. Of course, having a higher level of public and client awareness would be highly desirable and, indeed, there is a new requirement on scheme providers—that is to say the people who hold the registration of competent persons—to improve public awareness. It is a new requirement being placed on them, as part of their job, to make sure that awareness of their schemes is increased.

Q104 Mark Pawsey: Could I just ask one question? Doesn't fear of these schemes and this awareness mean that people might actually be put off from having works that would improve their home, boost the economy and probably, ultimately, be safer than the existing installation? Isn't there a worry that this will be detrimental to the trade generally?

Andrew Stunell: That comes back to the reason we are looking at this at all, which is to see whether the regulatory system we have at the moment is proportionate. If I take the current situation, if a householder was extremely diligent and fully aware of their responsibilities, then it might be that an application for regulatory approval for a comparatively minor electrical job that was going to cost them £200 might be a deterrent. It might also encourage a different client with a lower level of responsibility to bypass the system altogether and simply carry out the work. What I think is opening up with what we have in our consultation document is the opportunity for the diligent commissioner to get his work done with a lower regulatory cost by employing an electrician of his choice but getting a competent person to inspect the work, rather than the building control authority, and also perhaps by having a lower financial barrier, which will induce more people to actually go through a process of having their installation checked in the first place.

Q105 George Hollingbery: Who ensures that the people running the competent persons schemes are competent?

Andrew Stunell: The ownership of the whole process is in the Department, but we do have the UKAS providing the overall technical support for those schemes.

Q106 George Hollingbery: Does anybody inspect them directly? In short, is there somebody in the Department, a licensing authority, that says, "You are a reasonable organisation to be running a competent persons scheme"? Is that monitored on a regular basis?

Andrew Stunell: Yes, it is. We obviously take advice from those who have made an assessment of those schemes, but we do indeed have the ultimate responsibility.

Q107 George Hollingbery: Can you just describe to me how that inspection happens?

Andrew Stunell: Again, I would want to write to give you the details of the process. I know how it comes on to my desk, because I see recommendations that a particular scheme should or should not be approved or adjusted but, if you wanted more detail on that, it would probably be sensible for me to write separately to the Committee.

Q108 George Hollingbery: That is fair enough; we are talking about some fairly small details. If you could, that would be useful, Minister. We have had some representations giving us concern that there is a conflict of interest in some of these organisations. They are commercial businesses after all. They profit from the fact that people have to register with them and, therefore, you can envisage a difficulty that they might have in being entirely strict about whether people are or are not competent persons under the scheme. There is some perverse incentive in there to allow people to continue when they should not. Is any work being done on that at all?

Andrew Stunell: The same exists in all of these freestanding warranty schemes. One always has to ask the question of what is in it for them in turning people away or setting standards that are too high. That is where there is an overall supervisory function, which we briefly alluded to. Also, and I think you took some evidence on this in your last session, the schemes set themselves standards internally. They do check, they are required to check and there is an overlapping check carried out by the supervisory body. If we have reasonable grounds for thinking that standards are not being maintained, those are the kinds of cases that come on to my desk for me to take advice.

Q109 George Hollingbery: The Chief Executive of the NICEIC, Emma Clancy, was in front of us last week, and you may have read her evidence. She was talking about 10% of their members disappearing from the scheme each year either because the contractors have gone out of business or they have revoked their certificates or removed them for whatever reason. In your estimate, is that the sort of turnover—about 5% of the register in fact, each year—that you would expect from a business doing a rigorous job of checking its representatives?

Andrew Stunell: You would need to match that up against what evidence there is from the additional checking inspections that are held to see how many of those have safety-critical faults. The proportion with safety-critical faults is very much lower than that. I am not saying that there might not be other reasons for getting somebody off your register, which is not just about safety criticality, but there does not appear to be, at the moment, taking schemes as a whole, evidence that there are low standards. Indeed, the evidence that you have in front of you shows that, on the whole, standards are high and have been improving.

Q110 George Hollingbery: Just finally on this particular issue, there does some to be some difficulty. We heard from the gentleman who was the head of building regulations for local government last week, and had been in the Department—

Andrew Stunell: Mr Everall.
George Hollingbery: Indeed, Mr Everall—that there was some distance between the competent persons schemes and local authorities, or rather it was very patchy: that there were lots of different relationships in different areas. How do you think that local authorities and these competent persons schemes could work together to improve the situation for all?
Andrew Stunell: Most of the competent persons schemes work across a wide range of different local authorities. They will be in touch with many different local authorities and local authorities will also be in touch with many different competent persons schemes or their representatives. I do not have any evidence that that is a particularly difficult set of relationships, and I would be interested in hearing whether the Committee thinks that there is a problem. It is clearly important that there should be positive relationships to make sure that inspections are done, that they are registered and that the process works in that sense. In terms of marketing the need for Part P to be complied with and for people to understand, that is a specific new requirement that is now coming on to the competent persons schemes. Local authorities, generally speaking, have their own way of informing applicants of what their requirements are, as far as building regulations go. For instance, they produce booklets, leaflets or whatever so that, commonly when somebody applies for planning permission or puts in an application for building works, they will be supplied with some information about "Do not forget that you need to comply with this particular area of construction and get the regulations right." As to whether there are ways of linking those two initiatives in a more effective way, I am sure there are, and it would be interesting to see how we could do that in a proportionate way.

Q111 Heather Wheeler: Because we have been taking evidence about whether there ought to be a mandatory requirement for a competent persons scheme, it is getting round to having it like the gasfitters. The difficulty is we have heard evidence from two groups: the Residential Landlords Association in particular have their own boys who do work for them, and they would feel put to one side if there were a mandatory scheme. Do you think that you are getting to that stage? Are you considering that we will have an electrical competence scheme that will be mandatory?
Andrew Stunell: No, what we have is a competent persons scheme, which you can use if you want to. If you do not want to, you can use the building regulation local authority route. We could, at least in theory, have a system similar to the French or the Germans, which is basically that everything has to be done by a competent person, a special tradesman, which would obviously be quite different from the model we have in this country, where there is a high level of DIY and self-build works carried out. It would be quite a significant change in the culture of the building and home improvement industry, if we went to the requirement and obligation to use a competent person for all those kinds of jobs.

Q112 Heather Wheeler: Have you picked up on the fact that there is some suggestion that it might be a barrier to trade under EU requirements, if you went down that route? Is that one of the reasons why you are shy of doing it?
Andrew Stunell: I think there would only be a reason to do it if we thought there would be a significant improvement in safety. We do not believe it is justified by the evidence we have. The further question you raise is an interesting one. I do not want to get into a discussion about how the French have got away with it, but quite clearly there is a different model in one or two European countries, which is historical—these are not recent developments on their part—and really quite different from the nature of our own home self-improvement, which is perhaps less prevalent in countries where home ownership is at a lower level.

Q113 Heather Wheeler: This is a cultural thing rather than the fact that your civil servants and advisers have actually come up with an evaluated cost benefit that we should not go down the mandatory route.
Andrew Stunell: No. In fact, the previous Government looked quite hard at this. Although I do not have at my fingertips the impact assessment and the conclusion they reached, I know that they did look at this and decided that it was not going to be a cost-effective way forward. In the climate of the current Government, it would be a major regulatory step, which we would want to see real justification for before we considered doing it.

Q114 Chair: Presumably with this answer about not having a mandatory scheme because of the extent of DIY in this country, wouldn't it be possible to have a mandatory scheme for all work that had to be paid for? Wouldn't that get around the DIY point?
Andrew Stunell: You could indeed devise a scheme, I am sure, that would not be quite mandatory in that sense but, for all paid-for work, there are plenty of circumstances in which people get an electrician in to finish off some work or to do a job. What we have at the moment is a requirement that that should be approved through the local authority building regulatory framework. We have already discussed that there are perhaps a proportion of those jobs that, for a variety of reasons, do not ever get reported to the local authority. We think that we are actually getting something that will capture more of those, by giving an alternative route through the competent person being called in and delivering that approval at, foreseeably, a considerably reduced cost.

Q115 Simon Danczuk: Minister, you are insistent upon the onus being on the homeowner for regulating this work that is being done. What percentage of homeowners are unaware of the electrical building regulations?
Andrew Stunell: Perhaps I should slightly correct what you have said. What has to be the case and is the case at the moment is that the ultimate residual responsibility rests with the person who commissioned the work. It might be a homeowner; it might not be a homeowner. What proportion of people

are aware of that is a question on which I do not have a number. What we do know is that a very large number of applications are made to the building regulatory system for electrical work each year, which suggests that a significant number of people, or, at least, that the contractors or electricians they use, are well aware of the fact that they have to make an application. There is a question to which I am not sure it is possible to have an answer, which is how many should have been applied for that were not, because that will be the fraction of people who did not know.

Q116 Simon Danczuk: That is your question, isn't it, not mine? My question is what proportion of building owners or homeowners, call them what you will—commissioners of this type of work—are unaware of the electrical building regulations. I accept that you do not know the answer but, if there is an answer, if you could provide the Committee with it in due course, that would be appreciated. You mentioned earlier that the scheme managers have a new requirement to promote and publicise the regulations. Could you tell us just a little bit more about what you are asking them to do, whether it is compulsory and what the duty on them is in terms of publicising these regulations?
Andrew Stunell: Yes. Of course there is a linkage between the product that they are marketing and the regulations. The scheme owners themselves again gave you evidence last week that it is actually in their self-interest to have a larger awareness of the need, because it is business for the people who are the competent persons they register. They accept that it would be valuable for them, as well as valuable more broadly, if they play a much stronger part in doing that. The requirement that we are putting on them is to develop a way of doing that. We have not, as far as I am aware at this moment, got from them an action plan about how that is going to happen.

Q117 Simon Danczuk: In terms of the new requirements on these scheme managers to publicise these regulations that we believe the vast majority are unaware of, you are unsure as to what the new requirements are yet. It is not set out; it is not clear.
Andrew Stunell: The details of how the scheme managers set about the requirement we have placed on them are not settled yet. I am happy to give the Committee what insight is available as to the direction of travel on that, but I think we are some way away from being able to say to you, "This is what you will see on the ground."

Q118 Simon Danczuk: Finally, if it turns out you are unaware of what awareness the commissioners, the homeowners, the building owners have around these regulations, then it will be very difficult for you to measure what effect the scheme managers are having in terms of you new requirements. Do you follow what I am saying there?
Andrew Stunell: I do, but I think you just need to look at the number of applications that are made. Clearly, if there is a significant deficit or shortfall in the number of applications for approval, and this activity results in a surge of new applications, then that would be some indication that it was working, and that there was a deficit. As I say, a very large number of applications have already been made, and the extent to which there is a failure to apply for approval is, in the nature of things, an unknown. The prosecutions that I think were reported to you last week were in cases where both work had not been approved at all and places where it had been done incorrectly. Those are the kinds of pieces of evidence that would have to emerge.

Q119 Simon Danczuk: The simple thing to do would be to do a survey of homeowners and say, "Are you aware of the electrical building regulations?" Then you have a baseline. Let us presume that 20% of them are aware of them, just for argument's sake. That is a baseline from which you can measure in future years whether the scheme managers' new requirements are effective or not. If that increases from 20% to 30% or 40%, they would be having some success in publicising the regulations. Would that not be a way forward?
Andrew Stunell: It would be a possibility. If we were to go down that route, we would need to make sure we were asking the right question. The question is not: do you know anything about Part P? The question is: if you carry out serious electrical work, did you realise you need permission? That is actually the question that matters. The evidence from the number of applications is that a very large number of people do know that or they employ people who know that, and that may be sufficient, as it is with the gas regulations. One could ask this about quite a lot of things, as to what levels of awareness people have got. I think it is absolutely right to make sure that more people do understand that, if they carry out serious electrical work, they have to get permission.

Q120 Chair: Moving on to the gas situation: Mr Brown, if we were developing a new system completely from scratch for gas installations, would we devise one where requirements were in two completely different legislative regimes, the building regulations and gas safety regulations? It almost seems to be a system designed to create some confusion.
Peter Brown: I think it is a system that is understood by the people who operate within it, but I accept that there is some confusion. You have responsibilities going in two directions. We are certainly looking at the overlap between the two schemes to see if it can be simplified. The schemes have arisen for different reasons. The Gas Safety (Installation and Use) Regulations came out of a concern about the number of gas explosions, and the decision to look at the competence and quality of fitting work. The building regulations are looking at the installation and correct ventilation of gas within buildings. There is an overlap, but there are different origins. If we had our time again and could start from scratch, we might bring them together but, at the moment, we manage to make them work pretty well.

Q121 Chair: You do not think there is a case for fundamental reform.

Peter Brown: I do not think so. The challenge is to look at that overlap and to try to simplify the lines of notification, potentially looking at putting notifications through the Gas Safe Register and then also meeting your building regulations duties at the same time. That is one route we would like to explore.

Q122 Simon Danczuk: Is the fact that at least 50% of all gas work carried out in the UK is considered to be illegal a failure of the regulation or of non-compliance?
Peter Brown: I would have to disagree with those figures, and I can give you our figures, if you like, in a written submission. Our own estimates, based on survey work done by the Gas Safe Register, is that there are about 7,000 illegal operations going on, which comprise about 6% of gas work. We would say about 6% of gas work is illegal. There is another set of figures that says about 50% of work is not notified, which is clearly a problem under the building regulations, but in terms of work done by non-registered gas operatives, we think it is about 6%. I will let you have the figures that came to us from the Gas Safe Register.

Q123 Simon Danczuk: Just for clarity, that figure comes from the Association of Registered Gas Installers. You are aware of where it has come from, are you? You just do not think they have got it right.
Peter Brown: I am aware of it, but I do not think they have got it right. I would not like to comment on where the figures have come from, but I can give you our figures, which are based on recent survey work by the Register of current operations.

Q124 Simon Danczuk: Have you spoken to them about their figures?
Peter Brown: No, not yet.

Q125 Simon Danczuk: But you will do. It seems a large difference, doesn't it?
Peter Brown: Yes. There are about 130,000 registered engineers. If you added on the potential number of illegal workers on top of that, you would have a phenomenal number out there of illegal operatives. It does not seem to hang together to us. We feel that 6% seems a much more likely figure.

Q126 Simon Danczuk: Minister, are there any proposals to streamline or remove areas of Part J, in terms of the regulations? It is around combustion and things like that, I think, rather than gas.
Andrew Stunell: There was a full review in 2010, and we have not seen any evidence to suggest that further changes are needed. There are no proposals in our current consultation.

Q127 Simon Danczuk: Peter, you are comfortable with that fact—how Part J interfaces with gas regulations and everything else. There is no need for change.
Peter Brown: We are, other than that we would like to look at the overlap of notifications.

Q128 Simon Danczuk: You do want to look at it.
Peter Brown: With our colleagues in DCLG.

Q129 Simon Danczuk: You are saying, Minister, that there is not a need to do that.
Andrew Stunell: You asked me the question, and there is no proposal in our consultation to make changes. Obviously, if there are issues about notification and enforcement, the consultation does include compliance. We are working closely with colleagues in HSE to see if there is any change that is needed on that front.

Q130 George Hollingbery: On the inspection point, the 50% non-compliance point, if 50% of works are not notified, how do you know to inspect them and know they are safe? Therefore, how can you be confident that only 6% are improperly fitted? Do you understand what I am saying here? I am slightly confusing myself.
Peter Brown: Yes, there are a large number of—Donald Rumsfeld—unknowns out there that we are not getting to. The Gas Safe Register believes that they are picking up information about illegal work, and it will not always be through the notification route. There will be information coming from legal operations that are aware of illegal work going on.

Q131 George Hollingbery: You understand my point. If 50% are not being notified to building regulations, you do not know they have happened, so how do you inspect them and know that they are compliant? You do not.
Peter Brown: We would not be able to, no.

Q132 George Hollingbery: Minister, this is, I am afraid, slightly from left field, and it is the result of a meeting I had last week. It is about Part L and propane gas. Now you may very well not be briefed on this, and I would understand why, and perhaps you might want to write to us if you do not know the answer, but there seems to be some move towards not allowing propane to be used for new developments in the countryside in Part L, or at least there has been some talk of that happening. Do you have any information on that at all, as we sit here today?
Andrew Stunell: There is nothing in the building control system that governs what fuel should be used at all. There are rules, for instance, about combustion and dealing with noxious fumes and so on, but that is independent of the fuel source. I am not aware of the point that you are making.

Q133 George Hollingbery: I think the question here is about energy compliance, the source of propane and its carbon content. Because we were talking about gas, I thought it was reasonable, in terms of the brief today, to talk about it. Builders were given a break previously on propane-driven systems, because they were recognised as energy inefficient, but the new regulations may well outlaw them, because the source is coal, I believe. Therefore, they are ultimately going to be deemed not to be energy compliant. Is that something you are consulting on?
Andrew Stunell: Yes, indeed. Currently there is a discount in terms of the energy performance that a

building has to achieve in certain circumstances. We are consulting on whether that discount should continue in place or not. I may be jumping to a conclusion here to a question that, as was said, is slightly outside the immediate brief, but yes, we are consulting on whether that discount should be removed. The logic behind that is there is no particular reason why people in rural off-grid houses should have homes built to a lower energy performance standard than those in urban and on-grid places. Therefore, there should be the same standard, comfort level, build arrangements and so on. It is a matter for consultation and obviously there will be those who will comment adversely on the proposal.

Q134 George Hollingbery: In conclusion, ultimately what you are saying is that people who live in rural homes, off grid, should pay more for their homes.
Andrew Stunell: Of course, it cuts both ways, doesn't it, Chairman, because if they have homes that require far less fuel to heat, because they have been built to a higher standard, they will in the long term spend less money? That is the question that is in the consultation: should there be a lower standard of energy performance required of those homes, which is the current situation, if they are built new, or should we require the same standard of energy performance from homes right across the country?
George Hollingbery: I do not want to pursue it too much further, but I think the point actually is that, in terms of energy performance, these off-grid solutions like propane perform just as well as mains gas. It is the production of them that produces the carbon deficit rather than anything else, but I think I am going to be throttled by colleagues if I carry on with this for too long, so I shall leave it there.

Q135 Bob Blackman: Much of the evidence we have had so far about the electrical industry suggests that a similar type of scheme to Gas Safe should be introduced for electrical installations. We have had presented to us today a fairly thick booklet on Gas Safe but, Mr Brown, could you give us a brief overview of what Gas Safe does? I have some questions I would like to ask about whether that might be applicable to electrical installations as well.
Peter Brown: Sure. It might help if I very briefly refer to the Gas Safety (Installation and Use) Regulations, which make it a legal requirement that the installation and maintenance of gas appliances should be done by a suitably qualified person. From that point, we then treat "suitably qualified" as someone who is on the Gas Safe Register. The Gas Safe Register will only accept people on to the Register if they can demonstrate competence through the possession of a number of exam passes, certificates, whatever, in competence exams that are established by the industry. You have a legal requirement under the regulations. You have competence schemes developed by the industry and they come together with a register. The Register is then available for a consumer to consult about the skills and competence of registered operatives. It also checks the quality of work and the performance of engineers. It also has been tasked by the HSE to improve consumer awareness of gas safety, and has run a number of public awareness campaigns. Last year was the first Gas Safety Week. Recently there was a story on *EastEnders* about CO poisoning. It holds a register available to the public; it carries out quality assurance; it carries out inspection activities and promotes consumer awareness.

Q136 Bob Blackman: That is very helpful. How confident are you, both Mr Brown and the Minister, that the scheme is working so that people are actually competent, they are doing the job and there are not all sorts of ne'er-do-wells out there taking on work in this way?
Peter Brown: One set of figures that to me demonstrates improvements is that, in the late 1990s, there were approximately 30 deaths a year from CO poisoning from mains gas. That has fallen to about half that level over the last 20 years. Certainly in the last five years, we have seen 12 to 15 deaths a year, so again it is hard to make the exact link, but something is going right out there. In terms of consumer awareness, we asked the Register to carry out surveys each year to see what the levels of consumer awareness are, and again you can measure a rise in the rate of awareness. Something similar could be done around the electricity sector.

Q137 Bob Blackman: Minister, are you content that this is working as a scheme, as it stands?
Andrew Stunell: Yes.

Q138 Bob Blackman: Do you see a need for any improvements to the scheme?
Andrew Stunell: Mr Brown has made the point about making sure that the overlap between the two systems is effective. The competent persons scheme, as it applies, say, to electrical work, has a broader edge in increasing the awareness of the competent person of other aspects of building regulations that they need to take into account. If I can give an apparently trivial example, putting in electrical cabling may result in penetrating a wall and reducing its energy performance or creating other problems. Under the competent persons scheme, the person is required to be competent in the understanding of what they can and cannot do to the rest of the building. That is a more extensive approach, to have a competent person there, than being a Gas Safe installer, which is concerned with making sure the gas does not leak and so on. There are some differences that perhaps could usefully be brought together in the future.

Q139 Bob Blackman: What is the process for discovering fraud? Are people either registering things that are not competently done or spotting work that has not been registered? What is the process? Talk me through what happens.
Peter Brown: In terms of the Register, it has a risk-based inspection process, and I can provide details of how the Register targets its inspection work, along with the figures on illegal work. It might be quite helpful to have both those bits of data.
Bob Blackman: I think that would be helpful to have as background.

Peter Brown: As I was saying earlier, some of that is feedback from other businesses, including concerns about poor performance. Some of it is a response from consumers who have noticed problems themselves or have had other tradespeople into the house who have said, "Look, that really is not a safe piece of work. You need to contact someone about that." Clearly there is reactive-after-the-event inspection insurance, when unfortunately something has gone wrong.

Q140 Bob Blackman: Is there a process of spot checks on sampling a number of installations?
Peter Brown: There is sampling, yes.

Q141 Bob Blackman: How many samples would there be, for example?
Peter Brown: I would have to find the figures on that.

Q142 Bob Blackman: That sort of detail would be quite interesting. Finally from me, there is obviously a lot of concern about DIY electrical installations, but there is also an allowance for do-it-yourself gas installations, assuming they consider themselves competent. How does the HSE take into account the fact of do-it-yourself operations within the regulations?
Peter Brown: There is provision within the regulations to do it yourself, if you feel you are competent. We would not target our attention on that area. Our main focus is on—

Q143 Bob Blackman: On tradespeople?
Peter Brown:—on tradespeople under the Act. Do it yourself is outside the Act, except clearly, if something goes wrong, we would be interested in working out exactly what had happened.

Q144 Bob Blackman: Have you got any feel for the numbers of installations that are done on a do-it-yourself basis, on gas installations?
Peter Brown: I do not have any figures. I can ask, but I suspect there may not be figures.

Q145 Bob Blackman: It is just a feel for the extent of it that I am looking for.
Peter Brown: I would hope the numbers are relatively small, given the awareness campaigns that have been going on.
Bob Blackman: So would I.

Q146 Stephen Gilbert: Can I just push a bit further on the numbers that you cited on those who may have died as a result of poisoning from carbon monoxide? Last week, the Gas Industry Safety Group gave us Department of Health figures that suggested that 4,000 people get symptoms; 200 have to stay over at A&E; and there about 50 deaths a year. I think you just said, in answer to a question from a colleague, about 12 deaths.
Peter Brown: From mains gas. You need to add in that there are many sources of CO. The 50 figure includes suicides, unfortunately. There are 12 to 15, mains gas. There are about seven or eight, solid fuel, then there is a miscellany of other sources, such as car engines and barbecues brought inside buildings. It can be broken down.

Q147 Stephen Gilbert: Could you perhaps, through the Chair, just circulate the breakdown over recent years, just to see trends within that?
Peter Brown: Yes.

Q148 Mark Pawsey: Minister, if I heard you correctly, you said earlier that there was a review of gas safety regulations in 2010, most recently. Is that right?
Andrew Stunell: Yes.

Q149 Mark Pawsey: Were there any changes made to the regulations at that time?
Andrew Stunell: I am not aware that there were, but I will check that point.

Q150 Mark Pawsey: They were looked at and broadly seen to be satisfactory.
Andrew Stunell: Yes.

Q151 Mark Pawsey: Is there a plan for any future look at those regulations, in the near future?
Andrew Stunell: Perhaps I should say that the system of reviewing building regulations is on a three-year cycle. There was an update in 2010, and the consultation we are carrying out now is with a view to introducing any changes in 2013. That is to allow time for industry to adapt to any changes. The next change after that one we would normally anticipate being in 2016, so there would be a three-year cycle. Obviously, if a particular issue emerges—say perhaps in relation to a new technology or a suddenly perceived threat—there is scope to make alterations more frequently, but that is the general pattern of change.

Q152 Mark Pawsey: Generally at the last review, the regulations were found to be fit for purpose and there were no further changes necessary.
Andrew Stunell: Yes.

Q153 Mark Pawsey: Can I just ask one question? Consumers often see gas and electricity in similar terms. They are services that are provided at their home; they are often bought from the same supplier; they know that specialists are needed, in most instances, to come and bring those in. Doesn't it make sense to have a regime that is identical for both systems? Wouldn't that be simpler for everybody?
Andrew Stunell: When Part P was first introduced in 2005, that was one of the considerations. Would it make sense to have essentially a parallel or identical scheme? The decision then—obviously I did not participate in that decision—was not to do so, on the grounds of the cost and bureaucracy not being justified in terms of the benefit. Gas installation failures are much more likely to cause wider risks of explosion, multiple fatalities and fires, which is very rarely the case with electrical faults. There is a high level of DIY work going on, and we have already discussed the question of whether people are actually driven out of the regulatory system by it being too

expensive or too difficult. It was seen in 2005 as more likely to drive people underground than to produce a better regulated scheme, so what we have now is a competent persons scheme that we are proposing to make more flexible in the ways that I have described, which I think is a proportionate way to deal with the risks that we are trying to tackle here. It might look kind of symmetrical to make it the same as gas, but there are two different problems and different risks, which have to be accommodated.

Q154 Simon Danczuk: Peter, just to clarify something briefly, before I go on to my final question, about the amount of illegal gas work that is being done, I quoted the Association of Registered Gas Installers saying about 50% of gas work was illegal. We had a look at the evidence that was given last week to the Committee. Simon Ayers, who I questioned, the Service Director at the Gas Safe Register, estimated 55% illegal work. Is it only you who thinks it is under 10%?
Peter Brown: My figures come from the Register, so Simon and I will need to have a discussion. The figures I have suggest, and these do come from the Register, that there are about 7,500 gas operatives working illegally, generating about 250,000 jobs a year, which comprise about 6% of the total of all gas work. I think Simon may have been referring to the 55% of jobs that fail to be notified under the building regulations. It is a simple task for me to check with Simon and provide you with the material.

Q155 Simon Danczuk: What they say in their evidence is: "From work inspected, 6% has been identified to be unsafe. This compares to an unsafe defect rate of 55% from work that was carried out illegally by unregistered workers with the work not notified to LABC," local authority building control, presumably. Perhaps you can clarify and come back to us.
Peter Brown: Yes, I will do.

Q156 Simon Danczuk: Minister, we have heard lots of written and oral evidence urging for the requirement for CO alarms to be fitted in buildings containing gas appliances. Why is this not part of the proposed changes to the building regulations? Why aren't you proposing this change?
Andrew Stunell: The current building regulations require CO detectors where there are solid fuel appliances. Solid fuel appliances are about 10 times more likely than gas to generate CO_2 emissions when they should not do. It is a question of proportionality in terms of the risk or the threat that there is of CO_2 poisoning, and making sure that we have a proportional regime.

Q157 Simon Danczuk: You do not feel there is a need for CO alarms basically. You do not feel there is a need.
Andrew Stunell: Basically, the regulations would be applied in situations where new gas installations were being put in, because that is when the regulations would bite. Those are put in in accordance with the gas fitting regulations. There is a requirement there for the testing and so on, so it would not be a proportionate response, no.

Q158 Simon Danczuk: Gregory Barker MP, the Minister of State at the Department of Energy and Climate Change, your colleague, supports the idea of proposals to include CO alarm requirements as part of the Green Deal initiative. Does that contradict what you were saying or is that fine?
Andrew Stunell: I was not aware of that, but what I would say is that clearly the requirements of the Green Deal are a matter for that Department to decide. It would not be a regulatory requirement; it would be a condition for delivering a grant. Clearly it is open to the designers of that scheme to decide what additional provisions they want to include.

Q159 Simon Danczuk: They obviously think it is important. Peter, finally, from an HSE perspective, do you have a view on this?
Peter Brown: I would say that we recommend the fitting of CO alarms and the use of CO alarms, but our focus is primarily on getting people to install their appliances professionally and service them regularly to take the problem out at source. CO alarms are very useful, but it is much better to ensure that there will not be a leak in the first place, through using professionals to install and maintain gas appliances.

Q160 Chair: It does seem, Minister, that it is a bit like one Department not quite knowing what the other one is doing in respect of CO alarms. Given it has been an issue that your Department clearly has looked at, for another Department to then bring out some rules connected with Government grants, it does appear that it is not quite a joined-up approach.
Andrew Stunell: The advice I have received is that the Green Deal CO details have not yet been set out, so I do not know what information you have that I have not, Chairman, but I would be very happy to provide you with a further note, depending on the outcome.

Q161 Chair: That would be helpful, because the information we had was that there was going to be a requirement on installers to check whether the air tightness of properties had changed and, in the light of that, to look at putting a mandatory requirement for carbon monoxide alarms to go in. That does seem a very complicated way. Wouldn't it just be easier to link the Green Deal funding to a carbon monoxide alarm system, full stop?
Andrew Stunell: I cannot comment on what would or would not be a good idea for the Green Deal, certainly not in this session, but I am very happy to supply you with a note when we have had some discussions.

Q162 Chair: Finally, going back to public awareness, which we talked about on the electrical issues, is there more that needs to be done to raise public awareness about these issues and, if so, who should be responsible for it?
Andrew Stunell: We are certainly saying that, in terms of having competent persons schemes, the owners of those schemes have got an obligation, which we are

seeking to work with them on to deliver. We have already raised the question of where the local authorities have a role to play, and most local authorities and building control authorities would routinely supply applicants with information about the scope of building regulations and what they needed to do to comply with them. I certainly share the view of the Committee that there is more that could be done in both of those areas.

Q163 Chair: In gas safety, are there any particular further issues, Mr Brown, which you would like to raise?

Peter Brown: No, other than that I think raising awareness is critical for gas safety. From our experience, it is expensive and you need sustained efforts. I suspect it would be very similar for the electrical issue as well.

Q164 Chair: We talked about local authorities. We talked about the competent persons scheme. Is there a need for Government to take a lead and pull all this together because, in the end, the public does not compartmentalise these issues into different bits? They just see gas issues and I wonder whether the Government has a responsibility to take a lead to try to improve awareness.

Andrew Stunell: We are making sure that the competent persons schemes take those responsibilities seriously. It is worth reminding the Committee that there are 39,000 people who are registered competent persons to do electrical work. It is to their personal advantage to make sure that all the installations are done by competent persons. It is to the advantage of the schemes to promote the competent person route to compliance, and I think it is right for us to put the primary responsibility, which goes with their marketing interest as well as any other ethical interest, on to them, and that is what we are doing. As I said to the Chairman earlier, we are very happy to update the Committee when we have a clearer view of how that is going to be achieved.

Chair: Thank you very much indeed to both of you for coming in today.

Written evidence

Written evidence submitted by LABC

Executive Summary

1.1 LABC is a member run organisation for the benefit and representation of Local Authority Building Control. Membership includes all local authorities throughout England and Wales, with links to Northern Ireland and Scotland. We represent 320 Local Authorities with over 3,000 surveyors.

1.2 LABC are of the opinion that the multiple choices available to demonstrate compliance with the Building Regulations creates confusion for consumer, installers and those administering the system controls. Domestic consumers are not necessarily aware of requirements and rely on the installer to follow an appropriate course.

1.3 Overlapping requirements of the Gas Safety (installation and Use) Regulations 1998 and the Building Regulations 2010, together with different control and enforcement bodies provides difficulties in identifying non-compliance issues and responsibilities.

1.4 Many installations rely on the knowledge and integrity of the installer to ensure compliance with no third party inspection.

Evidence for Consideration

2.1 Part P—Electrical safety of the Building Regulations is currently under review and its operation and effectiveness has recently been the subject of debate with industry advisory groups who in return have fed into the consultation process. The resulting consultation paper is expected shortly. Gas safety is subject primarily to the Gas Safety (installation and Use) Regulations 1998 which have independent and separate requirements to Building Regulations, but there is overlap between the two sets of legislation which can give rise to confusion particularly as control and enforcement procedures are administered by separate bodies—The Health and Safety Executive for Gas Safety (installation and Use) Regulations and local authority Building Control for Building Regulations. It should be noted that Approved Inspectors are also able to provide a building control service, but are not able to carry out enforcement under the Building Act 1984 should that be necessary.

2.2 LABC express concern over the effectiveness of demonstrating compliance with the regulatory requirements particularly where the work of electrical or gas installations have a bearing on other parts of the Building Regulations such as structural and fire safety, or acoustic and/or thermal performance of a building.

2.3 Building Regulations allow several different ways to demonstrate compliance. For gas and electrical installations the most popular route is self certification by the installer that the work does indeed satisfy Building Regulations. Persons who are members of a relevant Self Certification Scheme are monitored on a small percentage of work carried out, but the majority of installations are not subject to third party inspection of any kind.

2.4 Self Certification Schemes were introduced by the Government to allow individuals and enterprises to self-certify that their work complies with the Building Regulations as an alternative to using a Building Control Body. The principles of self-certification are based on giving people who are competent in their field the ability to self-certify that their work complies with the Building Regulations without being subjected to building control inspections and fees.

2.5 It is sometimes difficult to determine whether work is being carried out under a self certification scheme or if the work should be subject to building control inspections. Notification of self certified work is not required by the regulations until up to thirty days after completion. A recent LABC survey, results of which are not yet published, will show that where the local authority were involved in third party inspection, a significant number of regulatory requirements relating to Part P would not have been met, if attention had not been drawn to these areas during the construction phase of the work.

2.6 LABC have been working with Gas Safe Register to determine responsibility for compliance with Gas Safety (installation and Use) Regulations and Building Regulations. Building Regulations mirror in part the requirements of the Gas Safety (installation and Use) Regulations, in particular Part J—Combustion appliances and fuel storage systems. It is accepted that a gas installation complying with Gas Safety (installation and Use) Regulations and therefore HSE requirements, for air supply, discharge of products of combustion, and protection of buildings will also satisfy the similar requirements of Building Regulations. However, installations involving a gas supply may also be required to meet other building regulations, in particular Part G for hot water safety and Part L conservation of fuel and power which require separate notification if not covered by a relevant Self Certification Scheme.

2.7 We are advised by Gas Safe Register that persons installing gas heating appliances are not obliged to notify Gas Safe Register of every installation, yet most installations are required to meet Building Regulations. Therefore, if notification is not given to local authorities through a self certification scheme or an Initial Notice (where building control is provided by an approved inspector), a Building Notice or Full Plans application is required to be given to the local authority. As much of the work involved is not immediately apparent to

persons outside the property, checks by enforcement bodies are difficult and there is a belief that notices to the local authority are rarely given.

2.8 There are many safety issues for gas installations covered by the Gas Safety (installation and Use) Regulations 1998 that are not repeated in Building Regulations yet a home owner is able to install a gas appliance in his or her own home, and while this is "building work" for the purposes of Building Regulations, there is no immediate control mechanism to ensure compliance with Gas Safety Regulations such as connection to the gas supply. This is potentially a more dangerous scenario than DIY electrical work.

Recommendations for Consideration

3.1 For both gas and electrical installations there is a need to establish a clear route to demonstrating compliance which can be understood by consumer and contractor alike. Overlapping regulatory requirements should be eliminated, making it clear which enforcement body is responsible.

3.2 Notification of any installation should be given to an appropriate body prior to commencement of work. This would facilitate improved third party inspection by the relevant body. Appropriate bodies would be HSE (via Gas Safe Register), Building Control (local authority or approved inspector) or the Self Certification Scheme Operator.

3.3 Introduction of mandatory third party inspection(s) at some stage during execution of the work, by the notified body indicated above, would offer additional assurances regarding compliance, although this would of course increase the cost of compliance.

January 2012

Written evidence submitted by NICEIC and ECA

About NICEIC

Since 1956, NICEIC has been the UK's leading independent regulatory body for the electrical contracting industry and ancillary trades and operates a Part P registration scheme. It currently has over 26,000 registrants. It is a brand of the Ascertiva Group, one of the world's leading third party certification companies with its members servicing business, industry and government. It is a leading provider of gas training and personnel certification. CEO Emma McCarthy is a member of the Building Regulations Advisory Committee (BRAC). The NICEIC is owned by the Electrical Safety Council, the consumer charity which promotes electrical safety in the UK.

About ECA

Founded in 1901, the Electrical Contractors' Association (ECA) is the UK's leading trade association representing the interests of contractors who design, install, inspect, test and maintain electrical and electronic equipment and services. The industry has an aggregate turnover of over £5 billion, employing around 350,000 operatives and 8,000 apprentices. Our 3,000 members range from local electricians to national companies with several branches employing thousands. Through ECA and ECA Certification, the organisation currently has over 9,000 registered or certified companies. CEO Steve Bratt is a former director of CORGI Services and has expertise across the building services industry.

Summary

- ECA and NICEIC have contributed to this submission together, united by a belief in the core values of safety and excellence. Together we represent 80% of the electrical contracting industry and we are the majority voice of the industry. NICEIC and ECA have practical and workable suggestions on how to streamline regulation while ensuring compliance with the Building Regulations.
- The electrical and gas installation industry should be treated with parity in terms of the need to keep people safe and both electrical and gas work should be under the jurisdiction of the Building Regulations.
- The Department for Communities and Local Government (DCLG) review of the Building Regulations has caused uncertainty and confusion in an electrical contracting industry already ravaged by the economic climate, a culture of reckless bidding and redundancy.
- We strongly advise against the removal of any Building Regulations and in particular are fully behind the key principles of safety and consumer confidence that are enshrined in Part P. However, we also advocate amending Part P to ensure that the electrical contractor's red tape and costs are cut whilst continuing to ensure the homeowner is protected from fire and injury.
- With an increasing dependence on electricity in the home, due to increased installation of microgeneration, other renewable technologies and the associated feed-in-tariffs, Part P of the Building Regulations will be crucial to maintaining domestic energy security and consistency.

— With the roll out of the Green Deal and the smart meter programme, Part P will be increasingly necessary to ensure confidence in the consumer's installations. Sub-standard installation work from incompetent installers will compromise government planning

— The Competent Persons Schemes (CPS[1]) is an effective mechanism for delivering Part P and could be expanded. The CPS facilitates cost effective compliance, consistency and confidence. In 2009 the CPS relating to Part P saved the taxpayer an administrative burden of £132 million—these are government figures (see 2.1).

— We believe that in order to ensure that Part remains effective in providing safety for consumers that all contractors are members of a competent person's scheme. Part "P" has been successful in registering a significant proportion of contractors in the Scheme and ensuring that they undergo a consistent, uniformly applied quality assessment. However in order to ensure that work is conducted to the highest standards, we believe that every electrician that is legally responsible for signing off work (qualified supervisors) should be, through his or her firm a member of a competent persons scheme.

— Existing costs to comply with Part P of the Building Regulations are not exorbitant. For the typical small businessman notifying on average two jobs a week, compliance with the regulations via a Competent Person's Scheme costs just under £2 a day.

— Risk Based Assessment (RBA) of electrical contractors has already been proposed by DCLG but not formally considered as part of the current review of Part P. The cost of registration to a Competent Persons Scheme for the electrical contractor would therefore be reduced without the need for consultation and the extra expense DCLG is incurring by running it. The Committee should take this into account and recommend that CPS is the best way to ensure cost effective compliance for electrical contracting businesses.

— RBA would allow Part P scheme providers, such as NICEIC and The ECA, to reward those contractors who have an exemplary track record, whilst bringing those with weaker records up to the high standards that we should demand in an industry where safety is key. Moving to RBA removes the burden on contractors to arrange annual assessments and removes the associated loss of earnings and productivity that this causes.

— This system would not compromise on safety and would not mean annual surveillance visits being completely abandoned. Rather, this would be a constructive and value added compromise which saves cost, stress and time for competent electrical contractors. Crucially this reform, coupled with mandatory registration to a CPS would create an environment where all contractors would have to perform to the highest standards and as a consequence provide consumer confidence.

— We are against any unregulated DIY electrical or gas work; it is simply too dangerous. There should be a standard fee for those not registered on a CPS to notify their work to Local Authorities, thus ensuring a fair, unrestricted and reasonable path to compliance with the Building Regulations for those who are competent. Finally, there is an alternative to electrical safety sitting within the Building Regulations. In the electrical contracting industry's case that would be an industry-lead solution put forward by ECA and NICEIC and we would welcome the opportunity to discuss this with the Select Committee.

Part P: Safeguarding Electrical Health and Safety in Domestics Dwellings

1.1 We strongly oppose the deregulation of electrical installation work in the home. Electrical installation work is potentially dangerous and since 2005, when Part P was launched, over five million jobs have been notified to NICEIC, each representing an auditable record of accountability and a guarantee for the consumer if something goes wrong.

1.2 We and 85% of all NICEIC registered contractors agree that to amend, rather than end Part P of the regulations, would be the right way forward. Many significant amendments have already been proposed by the Review of Competent Persons Schemes by DCLG and prove there is scope within the existing regulations to improve.

1.3 Through regular contact with our members and registrants, we know that there are legitimate concerns about DIY electrical work. DIY work carried out in the home by those who have no knowledge of electrical safety is highly dangerous, common and often remains unchecked.

1.4 There is evidence of inconsistency in the level of fees charged by Local Authorities for those DIYers who have undertaken electrical work. We strongly recommend consistent fees across all local authorities proportionate to the time and cost for the local authority to test and inspect the work. This would ensure a reasonable path for those wanting to undertake electrical work in their own home.

1.5 For the competent electrical contractor the proposition of joining a DCLG approved CPS is a straight forward exercise requiring demonstration of good electrical craft and practices—something that should be

[1] Competent Person Schemes (CPS) were introduced by the UK Government to allow individuals and enterprises to self-certify that their work complies with the Building Regulations as an alternative to submitting a building notice or using an approved inspector.

evident for all competent electricians. Each of the approved schemes provides a consistent level of customer support and guidance backed by an industry agreed specification which each CPS has signed up to.

1.6 At present, there are firms who may operate "under the radar" by choosing not to register under Part P or to contact Building Control. This not only means that not all the industry is policed, but that those contractors who are complying are placed at a significant disadvantage in terms of cost and increased bureaucracy. Through reform of the regulation of Part P, we can not only ensure that the whole industry is policed, but that those firms complying with the regulations are not placed at a disadvantage. Through bringing all contractors into a competent person's scheme, we can reward compliant contractors, whilst ensuring that those contractors who fail assessments or have not been complying are helped to meet the high standards expected by the industry and the consumer. For contractors with a proven track record we believe that through reforming the assessment process to an RBA will reward compliance and best practice.

1.7 With the increasing dependence on electricity in the home, Part P of the Building Regulations will be crucial to maintaining domestic energy security and consistency with the increased installation of microgeneration and other renewable technologies and the associated feed-in-tariffs. The Department for Energy and Climate Change's (DECC) commitment to carbon reduction places a reliance on renewable energy and an incentive to the homeowner via a system of tariffs. Should Part P be removed there is a risk of inconsistency in the quality of electrical installation work. This, coupled with the loss of auditable notifications to Local Authorities, could also jeopardise DECC's Green Deal, (including Annex R—lighting controls and Annex G—storage heaters, detailed in the PAS2030 document) its Microgeneration Strategy and erode consumer confidence in the technology and its associated schemes.

1.8 The proposed smart meter roll out programme may also be adversely affected should Part P be removed. The programme will make it necessary to ensure consistency and confidence in the consumer's installation for energy providers to ensure the smart meter programme is a success and a "smart grid" is created.

Costs of Compliance

2.1 DCLG's *Simplification Plan Update 2009—The route to better regulation* estimated that Competent Persons Schemes had an "expected saving estimated conservatively at £110 per case. 1.2 million electrical work jobs are undertaken and certificated by Part P Competent Persons per year, this gives an ongoing administration burden saving of £132 million per year."

2.2 The saving is the amount Local Authorities would otherwise have to spend inspecting the installations, thanks to self-certification by electrical contractors. The DCLG review of Part P should take this into account; Part P CPS have saved the taxpayer significant funds in the past by providing an auditable trail to domestic electrical installations and will continue to do so for the foreseeable future.

2.3 For a small business the cost of NICEIC Part P registration and notifications at this time is just under £2 per day. For a medium sized business about £3.50 per day. For a large business registration works out at about £27 per day. If RBA of contractors is adopted, there is a potential to reduce costs even further (See Appendix 2 for full figures).

2.4 In 2011 it was proposed by DCLG that RBA would be introduced into the reauthorisation of CPS, reducing the cost of registration for the electrical contractor. The Select Committee should take this into account and recommend that CPS is the best way to ensure cost effective compliance for electrical contracting businesses.

2.5 The model proposed for RBA is based on an industry developed and agreed process. The assumptions made in the RBA model includes indicative pricing which may go up or down depending on final RBA requirements. The RBA will be offered to enterprises that have met the RBA criteria, however if the enterprise chooses, they can remain on the current system and have an annual visit by the Scheme Operator.

2.6 The benefits to RBA are clear—there are cost savings in both the annual fees payable to a scheme operator as well as the time saving for the registered enterprises, therefore cutting the cost burden to the enterprise. However for the RBA to provide safety and to remove unnecessary burdens on contractors any risk based assessment must be coupled with all contractors registering with a CPS, otherwise compliant and competent contractors will always be placed at a disadvantage.

The cost of "being an electrician"

2.7 Like all business there is a capital expenditure, and Appendix 3 is an estimated cost of operating as an electrical contracting enterprise. The cost is based on an individual who has already "qualified as an electrician" and gone through the appropriate training but does not have any tools or equipment.

2.8 When looking at the costs of "being an electrician", the largest capital expenditure for any electrician is fundamentally their transport costs and test equipment.

2.9 Electricians or enterprises who are not Part P registered must still undertake work in line with the Building Regulations and current edition of the IET Wiring Regulations and must have the equipment to test

their installation work is safe and compliant. Therefore their operating costs must reflect this model or one similar to it.

UKAS Accreditation

2.10 UKAS has been held up by ministers as a key measurement of effectiveness and competence of CPS operators. UKAS Accreditation is important and something Ascertiva Group absolutely agrees with. UKAS accreditation for NICEIC and ECA Domestic Installer Scheme alone works out as a cost to of £30 per day.

A levy on Scheme Operators

2.11 A levy should be put onto Part P CPS Operators to publicise the Regulations to householders. This would help ensure that small businesses registered with the Scheme have the right level of marketing support to win business from homeowners.

One level of registration

2.12 The current system in place for enterprises undertaking electrical installation work as an adjunct to their other work is not working. The "defined scope" of competence within schemes has limited numbers of registrants, decreasing in size year on year. Therefore the Defined Electrical Competence scheme listed in Schedule 3 of the Building Regulations should be discontinued.

2.13 The Minimum Technical Competence (MTC) requirements for other self-certifiable work that may include electrical installation work as an adjunct to their main work should be enhanced to include appropriate electrical installation competence requirements and CPS operators should identify registrants on their CPS that undertake only a limited scope of electrical installation work (for example, electric showers or electric gates). This will ensure a clearer message to consumers as well as enterprises who undertake limited electrical works.

What Part P registered contractors say

2.14 A survey on Part P of the Building Regulations was sent in May 2011 to NICEIC registered contractors. 1,437 completed it.

- 85% said retain Part P but amend and improve it.
- 73% say public listing of their company for consumers is strongly valued or critically important (ie a business benefit provided by registration).
- 49% of NICEIC contractors have seen an improvement in the standard of electrical work since Part P was brought in.
- 95% said no to allowing DIY work without the need to notify.
- 90% said that all installers carrying out electrical work under the Building Regulations should be required to register as Competent Persons.
- 62% agree with Risk Based Assessments.
- Over 50% agree that registration fees are largely fine.
- 93% want to see more frequent and significant action against non-compliance.
- 73% want schemes to jointly fund consumer publicity.
- 96% want DCLG to recognize the need for increased public awareness.

Part "L"—How can it be made more effective?

- The Government has rightly highlighted that Part L (Conservation of fuel and power), which sets minimum standards on the energy efficiency of work carried out, needs to be tightened so as to ensure that buildings continue to be built and modified in an increasingly energy efficient way and that the estimated energy savings from having work undertaken really are captured in reality. The Government has also correctly identified that guidance relating to Part L is too complex and is hindering compliance. We support this view and would be happy to help draft compliance that can be practically followed.
- However, the problem goes beyond the highly complex guidance. Awareness of the requirement (and its upgrading in October 2010) is very low amongst both operatives and consumers. Additionally, beyond the big building projects, Part "L" is going widely unenforced. Understandably, budgets for local authority Building Control checks are limited. This is punishing those firms that are adhering to the requirements. For example, we have had reports that electrical contractors factoring in the environmental standards demanded by Part "L" into their quotes are losing out on business to contractors who charge less by carrying out work to a lower environmental standard. Further to this, when Building Control Officers do check and test developments, it is often after the building has been erected, meaning verification on whether a contractor has followed Part L is more difficult.

— The ECA and NICEIC currently offer members and registrants a low cost self-certification assessment for Part L as a core element of membership. Detailed guidance and telephone support lines are also available. We are currently looking at how we could develop an enhanced service to help combat the above compliance issues.

— We believe we could work with Building Control Officers to develop a process whereby we could conduct random audits of in-progress developments to ensure full compliance with the requirements of the Approved Document. We believe that this service, if replicated by other industry bodies and providers, could be an efficient way of promoting awareness and strengthening compliance rates across the industry in a way that is neither costly for the taxpayer or the contractor, or is time-consuming for the latter. We are currently exploring this idea.

Summary of Suggested Reforms

Competent Persons Scheme (CPS): At present not all contractors comply with Building Regulations and in particular Part P. This impacts on the safety and the market, and results in those that do comply and work to high standards being put at a disadvantage to those who do not adhere with the necessary safety measures that Part P provides for consumers.

We believe that through bringing all contractors into a CPS we can ensure that the high standards become universal across the industry, reduce burden on those contractors with exemplary records and provide the consumer with confidence in the safety of the service provided.

RBA: Currently each contractor who is a member of a CPS is subject to annual visits to maintain their registration, irrelevant of how they perform throughout those twelve months.

Reform of the assessment criteria to reward those companies with exemplary records, whilst ensuring that all contractors meet the same standard is essential to ensuring a thriving and fair industry.

These two key reforms would reduce costs and save time for competent electrical contractors, whilst ensuring that all contractors adhere to best practice and the highest of standards, and thus provide the best service to consumers.

CONCLUSION

Part P is crucial in ensuring we maintain the highest standards of electrical safety in dwellings in England and the regulation should be retained and reformed. We believe that the CPS remain the most cost effective way to comply for the electrical contracting business. As an overall cost, registration with a scheme and notifications of work is less than £2 a day for the small business. There is potential for this cost to be reduced further with DCLG's reauthorisation of Competent Persons Schemes and the adoption of Risk Based Assessments.

January 2012

APPENDIX 1

THE SAVINGS BY USING A COMPETENT PERSONS SCHEME FOR PART P

The cost savings to a Part P registered business when using a Competent Persons Scheme are shown below. These are real-life cases, where only the company names have been changed. The total cost of notification via a Local Authority Building Control (LABC) versus the total cost of notification via a Competent Persons Scheme, in this case NICEIC. The latter provides an auditable, affordable route to compliance.

Customer name	*No. of jobs*	*Scope*	*LABC name*	*LABC cost* £	*Tot cost LABC* £	*NICEIC Annual Fee* £	*BCC* £	*Tot BCC* £	*IBW* £	*Tot IBW* £	*Tot by NICEIC* £	*Difference (Saving)* £
Company 1	14	installation of a shower, extractor fan, heated towel rail and light	Chesterfield	285	3,990	379	1.5	21	1.5	21	421	3,569
Company 2	15	full rewire	Luton	285	4,275	379	1.5	22.5	1.5	22.5	424	3,851
Company 3	70	rewire and replacement consumer unit	Redditch	235	16,450	379	1.5	105	1.5	105	589	15,861
Company 4	17	partial rewire	Wokingham	400	6,800	379	1.5	25.5	1.5	25.5	430	6,370
Company 5	24	replacement consumer unit	Brighton & Hove	129	3,096	379	1.5	36	1.5	36	451	2,645
Company 6	20	replacement consumer unit	Bristol	156	3,120	379	1.5	30	1.5	30	439	2,681

APPENDIX 2

JULY 2011: COST OF COMPLIANCE TO CONTRACTOR VIA COMPETENT PERSONS SCHEME

The tables below are based on 365 days for the Annual fee and 42 working weeks per year with the enterprise paying by Direct Debit. The notification volumes are an estimate based on experience and notifying work online and not by fax:

SOLE TRADER

Domestic Installer Scheme (DIS) only

No.Qualified Supervisor	1
No. sites	1
Successful assessment, no changes to registration	

	cost per year	*cost per day*
Annual fee	£379.00	£1.04

BCC costs	*week*	*Working year (42wks)*	*cost per day*
No. jobs reported	2.5	105	
BCC cost (online)	£1.50	£157.50	£0.43
IBW cost	£1.50	£157.50	£0.43
Total cost		**£694.00**	**£1.90**

MEDIUM SIZED ENTERPRISE WITH TWO QS AND ONE OFFICE

DIS only

No.Qualified Supervisor	2
No. sites	1
Successful assessment, no changes to registration	

		cost per year	*cost per day*
Annual fee		£379.00	£1.04
Additional QS		£290.00	£0.79
	Total	£669.00	£1.83

BCC costs	*week*	*Working year (42wks)*	*cost per day*
No. jobs reported	5	210	
BCC cost (online)	£1.50	£315.00	£0.86
IBW cost	£1.50	£315.00	£0.86
Total cost		**£1,299.00**	**£3.55**

LARGE ENTERPRISE WITH 10 SITES AND 10 QS

DIS only

No.Qualified Supervisor	10
No. sites	10
Successful assessment, no changes to registration	

		cost per year	*cost per day*
Annual fee x 10		£3,790.00	£10.38
Additional QS		NA	NA
	Total	£3,790.00	£10.38

BCC costs	*Week*	*Working year (42wks)*	*cost per day*
No. jobs reported	50	2100	
BCC cost (online)	£1.50	£3,150.00	£8.63
IBW cost	£1.50	£3,150.00	£8.63
Total cost		**£10,090.00**	**£27.64**

APPENDIX 3

Item	*Cost*	*Comment*
Vehicle	£3,000	Second hand vehicle
Vehicle Insurance + Road Tax	£800	Estimated cost
Hand Tools	£300	NICEIC Large tool kit
Plant	£799	Dewalt 6 piece set from Screwfix
Test Equipment	£699	Megger 1553 from NICEICDirect
Public Liability Insurance	£68.25	From NICEIC Insurance
Books	£150	17th Edition Regs + Guidance books
CPS Fees	£379	NICEIC DIS Fee
Total	**£6195.25**	

Therefore the only variance between a registered and non-registered enterprise is their CPS registration fee, which equates to less than £2.00 per day for a small business.

Written evidence submitted by the Residential Landlords Association

1. About the Residential Landlords Association

The Residential Landlords Association (RLA) is one of the two direct membership national landlords associations operating in England and Wales. We have some 10,000 subscribers representing a membership of around 15,000. Our members own or control over 150,000 units of accommodation. Primarily our members are landlords in their own right but a number are managing and letting agents, some of whom are also landlords. Our members operate in all sub-sectors of the Private Rented Sector (PRS). Properties are rented out to families, working people, young professionals, the elderly, students and benefit customers.

2. Background

2.1 Private landlords are involved in the ownership and renting out of all the main types of dwelling (ie houses, detached, semi detached or terraced; flats; and houses in multiple occupation (HMOs).

2.2 In the case of flats landlords may own blocks of flats which they rent out, in which case they will be in control of the common parts, or they may simply own individual flats in a block, which is under the control of someone else.

2.3 So far as HMOs are concerned again there may be variations of who is in control depending on whether a property such as a house is rented out to a group of sharers (in which case the landlord will not retain control/possession) or bedsits (where a landlord controls the common parts usually).

2.4 The nature of the property and who has control over it (particularly in relation to the common parts) may well impact as regards obligations in respect of the installation and repair of both gas and electricity in the property. A tenant of a house particularly a longer term tenant is more likely to own fittings eg fires or to undertake their own repairs/improvements.

2.5 This evidence focuses on the impact of regulation of gas and electricity installation and repair on the PRS as it affects the various property types.

3. Installations and Appliances

3.1 In all of this, it is important to draw a distinction between gas or electricity installations in the property on the one hand and appliances/equipment which makes use of the gas or electricity supply on the other. The installations will be fixed, ie the electrical cabling or the gas pipe-work etc. Appliances will be fixed eg gas boilers, fixed electrical fires or, alternatively, in the case of electrical items, the appliances or equipment may well be moveable/portable. As with the type of property, this will have an important bearing on the application of responsibilities and liabilities.

3.2 So far as gas is concerned, one is essentially looking at it being used for water heating and space heating, as well as cooking. So far as electricity is concerned one is primarily looking at lighting and the use of a multitude of different appliances/equipment, as well as potentially cooking, depending on whether gas or electricity is the chosen method of cooking.

3.3 This inquiry is focusing on installations ie fixed installations such as gas pipe-work and cabling (and ancillary matters such as consumer units and switches) as well as fixed appliances, as opposed to the "loose" items. Installations are, in effect, part of the fabric of the building and fixed appliances are in the nature of fixtures attached to the building. On the other hand we have the portable items which can use electricity, eg microwaves, TVs etc, but we do not propose to comment further on these "loose" items, as being outside the remit of the inquiry.

4. Current Regulations

4.1 It is important to recognize, in our view, that both gas and electricity are already subject to detailed legislation enforceable both through the criminal and civil courts. It may well, therefore, be the case that educating those involved such as landlords and tenants can achieve much more than bringing in new regulations. In our view, present regulations are sufficient and, so far as electricity is concerned, would be subject to some relaxation.

4.2 For gas, there is already extensive regulation of both installations and fixed appliances under the Gas Safety (Installation and Use) Regulations. These provide a comprehensive code administered by the Health and Safety Executive. Separately there are also detailed regulations regarding the manufacture and sale of gas appliances. Work in relation to gas has to be carried out by a gas safety registered engineer. These regulations are subject to enforcement via criminal sanctions. There is an obligation for an engineer to carry out an annual safety check and to issue a certificate but unlike electricity gas is less appropriate for "do it yourself" work. Under gas safety the regulations the obligation is to ensure that the installation, pipe-work and fixed appliances are safe at all times, in addition to the periodic inspection regime.

4.3 When it comes to electricity electrical installations in dwellings are now subject to the provisions of Part P of the Building Regulations. Ultimately enforcement of these is by criminal sanctions. We come back to these below.

4.4 There are also extensive responsibilities on the part of landlords under contractual law in relation to both gas and electricity. By virtue of Section 11 of the Landlord & Tenant Act 1985 the landlord is contractually responsible for the repair of and/or keeping in proper working order the installations in a rented property for the supply of gas and electricity as well as the installations for space and water heating. Breach gives rise to a claim for damages and even an order by the Court to carry out remedial work. Under Section 4 of the Defective Premises Act 1972 there is liability in negligence on the part of the landlord for death or personal injury arising out of breach of these repairing obligations. For instance if someone is injured due to carbon monoxide fumes a claim for personal injury can be made.

4.5 Additionally, local authorities have power by virtue of the Housing Health and Safety Rating System (HHSRS) under Part 1 of the Housing Act 2004 to require repairs/improvements both in relation to gas installation and electrical hazards. A local authority therefore has considerable powers in regard to the potential consequences of electrical hazards, or hazards affecting gas installations and appliances.

4.6 The foregoing provisions apply to all types of dwellings in the private rented sector but, additionally, there is separate provision for HMOs. These apply to all kinds of HMOs irrespective of whether a licence is required or not. Under the HMO Management Regulations (there is a separate set of regulations for converted flats—so called Section 257 HMOs—when the flat was converted prior to 1991 and more than one third of the flats in the block are rented out) various duties are imposed on the manager of an HMO which is subject to the regulations. By virtue of the regulations local authorities have power to inspect gas safety certificates required under the Gas Safety (Installation and Use) Regulations. There is a separate obligation to ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a qualified electrician. The electrical certificate must be issued by the electrical engineer and the local authority is entitled to require production of this certificate. There are also various obligations under the regulations which are extremely detailed in relation to the upkeep of fixtures, fittings or appliances for lighting, space heating, heating and water heating appliances. The manager must not unreasonably cause the gas or electricity supply to be interrupted. Thus, there is an additional compulsion code under the regulations for all descriptions of HMOs.

5. Gas Safety

5.1 There are a limited number of generic provisions already contained in the Building Regulations in relation to heating appliances as well as thermal insulation. These cover issues such as ensuring bath water is not too hot in new dwellings. Beyond this the Building Regulations do not currently apply in relation to gas installations/appliances. However, outside existing limited cases where Building Regulations apply, we see no justification at all for extending building regulations to cover either the installation of gas appliances or their repair. These matters are already amply and comprehensively covered under the Gas Safety (Installation and Use) Regulations supplemented by the relevant approved Code of Practice issued by the Health and Safety Executive, as well as related regulations dealing with issues such as access to carry out emergency works. There is already not only this comprehensive code but a system of regular gas safety inspections. To bring in new regulations under the Building Regulations is both unnecessary and burdensome. This is because of the comprehensive nature of the existing gas regulations. Thus, gas pipe-work and fixed appliances which use gas, eg for water heating, space heating or cooking, are already well covered. Related flues are comprehensively dealt with in the Gas Safety Regulations.

6. Electrical Safety

6.1 The scope of building regulations is defined by the regulations themselves and, for these purposes, "building work" includes specified work on controlled services, including electricity (but not gas). Essentially, the regulations are framed in terms of safety and are supplemented by the Approved Part P Document. They apply to installation and extensions to the system. One would not expect repairs and maintenance to be within the scope of building work and to be subject to the Regulations.

6.2 As always with building regulations, the scheme is dependent upon the submission of plans and/or notification to the local authority (or other approved body). In our view, the practicalities and realities are such, that any further extension of building regulations beyond what they currently provide for (if it was legally possible anyway because of the definition of "building work" would be undesirable and unworkable. It would not be done in practice if the scope of the Regulations were to be increased. Indeed, in our view, there is a case for making modifications to the current regime in order to improve it and simplify it.

6.3 Beyond the current regime for the carrying out of electrical inspections in relation to HMOs, we would be opposed to the introduction of an inspection regime for electrical installations similar to that which currently supplies gas installations. In particular, we would be concerned if any such regime were applied to the private rented sector alone. The sector is already subject to heavy regulation with consequent costs. Inevitably these costs are passed on to tenants through the rent as are all regulatory requirement compliant costs. Increased regulation means additional costs which, in turn, have to be borne ultimately although indirectly, by tenants. Individual items may seem to be a good idea but it is the total regulatory burden which is the concern, especially at a time when tenants incomes are under increased pressure and local housing allowance is being reduced. It is not, however, just about the cost and regulatory burden but, more importantly, we do not believe that there is the evidence that would support the need for an extension of the current regime of electrical inspections beyond that which currently applies in the case of HMOs. Landlords are already subject to sanctions

for non compliance anyway. There is potentially liability under the Health and Safety at Work Act 1974 and civil liability.

7. The Nature of Electrical Inspections

7.1 Unlike gas safety inspections which are relatively simple and straight forward, there is considerable scope for different opinions as to what is appropriate by way of inspection and testing for electrical installations. Such inspections can be extremely costly, up to £500 per property plus VAT. There is an additional concern over and above those raised in the previous paragraph. Often, in our experience, extensive inspections are not actually needed. In our view, often all that is needed would be a visual inspection which could already be done on a "DIY" basis, eg to check sockets and switches to make sure that there is no burning and no breakages in the casing, no coming away of switches from the wall etc, coupled with an earth link impedance test. This is a simple plug in test with a meter. Provided this registers at less than 2 ohms then the circuit is in good order. There is a danger in this situation of electrical contractors pushing for work and suggesting that more extensive tests are required than is in fact the case.

8. The Operation of Part P

8.1 We consider that a number of improvements to Part P could be effected so as to simplify and speed up the system as well as saving costs.

8.2 In England and Wales Part P of the Building Regulations is the sole specific legal framework that covers the safety of electrical installations in the home, although there are the various other provisions to which we have already referred.

8.3 A major consideration is the involvement of building control or indeed approved inspectors unless they are qualified as electricians. Electrical work is specialist and, in our experience, building control in particular are loath to become involved in electrical matters, simply because they do not have the necessary knowledge. If there are cases where a competent person for Part P purposes is not involved we very much doubt that in reality building control would have the necessary expertise to inspect and pass off an electrical installation. From talking to building control staff it is simply something they do not want to become involved in because of this lack of specialist knowledge. Building control is, therefore, being used to police a system for which it is not suitably trained and does not have the requisite experience. We come back to this issue below.

8.4 Since 2005, under Part P in practice this means that riskier electrical work in the home must be inspected, tested and approved by a building control body or more usually by self-certified by a registered competent person. These jobs include new circuits and new/replacement consumer units and extensions to circuits in kitchens, bathrooms and outdoors. This is to protect both current residents, and also those who may live there in the future.

8.5 We recognize that sub-standard electrical installation work and failings in workmanship can and do result in death, injury and loss of property through fire. Part P was introduced to reduce electrical accidents in the home and the number of unqualified. electricians undertaking domestic electrical installation work. It was also intended to improve the average level of competence and responsibility of those undertaking electrical work, as well as raise the awareness of builders and householders of the need for care. Whilst the number of deaths remains largely the same from before the introduction of Part P, the number of non-fatal electric shock injuries has been significantly reduced, since they were brought into force.

9. What are the Objections to Part P?

Our members are not all supporters of Part P.

The proposal to water down or scrap Part P follows comments on the Government's "Your Freedom". website. Key complaints were:

- Regulations are too costly, bureaucratic and restrictive;
- Regulations are not enforced so electricians who comply are undercut by unqualified "cowboys";
- Competent DIYers must pay to have work inspected, or pay to have work carried out; and
- People have low awareness of Part P, allowing those who are not registered to abuse the system.

10. Industry Proposals for Reforming Part P

10.1 Working with industry partners, the Electrical Safety Council recently formed a working group to collectively identify how Part P would be amended to make it an even more effective tool for promoting electrical safety. We agree with their recommendations that the Government consider proposals to:

- *Slim down the regulation* by discontinuing the separate "defined competence". self-certification scheme. The scheme, designed for those that undertake limited electrical work as a small part of their main business (eg those fitting electric gates) has caused confusion, and attracted relatively few registrants (only about 3% of the total).

— *Reduce the administrative burden and remove certification by building control bodies.* The responsibility of checking work carried out by householders should pass from the local authority, to a system of third party certification already developed by Part P scheme operators. Competition will also help to drive down costs. We have already referred to this issue above.

— *Reduce the overall cost of certification.* Although the costs associated with self-certification by competent persons are considered reasonable and proportionate for both consumers and contractors, at an estimated £11 per notification, the building control fees are disproportionate, particularly for minor works, at £200 per certificate. Homeowners should be permitted to employ a competent person to inspect, test and certify installation work, as an alternative to inspection by a building control body. We believe that a system needs to be devised outside the building control authority to enforce the regulations. As we have already explained Part P is outside the day to day competence of building control departments of local authorities in our view.

11. The Way Forward

11.1 We believe that it is vital to keep down the burden of regulation and consequent costs so long as this does not lead to increased risk of injury, death or property damage. We do not consider that there is a case for extending the inspection regime for electricity safety more widely than at present. We agree that Part P should be retained as the primary policing method in the domestic sector generally but every effort needs to be made to lighten the burden of Part P wherever practicable. The recommendations of the Electrical Safety Council take this agenda forward.

12. Conclusion

12.1 For the reasons outlined we believe that there is no case applying the building regulations to gas installation and repairs. This is already covered under the Gas Safety Regulations. So far as electricity is concerned we do not advocate the abolition of Part P but instead its simplification. We do not believe that it is appropriate to extend current routine inspection regimes.

January 2012

Written evidence submitted by NHBC

Summary

NHBC is the UK's largest Building Control Service. In response to the call for evidence, the headline response is as follows:

— NHBC BCS has no evidence whether the introduction of Electrical Safety into the Building Regulations under Part P has improved the safety of people in and around buildings, neither has it any evidence that it has not. As there is no evidence of the introduction of Electrical Safety into the regulations improving safety we are not able to comment whether the removal of it from the regulations would increase the risk to the safety of people in and around buildings.

— It is the view of NHBC BCS that the risk to the safety of people in and around buildings from gas Installations is far greater than that presented by electrical installations for two reasons. The first is the effects of combustion gases not being correctly disposed of and the second is the risk of explosion from gas leaks. For this reason we do believe that the inclusion of Gas Installations into the Building Regulations does increase the safety of people in and around buildings.

Full Response

Thank you for the opportunity to present our views on the matter of Electrical and Gas Installations and Repairs in dwellings. NHBC Building Control Services Ltd (BCS) are the largest and longest established private sector building control body, operating for over 25 years, and have extensive knowledge and experience working in the house building and commercial building sector. Our project portfolio ranges from small, traditional residential developments to the most prestigious contemporary commercial and mixed-use schemes across England and Wales. We currently provide building control for approximately 50% of the new build residential market.

For ease we have divided our evidence into Electrical and Gas Installations in new build dwellings. We have very little experience in the repair and maintenance market so we would not wish to comment in respect of these sectors.

Electrical Installations

NHBC BCS has no evidence whether the introduction of Electrical Safety into the Building Regulations under Part P has improved the safety of people in and around buildings, neither has it any evidence that it has

not. As there is no evidence of the introduction of Electrical Safety into the regulations improving safety we are not able to comment whether the removal of it from the regulations would increase the risk to the safety of people in and around buildings.

There is anecdotal evidence that the introduction of Part P and Competent Persons Schemes which permitted the self certification of notifiable works has increased the use of Electrical Contractors who are members of relevant competent person's schemes. We believe that this method is favoured because it avoids having to make a separate notification to Building Control and also helps the builder to prove compliance with the requirements of the regulations via the production of the Part P Certificate.

One challenge that the present system presents however, is the difficulty in proving compliance when customers either do not use a contractor who is not a member of a competent person scheme or indeed undertakes the work themselves. Because it is not compulsory to have notifiable work commissioned before use by a person who is a member of a relevant competent person scheme (unlike gas installations, which should be commissioned by a member of the GASSAFE Scheme) this places a larger responsibility on the builder to prove compliance to the Building Control Body.

In terms of costs of the current system, our role as an Approved Inspector is to assist builders in achieving compliance with the regulations and as such we seek evidence from the builder that the electrical installations have been carried out in accordance with the regulations. In the majority of cases our customers use electrical contractors who are members of a competent person's scheme and will provide evidence of compliance with the production of a Home Owner Certificate for the Electrical installation provided by the competent person who has undertaken the works. In our estimation the cost of this is approximately £1 per completed dwelling, which would equate to an overall cost of approximately £50–55,000. This cost is passed onto our customers as part of the cost of providing the building control service.

Gas Installations

It is the view of NHBC BCS that the risk to the safety of people in and around buildings from gas Installations is far greater than that presented by electrical installations for two reasons. The first is the effects of combustion gases not being correctly disposed of and the second is the risk of explosion from gas leaks. For this reason we do believe that the inclusion of Gas Installations into the Building Regulations does increase the safety of people in and around buildings.

The regulations are also more defined for gas installations than those for electrical installations as they require all gas installations to be at least commissioned by a suitably qualified person who is a member of the relevant certification body (GASSAFE) who will check that the appliances are installed correctly and in compliance with the Gas Safety, Installation and Use Regulations 1998 (GSIUR). Any system which is not commissioned by an engineer who is suitably registered is not in compliance with the regulations and should not be used.

It is also encouraging that safety measures included as part of the industry registration bodies best practice are being introduced into the regulations to improve safety. An example of this is access hatches for concealed flues which was included in the recent changes to Part J of the Regulations. This follows several cases where the concealed flues had been damaged. As no inspection hatches had been provided the problems were not discovered until combustion gases were leaked back into the living spaces presenting clear risks to the health and safety of the occupants of the building.

However, there are some areas in the regulations where the control over installations is confusing. An example of this is the control of service pipe work in blocks of flats. The Building Regulations only cover the provisions for ensuring the safety of the pipe work in the main escape stairway(s) of blocks of apartments and would do not include the provisions within lobbies or communal corridors off such stairways which are legislated for in the GSIUR and therefore part of the GASSAFE requirements.

Where gas pipes pass through communal areas they should either be contained in separate ducts which are, vented to outside, or the area through which they pass should be vented to outside. Feedback would suggest that gas installers understand ventilation of the protected stairways but may not have been venting internal corridors.

It is important that where communal corridors contain non-ducted gas pipes that ventilation of those corridors to outside area, or into a zone such as a ventilated stairways, is provided. This could involve fire protection of any ventilation grilles (if permitted under Building Regulations) and raises questions on cold smoke control all of which are Building Regulations matters and not covered by Gas Regulations. It is therefore important that Building Regulations do include communal corridors and lobbies regarding ventilation of gas leaks. This should be clarified in any update of the Building Regulations.

Secondly, the provision of ventilation of communal areas for gas installation purposes can be quite significant and does have a cooling effect on the areas concerned which may also have effects on other parts of the Regulations such as compliance with Part L—Conservation of Fuel and Power.

In terms of costs to NHBC BCS as a building control body, as with electrical installations our customers will provide a copy of the relevant commissioning certificate from a suitably qualified gas engineer and as such the costs per dwelling are similar to that of electrical installations, perhaps £1 per plot. Given that a high

proportion of the plots completed per year have gas installations we would place the overall cost to us at approximately £30–35,000 per annum. This cost is passed onto our customers as part of the cost of providing the building control service.

January 2012

Written evidence submitted by Gas Safe Register

THE ADEQUACY OF THE OPERATION OF THE CURRENT BUILDING REGULATIONS RELATING TO ELECTRICAL AND GAS INSTALLATION AND REPAIRS IN DWELLINGS

INTRODUCTION

- Gas Safe Register has a main remit to operate the gas registration scheme ensuring that registered businesses and their engineers are compliant within the requirements of the Gas Safety (installation & Use) Regulations. The registration body works under a services concession agreement to the Health and Safety Executive to operate the register in the UK, the Isle of Man and Guernsey.
- Part of the remit is to undertake regular monitoring and targeted inspections on registered business to inspect compliance to published Gas Industry Standards and applicable Building Regulations.
- The Register's breadth of expertise within its workforce makes it ideally placed to understand the current requirements of Build Regulations and the associated issues faced by consumers and Gas Safe registered businesses in complying with these regulations.
- We are measured upon the delivery of the register through a comprehensive set of key performance indicators set by Health & Safety Executive for the effective and efficient delivery of the scheme.
- Through its promotional and marketing activity and the close working with over 400 stakeholders the Register has been able to deliver clear and concise gas safety messages to gas consumers. It has also been working with a number of vulnerable groups to increase gas safety awareness where gaps in their awareness and knowledge existed.
- The Register has worked closely with both national and local Building Control offices to enhance and maximise the take up by the registered businesses through a wide range of activities. We have also worked with the Local Authority Building Control (LABC) teams to improve our processes to further enhance the compliance process and application of sanctions where required.

SUMMARY OF EVIDENCE AND COMMENT

Gas Safe Register has identified, and has clear evidence, that the current levels of understanding of dwelling owners and registered businesses of building regulations and their application is not at a level to support the wider compliance and safety challenges.

It is evident that both dwelling owners and the registered businesses in a high number of cases are confused over the requirements placed upon them and just what needs to be notified for compliance with the building regulations. For ease it may be a consideration to move to an amended position requiring all gas appliances to be notified. This would be the preferred position of many of the local LABC's we have engaged with.

The Register provides its registered businesses with a simple and effective notification process to support them in being compliant with the self certification process. We have concerns that, approximately, only half of all heating appliances sold that require notification go on to be notified through our systems to the Local Authority.

The Register can also provide clear evidence to prove that, where work is notified using our systems, the work carried out by the registered business will have a significantly higher compliance rate than those installations we find that have not been formally notified. Those businesses that do not notify fall into a number of categories with the most serious of faults being found on those that are not registered/working illegally.

We have identified a perception amongst registered business that there is a lack of enforcement of the Building Regulations by Building Control offices. The consequence of this is that potential enforcement is not seen to be a deterrent to non-compliance.

This would appear to stem from the little publication of any actions undertaken by the enforcement of the regulations.

There needs to be clearly defined sanctions in place for non-conformance and these need to be administered accordingly to ensure all requirements are notified.

We have also evidence to suggest that those with a good understanding of the current guidelines and regulations generally demonstrate greater levels of compliance. This leads us to believe that access to, and improved communication of, the regulations would improve compliance overall.

We also believe that the current regulations would benefit from increased clarity around two areas: where ultimate responsibility lies for non-compliance and the reasons given for non-compliance.

Some evidence shows that consumers are exploited by rogue traders with regards to falsely discharging their responsibility and accountability to dwelling owners leading to high levels of non registered/unsafe work with non compliance to existing standards. We work with the gas industry to reduce the current levels of illegal working being undertaken. From research we identified that there may be in the region of 7,500 businesses/ engineers operating illegally and undertaking 250,000 jobs per year.

There is evidence to prove some businesses are selective in their approach to meeting Building Regulations and notifying the LABC of the work undertaken. This is for a number of reasons as highlighted in the following documentation.

The risk around any reduction to the requirement and breadth of the building regulations could be perceived as the regulations are of lower importance resulting in a reduction of the compliance process.

Gas Safe Register offers a fully compliant service for registered gas businesses to comply with the gas and heating and hot waters services areas of the regulations. The register promotes and supports conformance to Building Regulations through its robust messaging to consumers and registered businesses. Its inspection activity, technical advice line, online support and its proactive approach to training from its experienced and qualified workforce encourages compliance.

Are the Current Building Regulations for Safeguarding Health and Safety in Domestic Dwellings Adequate?

Statistical information held by the Register suggests that current Building Regulations, when used in conjunction with the relevant approved documents, provide valuable practical guidance on ways of complying with the legislation.

From work inspected, 6% has been identified to be unsafe. This compares to an unsafe defect rate of 55% from work that was carried out illegally by unregistered workers with the work not notified to LABC.

The Register's notification records identify that around 50% of gas boiler appliances sold are not notified to LABC. Over 46% of heat producing appliances sold for new build properties are not notified in a manner that identifies that appliances are being installed by competent Gas Safe registered engineers.

Therefore the risk around any reduction to requirement of the scope of Building Regulation could be seen as a watering down of the requirement and deeming it as less important, in this instance we could see even less appliances being notified and this could increase the risk of appliances being installed by non competent or illegal engineers.

It is thought that the following are drivers for non-Notification:

(1) Lack of knowledge and understanding of requirements by consumers.

(2) Lack of knowledge and understanding of requirements for practicing businesses.

(3) The cost implication re time and administration.

(4) Failure to apply knowledge and understanding.

(5) No enforcement for non compliance.

(6) Multiple registration to other CPS schemes.

The Lack of knowledge and understanding of requirements from Consumers

The responsibility for Building Regulation compliance rests with the property owner but many property owners will take advice from practicing business as to the requirement to comply with legislation.

The risk in relation to compliance will depend on the knowledge and business ethics of the practicing business and does not ensure the completion of an installation that meets the required standards.

It is common practise from rogue traders to take advantage of this situation and take the opportunity to install a non compliant installation.

The Lack of knowledge and understanding of requirements for Practicing Businesses

It is clear from our inspection program that not all businesses are aware of all parts of the building regulations from a safety perspective.

Currently the onus is on businesses to "self-educate" with regards to their awareness of the regulations and what they need to do in order to comply.

The present training requirement within the gas industry for proving competency to carry out the fitting and maintenance of gas appliances does not include or cover the legal and procedural requirements of energy efficiency, building regulations and notification. This has been raised through the formal competence review undertaken by the Register on behalf of the Health & Safety Executive.

The Cost Implication

There is also a cost implication for the business to comply with the requirement of the regulations and this could lead to the business being uncompetitive at tendering against rogue traders. Businesses view these requirements as disadvantageous especially when tendering against a non-conforming business.

The requirement for a business to self educate with regards to compliance to building regulations is often seen by industry as costly and time consuming. Businesses that do not comply with legislation will gain an advantage re the cost for the materials required and the time saved in not having to fit them.

Failure to apply knowledge and understanding

Although many registered businesses do have the relevant knowledge with regards to the legislative requirements there is clear evidence to show that many of these businesses simply fail to comply with the requirement at all times.

Complaints received from consumers around non-notification prove that businesses are "selective" in work chosen for notification; this could be for tax evasion reasons regarding the HMRC.

The current costs of complying with the procedural demands of the Regulations

Direct notification to a Local Authority can typically cost between £100 and £400 but will greatly vary by local authority. Notification via the self-certification route offered by Gas Safe Register Scheme costs £2.20+VAT online or £3.50 +VAT via the telephone.

Some boiler manufacturers offer to pay for the notification when the boiler warranty is registered and will take steps to ensure that the work was undertaken by a suitable person.

There can be a misconception by engineers that they can let the consumer inform the LA upon completion of the work. This view meets neither of the points above in terms of advance notification to the local authority and it would not be considered as Self Certification Notification as this can only be done by the installing/commissioning engineer.

There is a post-completion "Regularisation" process but we should be driving the message of front end compliance rather that regularisation after the installation. Regularisation can cost a consumer up to £1,000 and may be required when the property goes to market for sale.

How could the Regulations be revised to be streamlined and made more effective?

Current system

To allow for the Regulations to be more effective and accountable there needs to be clearer information about responsibilities for compliance. It has already been identified that there is confusion with the requirements to meet Building Regulations and this is where the opportunity exists to streamline the regulations and increase their effectiveness.

At the moment some consumers are exploited by rogue traders with regards to discharging their responsibility and accountability to consumers which is leading to high levels of non registered/unsafe work with non compliance to existing standards.

Streamline

Having one simple system that is industry accepted, is cost effective, open and transparent and available to all registered businesses would streamline the current system.

This system is already in operation with self-certification scheme operated by Gas Safe Register, with the benefits being:

- Easy access; by either telephone and web.
- Low cost; telephone £3.50 plus VAT; web £2.20 plus VAT (therefore, a cost effective solution for businesses).
- Can upload single as well as bulk notifications.
- Fully automated process; once downloaded by the business, a Building Regulations Compliance Certificate is sent directly to the consumer.
- Future potential to educate all gas engineers/businesses via on-line be-spoke training packages.
- Future potential to educate consumers via on-line website.
- Planned Inspection program.
- A single repository of notified work. This will remove any ambiguity of whether the work has been pre-notified via the full plans route. This will simplify the signing of the building completion notice and the conveyance process upon property resale.
- Central register of installed appliances supports manufacturer safety—recall.

— Could provide for a central register to ensure appliances are serviced and maintained as part of the repair to dwellings.
— Complaint resolution.
— Technical advice and field support.

To drive businesses towards full compliance with the Building Regulations, consideration needs to be given around implementing the current available sanctions applied to businesses that fail to conform. The Register currently provides information to LABC in regards to non-conformance, but is aware that LABC in the main do not undertake enforcement to Building Regulation contraventions. Whilst this situation continues, the culture of businesses that do not comply will not change.

Currently the Register carries out over 40,000 inspections per annum and in doing so provides comprehensive reporting on its finding, as previously stated the serious defect rate for unsafe work found at inspection to be circa 10% on specific gas areas. This information is fed into a risk engine to help the Register target these businesses and place them under tightened inspection mode until the business is deemed compliant; this activity will drive conformity toward regulations and gas safety.

The greater amount of compliance that is achieved will promote wider understanding and support the enforcement of the building regulations improving the overall perception and acceptance for the need to comply.

The Register could offer a consistent approach in supporting LABC by applying sanctions to businesses that do not implement all parts of Building Regulations. This would allow greater collaboration between Gas Safe Register and LABC. Currently the Register has the resource, technical skills, knowledge and practical experience to monitor and control building regulations. This is currently viewed by LABC officers as a valuable function to support their operational activities and enforcement regimes.

Responsibility for Compliance

Under the current arrangements, the building owner can be served with an enforcement notice in cases of non-compliance. The designer, builder and installer only have a requirement to ensure that work complies with the regulations in force at the time. It seems only just that the aforementioned bear a responsibility that is equal to that of the building owner as a minimum because in most instances the building owner will have insufficient technical knowledge to be able to make an informed decision and are reliant upon the guidance and expertise provided by a business.

The consequences and risk of the removal or significant reduction of the scope of the Building Regulations

The potential for unsafe gas work being delivered would significantly increase. Likewise any watering down of the regulations could lead to appliances being installed on an ad hoc basis. This could also have a significant impact upon government targets on energy efficiency.

Statistical information shows that around 50% of gas boiler appliances sold are not notified to LABC with over 46% of heat producing appliances sold for new build property not notified in a manner that identifies that appliances are being installed by competent Gas Safe registered engineers.

The risk around any reduction to requirement of the scope of Building Regulation would in this instance see even less appliances being notified and could increase the risk of appliances being installed by non competent or illegal engineers.

Currently statistical information around work that has been carried out by illegal installer's shows that 55% of all illegal work inspected is deemed to be unsafe. This would subsequently put further pressure on the Local Authority to manage/deliver the inspection of Gas Work.

January 2012

Written evidence submitted by the Gas Safety Trust

The Trust supports the recommendations in the recent report from the All-Party Parliamentary Gas Safety Group, and stands ready to assist in any follow-up action.

The Gas Safety Trust is a registered charity, established in 2005 to improve gas safety further for the public and industry throughout the UK. The principal aim of the charity is to reduce the incidence of deaths and injury from carbon monoxide poisoning. The Trust is the successor body to the former CORGI Trust, and still licences a number of businesses to use that brand name. Much of its annual income comes from that source.

The Trust therefore supports any steps which lead to achieving its aim. It tries to do this through providing grant funding for project which help improve gas safety, supporting research to improve understanding of the causes of carbon monoxide poisoning, and lobbying the Government to influence carbon monoxide safety in the UK.

Two members of the Trust were on the Steering Group of the recent study by the All-Party Parliamentary Gas Safety Group (APPGSG) which led to the publication of the report *Preventing Carbon Monoxide Poisoning*. The Trust supports the recommendations in that report, and draws the Committee's attention in particular to Chapter 4 of the Report dealing with better regulation. Section 4.2 deals specifically with Part J of the Building Regulations. We understand that the Department for Communities and Local Government (DCLG) will be consulting shortly on future changes to the Building Regulations, and this should therefore provide an opportunity to lobby for improvements to Part J so that carbon monoxide detectors and alarms are installed or where necessary replaced whenever notifiable work is carried out.

Following consideration of the APPGSG report and any recommendations which arise from this Select Committee Inquiry, the Trust stands ready to assist in the ways set out in the second paragraph.

January 2012

Written evidence submitted by the Heating and Hotwater Industry Council

OVERVIEW OF HHIC

The Heating & Hotwater Industry Council (HHIC) is a trade association that represents the UK domestic heating industry. Members include all sectors of supply chain including manufactures, merchants, installers and service providers. HHIC membership covers most types of domestic heating products and systems including traditional central heating systems and most low carbon and renewable heating technologies.

The industry which HHIC represents is committed to working with Government to transform the domestic market for energy and heat. This will require a range of products and technologies, including renewable, and also other low carbon technologies which can make the most effective use of existing energy supplies and infrastructures.

SUMMARY OF RESPONSE

— This response considers the issues surrounding gas installations and repairs.

— HHIC believe that significant improvements have been made in the installation of gas appliances as a result of the development of the Building Regulations.

— Government has continued to involve industry in the development of the Regulations and the associated documents and is easier to access by installers due to them being on line.

— Better recording of information relating to the installation would be beneficial and we are currently investigating options to go towards and electronic Benchmark form which is used by installers as a means on complying with the Building Regulations.

— HHIC would strongly oppose and reduction in the scope of Building Regulations as great strides have been taken in recent years to improve the safety of installations.

— HHIC would like to see a joining up of schemes eg Competent Persons, MCS, Green Deal and in particular the need for common or mutually acceptable installation standards. We would also suggest a single registration scheme for installers to make life easier for them and householders, reduce costs and improve compliance.

RESPONSE

QUESTION:

Are the Building Regulations adequate in safeguarding health and safety in domestic dwellings?

RESPONSE:

— Significant steps have been taken since the introduction of the Competent Persons Schemes and in our opinion has led to a significant improvement in the safety of installations.

— Levels of efficiency for appliances has increased which is leading to benefits in terms of safety appliances as well as the impact on Climate Change.

— The Domestic Building Services Compliance Guide acts as the "bible" for installers on installation giving guidance to the minimum requirements as well as best practice in some cases and provides a level of consistency to the interpretation of the Regulations.

QUESTION:

What are the costs of complying with the Regulations?

RESPONSE:

— The costs of compliance can be significant if there are differences between the England, Wales, Scotland and Northern Ireland regulations and should, wherever possible, be the same. Cost is incurred in terms of product range and stocking, installer training.

QUESTION:

How could the Regulations be revised to be streamlined and made more effective?

RESPONSE:

— To give it real value, HHIC believe that Government should look at the effectiveness of implementing the regulations. Gas Safe Register data suggests that 250,000 gas installations are carried out ever year by individuals who are not part of a Competent Persons Scheme.

— Our view is that compliance with the regulations needs to be more closely monitored to start overcoming this problem on non competent engineers being involved with installations.

— HHIC would like to see a joining up of schemes eg Competent Persons, MCS, Green Deal and in particular the need for common or mutually acceptable installation standards. We would also suggest a single registration scheme for installers to make life easier for them and householders, reduce costs and improve compliance.

QUESTION:

What would be the consequence of the removal or significant reduction of the scope of the Building Regulations so far as they apply to electrical and gas installation and repairs in dwellings?

RESPONSE:

— For gas installation and repair, HHIC would be extremely concerned if there was to be reduction in the scope of Building Regulations. Whilst in is not a perfect model, it does, by and large, work.

— Our understanding is that the Regulations have been based upon the evidence of risk and on this basis any removal or reduction of the scope would have to be evidenced based.

— There is also another important aspect of consumer behaviour. HHIC's opinion is that regulations are needed to drive change. A good example of this was the move to condensing boilers. Prior to the change, only about 10% of boilers installed were condensing. This moved to nearly 90% three months after the implementation of the Regulation.

January 2012

Written evidence submitted by the Gas Industry Safety Group (GISG)

COMMUNITIES AND LOCAL GOVERNMENT SELECT COMMITTEE CONSULTATION: BUILDING REGULATIONS APPLYING TO ELECTRICAL AND GAS INSTALLATION AND REPAIRS IN DWELLINGS

— The Building Regulations (Part J) should be revised to require audible carbon monoxide alarms to be fitted in any dwelling where a heating appliance installed (in new-build properties or retrospectively fitted).

— It is essential that the Government consider the eventuality that new appliances may breakdown, when reassessing the requirement for audible carbon monoxide alarms, under initiatives such as the Green Deal.

GISG believes preventing carbon monoxide poisoning should be key priority for government.

Given that carbon monoxide alarms cost under £20, revisiting these regulations through this Select Committee inquiry and the Loftstedt review represent a real opportunity to improve the safety of households across the UK and save lives for a relatively low cost.

Recently published Department of Health figures suggest that as many as 4,000 people every year present themselves at A&E departments and are diagnosed with CO poisoning (and sent home after treatment), whilst a further 200 are admitted to hospital, and at least 50 die every year. However it is believed that the actual number of injuries and fatalities are much higher.

Chris Bielby, Chairman of GISG, sat on the steering group for the recent All Party Parliamentary Gas Safety Group (APPGSG) report *Preventing Carbon Monoxide Poisoning*, which considered this matter. The report considered the better use of detection and diagnosis equipment in buildings by engineers and recommended that the Government should revisit Part J of the Building Regulations.

GISG believes that any domestic, residential property, where an appliance that uses any fossil fuel (gas, solid fuel, oil) is installed (in a new-build property or retrospectively fitted) an audible carbon monoxide alarm should be fitted. The Group agrees with the point made by the APPGSG report that safety considerations should outweigh any commitment to deregulation because of the risks of both fire and carbon monoxide poisoning.

Furthermore it is GISG's considered view that regulation regarding consumer safety should be kept up-to-date to reflect technological and cultural developments: that is reduced where improvements lessen the need for regulation and strengthened where there is a significant risk to public health.

Given that that with the Green Deal, the UK is about to commence a significant programme of environmental and efficiency improvements of the UK's housing stock, the GISG believes that the Government should have regard to the unintended consequence of these improvements: that making houses more airtight increases the risk of carbon monoxide poisoning in the event of a fossil fuel burning appliance breaking down.

About the Gas Industry Safety Group

The Gas Industry Safety Group—GISG—brings the principal organisations in the UK industry together to promote gas safety. Formed in 2000, GISG aims to promote gas safety by improving co-operation amongst the gas industry, dissemination of best practice and providing a forum for them to address safety issues collectively.

The primary objectives of GISG are to promote gas safety; encourage co-operation amongst industry players to develop, introduce and improve practices for the safe transmission, storage and use of gas throughout the UK; and ensure the safety of consumers and the public.

January 2012

Written submission submitted by the Electrical Safety Council

Executive Summary

Are the Building Regulations adequate in safeguarding health and safety in dwellings?

- Part P of the Building Regulations is the only regulatory framework that addresses the safety of electrical installation work in homes in England. Without it householders have no assurance that the electrical work carried out in their homes is safe.
- Available data show that Part P has contributed to a 17.5% reduction in fires caused by mains wiring over the period 2004–08.

What are the costs of complying with the Regulations?

- Costs associated with self-certification by competent persons are reasonable and proportionate, at around £7 per notifiable job. However, building control fees are disproportionate, at an average of £230 per compliance certificate, and could be made more cost effective.

How could the Regulations be revised to be streamlined and made more effective?

- Discontinue the separate "defined competence" self-certification scheme.
- Implement third party certification—responsibility for checking work carried out by householders should pass from the local authority to a system of third party certification already developed by Part P scheme operators.
- Reduce the overall cost of certification of compliance with Building Regulations.
- Reduce the amount of notifiable work but special attention must be paid to notifiable work in the kitchen and bathroom as these are high risk areas.
- Promote the benefits of registration and use of registered contractors to householders, to be funded by the scheme operators.

What would be the consequence of the removal or significant reduction of the scope of the Building Regulations so far as they apply to electrical and gas installation and repairs in dwellings?

- Increase in electric shock injury and loss of property through fire and likely rise in deaths and injuries as householders would have no reliable means of selecting a competent electrical contractor to undertake work in their homes.
- Consumers would no longer have a guarantee should electrical work done in their home not meet safety standards.
- Reduction in the level of competence of electrical contractors as they would no longer have their competence assessed regularly. This also has implications for the roll-out of the Government's renewables programme.

N.B. This inquiry response will focus on Part P (Electrical safety—dwellings) of the Building Regulations (for England).

Question 1: *Are the Building Regulations adequate in safeguarding health and safety in dwellings?*

Background

1. Sub-standard electrical installation work and incompetence can and do result in death, injury and loss of property through electric shock and fire. Part P was introduced to reduce the number of deaths, injuries and fires caused by faulty electrical installations in the home, to improve the average level of competence of those undertaking electrical work, and to raise the awareness of builders and householders of the need for care.

2. Prior to the introduction of Part P, the NICEIC and the Electrical Contractors' Association (ECA) operated voluntary assessment schemes but were unsuccessful in persuading more than 20% of electrical contracting firms on the VAT Register to subscribe—only 13,000 of the 61,000 electrical firms in England and Wales were registered. The 61,000 did not include the many other firms (such as heating engineers and kitchen fitters) undertaking electrical work as an adjunct to their main activity.

3. This was against a backdrop of mounting concern—as outlined in the Regulatory Impact Assessment for Part P, published in 2004—that in the period 1990 to 1999 there were increasing numbers of non-fatal accidents, leading to injury, as a result of faulty electrical installations.

4. In addition, the then Government was concerned that this pattern was likely to continue, and the risks increase, because of "the increasing prevalence and variety of electrical appliances in dwellings and the demands they make on the fixed distribution system; the privatisation of the electrical supply industry in 1988, which has led to a decline in suppliers' concerns about consumers' installations; and the effects of the recession in the early 1990s, which led to rapid growth in the numbers of smaller firms and self-employed electricians who decline to subscribe to the existing voluntary self-regulation schemes".[2]

5. Consequently, after consultation, on 1 January 2005, legislation came into effect which brought electrical work in dwellings in England and Wales under the Building Regulations, making it a controlled service.

6. Under Part P, electrical installation work is categorised into notifiable and non-notifiable (see Annex D).

7. Notifiable work covers major work, and other work in what are deemed to be "high-risk" areas such as kitchens, bathrooms and gardens, whereas non-notifiable work covers minor work such as replacing switches or adding sockets to existing circuits.

The adequacy of Part P of the Building Regulations

8. In relation to the question as to whether the Building Regulations are adequate in safeguarding health and safety in dwellings, the ESC would first highlight that Part P is the only regulatory framework that addresses the safety of electrical installation work in homes in England[3] (On 31 December 2011, responsibility for the Building Regulations for Wales transfers to Welsh Ministers). In its absence or without suitable provisions, consumers would have no assurance that electrical work carried out is not of a sufficient standard and safe, nor would there be any regulatory impetus to improve the average level of competence and responsibility of those undertaking electrical work.

9. In the initial Regulatory Impact Assessment, the stated objective for introducing Part P was to ensure that, on average, more fixed electrical installations in dwellings comply with accepted safety standards during their service lives.

10. The Regulatory Impact Assessment for Part P, published in 2004, found that for the period 1990 to 1999 there were around five electric shock fatalities and 575 non-fatal electric shock injuries reported per year in dwellings in England and Wales arising from fixed electrical installations.

11. In comparison, the most recent post-Part P figures available to us (since 1 January 2005, all electrical work in dwellings has been required to comply with Part P) for injuries, deaths and fires from 2007, show there were eight deaths and 227 injuries attributed to faulty installations.

12. Given the above, it is clear that there has been a reduction in the number of non-fatal electric shock injuries.

13. In addition, the incidence of fires caused by mains wiring: after meter (faulty fuel supplies) is as follows:

	Total	*Mains wiring*	*Faults*	*Misuse*	*Articles too close*
2004	47,769	1,057	1037	17	3
2005	47,340	1,019	992	25	2
2006	45,679	909	884	24	1
2007	43,351	954	918	32	4
2008	41,283	872	835	28	9

[2] http://www.communities.gov.uk/publications/planningandbuilding/regulatoryimpactassessment, page 8

[3] The Electricity at Work Regulations 1989, the only other regulations relating to the safety of electrical installations in England, apply only during the time electrical work is being carried out in dwellings by means of trade, and therefore do not provide any lasting legal protection for householders with regard to safety.

14. The statistics confirm that the incidence of fires attributed to "mains wiring" (the category most relevant to Part P) declined by 17.5%—from 1,057 in 2004[4] to 872 in 2008.

15. In addition, the DCLG's Monitoring Report on Part P in 2007 confirmed that:

> *"The introduction of the Part P electrical safety in dwellings self-certification schemes has increased the level of compliance with the Building Regulations and almost all of the electrical installations carried out by members of the schemes are safe."*

It also states:

> *"The schemes have made a significant contribution towards improving the level of competence of those undertaking electrical installation works in dwellings."*

16. Given the foregoing, the ESC believes Part P of the Building Regulations has been successful in achieving its objectives.

Question 2: *What are the costs of complying with the Regulations?*

Building control body costs

17. Since the introduction of Part P, the ESC has been aware that some criticism has been levied at the cost and burden that it imposes on installers, building control bodies and householders. It should be noted that this concern has not focused on the cost of the work required to comply with the minimum electrical installation technical standards (in Approved Document P), but rather the costs associated with the charges imposed by building control bodies on unregistered installers and DIYers, in order to certify the work they have carried out.

18. Although the ESC considers the costs associated with self-certification by competent persons as reasonable and proportionate for both householders and contractors, at an estimated of less than £7[5] per notifiable job, we do recognise that the building control fees are disproportionate and could be made more cost-effective. This is particularly applicable for minor works, at an average of £230 per Building Regulations compliance certificate.

19. The current requirement is that notifiable electrical work carried out by unregistered installers needs to be approved by a building control body or one of their agents. We would therefore recommend that homeowners should be permitted to employ a competent person to inspect, test and certify installation work, as an alternative to inspection by a building control body.

Costs associated with Part P competent person schemes

20. While assessment for registration with a competent person scheme may involve attendance at training courses to gain appropriate knowledge and technical qualifications, and the purchase of essential electrical test equipment, the ESC would contend that to ensure sufficiently competent installers, this is a necessary cost. Comparable competence requirements would be the Gas Safe (ex-CORGI) scheme, where gas installers are legally required to be registered in order to carry out comparable, potentially dangerous work. We would contend that the cost of Part P registration may be viewed as a burden, but is just as necessary as the Gas Safe "cost burden" as it similarly assesses competence and continues to check registered installers' work regularly to help ensure that minimum standards are being maintained.

21. Indeed, those installers already registered under Part P schemes are supportive despite bearing the costs associated with becoming, and remaining, registered.

22. In a recent survey (*see Annex B*) of 3,763 electrical contractors registered with competent person schemes operated by ELECSA, NAPIT and NICEIC, conducted between 6th May and 1st June 2011, it was found that 85% said Part P should be retained but with some amendments/improvements and 53% said they had seen an improvement in the standard of electrical work since Part P came into effect.

Question 3: *How could the Regulations be revised to be streamlined and made more effective?*

23. The ESC is confident based on Government statistics (see question one), that Part P of the Building Regulations has saved lives, injuries and property, and increased competence within the sector. However, we also recognise that the Government is looking to revise Part P as a means of reducing the burden on business and improving the level of compliance. The electrical contracting industry is largely supportive of this goal. The ESC would caution against any reduction in the effectiveness of the Building Regulations with regard to electrical and fire safety in dwellings.

24. Whilst the ESC continues to advise against the potential revocation of Part P, we acknowledge that it may be possible to improve the administration of compliance with, and enforcement of, Part P. This would be without undermining its effectiveness.

25. On this basis, the ESC recently formed a working group with industry partners (*see Annex C*) to identify how Part P could be amended through streamlining the current requirements, while continuing to maintain the

[4] This is just prior to the introduction of the regulations. Part P was introduced in 2005.

[5] NICEIC Part P of the Building Regulations: Cutting the cost and red tape of compliance July 2011

high standard which has been attained by Part P registered contractors. The ESC and members of the working group would therefore recommend the following proposals when streamlining the requirements.

25.1 *Slim down the regulation:* By discontinuing the separate "defined competence" self-certification scheme, this would reduce the burden on business. The scheme, designed for those that undertake limited electrical work as a small part of their main business activities (such as those installing boilers) has caused confusion, and attracted relatively few registrants (only about 3% of the total). The initial aims and objective of the current scheme can be met by enhancing the role of the Minimum Technical Competence requirements to cover other types of self-certifiable work that include electrical installation work as an adjunct to their main activity. In conjunction with this, "full scope" scheme operators should identify members on their register that undertake only a limited scope of electrical installation work (such as electric showers).

25.2 *Reduce the administrative burden and remove certification by building control bodies:* The responsibility for checking work carried out by householders should pass from the local authority to a system of third party certification already developed by Part P scheme operators. The clear benefits to Government if this was adopted include reducing the need for government regulatory performance audits, and pure facilitation of those that remain necessary. It would also allow the industry to regulate itself.

25.3 *Reduce the overall cost of certification:* Although the costs associated with self-certification by competent persons are considered reasonable and proportionate for both consumers and contractors, at an estimated cost of less than £7 per notifiable job, the building control fees are disproportionate, particularly for minor works, at an average cost of £230 per certificate. For electrical work carried out other than by way of trade, homeowners should be permitted to employ a competent person to inspect, test and certify installation work, as an alternative to inspection by a building control body. (This concern in no way reflects concern around the cost of the work required to comply with the minimum technical standards for Part P of the Building Regulations.)

25.4 *Reduce the amount of notifiable work:* Although cautious around any reduction of notifiable work, the ESC accepts that some smaller-scale changes could be made to the scope of notifiable work, which would lead to lower costs in addition to those that might be achieved through our recommendations in question two. We believe that all work on low voltage and extra-low voltage control wiring for fire, security and heating systems that does not include the installation of a new circuit could be made non-notifiable without seriously adversely affecting electrical safety, while also meeting the cuts in cost sought by the Government. The ESC would, however, advise caution with regard to any considered changes to notifiable work in the kitchen and bathroom.

25.5 *Promote the benefits of registration and use of registered contractors:* This will encourage business, as well as discourage "cowboys". Currently, the ESC believes that because Part P of the Building Regulations is not effectively enforced, electricians who comply are undercut by "cowboys" and thus put the safety of householders at risk. As a consequence, the ESC also believes that the lack of enforcement means customers have a low awareness of the need to employ Part P registered contractors and thus allows those who are not registered continue to abuse the system and homeowners.

26. The ESC supports the proposal by DCLG that scheme operators should contribute to a fund to raise consumer awareness of the benefits of using registered contractors.

27. Each of these changes would allow the current requirements of Part P to be streamlined and made more effective by significantly reducing the cost to business, while also continuing to allow the delivery of health and safety benefits.

Question 4: *What would be the consequence of the removal or significant reduction of the scope of the Building Regulations so far as they apply to electrical and gas installation and repairs in dwellings?*

28. In England, Part P of the Building Regulations remains the sole legal framework that covers the safety of electrical installations in the home. To clarify, there are no other legal requirements that protect homeowners and tenants from death, electric shock or fire due to faulty electrical installation work. The ESC is therefore concerned by any proposals to review, water down and potentially revoke Part P of the Building Regulations. Our concerns are shared by consumer bodies Which? and Shelter .

Risks of fatalities, electric shocks and fires from poor installation work if the scope of the Building Regulations was removed or reduced so far as they apply to electrical installations in dwellings

29. As referred to under question one, DCLG fire statistics from 2004 have proven without question that sub-standard electrical installation work and incompetence can and does result in death, injury and loss of property through fire and electrocution. The statistics revealed that the incidence of fires attributed to "mains wiring" (the category most relevant to Part P) declined by 17.5%—from 1,057 to 872 between 2004 and 2008.

30. These statistics can be largely attributed to the rise in the number of installers who have registered through Part P. Current estimates put figures at around 38,000 registered electrical contractors, representing an increase of about 300% compared with the number registered with the NICEIC Approved Contractor scheme

or members of the Electrical Contractors' Association before Part P came into effect. Since 2005, the number of registered installers has continued to increase by around 1,000 each year and this is likely to continue should Part P remain in effect.

31. If Part P were revoked, at least 38,000 electrical contractors would no longer have their competence assessed regularly in order to be eligible to self-certify compliance with the Building Regulations. We believe that this may lead to an increase in electric shock injury and loss of property through fire returning to pre-2005 trends, with increases year-on-year particularly to the number of non-fatal electric shock injuries per year.[6] The effect would be slow at first due to the residual benefit of previously-registered installers having achieved a required level of competence, but would then grow.

32. For the householder (see Appendix E for sample comments), Part P competent person schemes provide a simple way of choosing competent electricians to undertake electrical installation work in their homes. In addition, most scheme operators provide a guarantee for the work done which provides added assurance for the householder. Importantly, recent research[7] commissioned by the ESC showed that 73% of persons who have had electrical work done in their homes in the last five years have used a registered electrician. Work done included house rewire (25%) and replacing a fusebox (15%) which are notifiable work. Removing Part P could expose householders to poor workmanship which could lead to an increase in deaths and injuries.

Residual Current Devices (RCDs)

33. Through informal discussions with a number of stakeholders, we are concerned that there is a belief that the revocation of Part P would not increase deaths, electric shocks and fires, because of the wider usage of Residual Current Devices (RCDs) in recent years.

34. An RCD is a life-saving device which is designed to prevent persons from getting a fatal electric shock if they touch something live, such as a bare wire. It provides a level of protection that ordinary fuses or circuit-breakers cannot provide. While the ESC is fully supportive of the use of RCDs, and is running a campaign to encourage increased take-up, it must be remembered that legislation (that is, Part P) only compels the installation of RCDs in new build homes, Homes in Multiple Occupation (HMOs), and those where significant rewiring is carried out. This leaves older dwellings, approximately 50% of England's housing stock, without adequate RCD protection and much more reliant on the protection offered by Part P if work is carried out in kitchens and bathrooms.

35. Removal of the current Part P requirements would mean that this "safety net" check, undertaken by a competent installer, would no longer take place, putting homeowners and tenants increasingly at risk.

36. Added to this, despite older installations and appliances being gradually modernised, there is still a considerable risk from the number of electrical appliances which are being used in dwellings in this era of heavy dependence on electrical appliances, and increasing use of microgeneration systems and electric vehicles. This increase in load on existing circuits can again escalate the risk of fire where poor installation work has taken place or older wiring is present.

Additional considerations

37. Finally, the Committee should note that these issues will also become more important if the Government wishes to push ahead with the roll-out of a renewables programme which includes a smart grid and smart meters.

38. It is fair to assume that the types of electrical work carried out in dwellings will continue to change. We believe that Government policies and consumer practices will determine this. Already we are seeing an increase in microgeneration systems to generate electricity in the home. The ESC therefore believes that Part P remains pivotal to supporting Government policies issues such as the increasing use of electric vehicles, by ensuring that electrical installation work is regulated to the highest standard.

January 2012

[6] 2.5 million people (15+) receive a mains voltage electric shock per year of whom 350,000 experience one or more of the following injuries: Severe pain, Skin burn without scarring, Bruising from a fall or severe muscular contraction, Temporary blindness, Heartbeat disturbance, Persistent pain or numbness, Higher blood pressure, Skin burn with scarring, Broken bone(s), Difficulty breathing. (Source: Ipsos MORI survey of the British general public 2011). 4,032 interviews were conducted with adults in Great Britain aged 15+ from 06 to 27 May 2011 via Ipsos MORI's Capibus, the weekly face-to-face omnibus survey, using a nationally representative quota sample across Great Britain. The results have been weighted to reflect the known profile of the adult population in Great Britain. Based on a confidence interval of +/- 0.9% and the sample size of 4,032 the actual number could vary between c2.1 to 2.8 million. Electric shock is defined as "a mains-voltage electric shock rather than a static shock of the type a person might get from a car, for example."

[7] Annual Consumer Survey carried out by Ipsos MORI on behalf of Electrical Safety Council. The research was carried out on Ipsos MORI's Capibus, the weekly face-to-face omnibus survey, using a nationally representative quota sample across Great Britain.

Annex A

ABOUT THE ELECTRICAL SAFETY COUNCIL

The Electrical Safety Council (ESC) is a UK-wide charity that works with industry, government and others to help protect householders from the dangers posed by unsafe electrical installations and appliances in their homes and at work.

This includes:

- Promoting changes in attitude and behaviour by raising householder awareness of the issues and risks;
- Advocating appropriate regulations where these are essential to achieving satisfactory safety;
- Influencing other bodies having interest in electrical safety issues to consider householder safety needs;
- Campaigning in areas of highest risk;
- Providing direct support and grants to vulnerable groups to make their homes safer; and
- Promoting best safety practice among electrical product manufacturers and across the electrical installation industry.

As well as running general awareness campaigns and events to help educate adults and children about the dangers of electricity, the ESC runs campaigns and initiatives covering specific areas of risk such as home and garden safety, electrical product safety, fire safety and child safety. Our team of electrical engineers represents consumer interests on standards-setting committees, including the committee responsible for UK standard for the safety of electrical installations and related British, European and international standards.

The team works collaboratively within the equipment manufacturing and installation contracting industries, chairing and contributing to working groups such as the Electrical Installation Forum, writing best practice guides for electrical contractors, and providing electrical safety information for the general public. The team also works closely with the technical committees of industry bodies such as the Electrical Contractors' Association and SELECT (the electrical contractors' association in Scotland).

See our website (www.esc.org.uk) for more information about us and what we do and for examples of the material advice we produce for householders and trades people.

Annex B

SURVEY OF ELECTRICAL CONTRACTORS

PART P SURVEY 2011

These results are based on a survey of 3,763 electrical contractors registered with ECA Elecsa, NAPIT and NICEIC.

These data are not weighted.

Interviews were conducted online using a set questionnaire between 6 May & 1 June 2011.

08 June 2011

Annex C

PART P WORKING GROUP POSITIONS

AGREED POSITIONS OF THE PART P WORKING GROUP[i]

Date of Meeting: 15 April 2011

1. *The Part P requirement—is it still fit for purpose?*
   - There was general agreement that the present requirement is fit for purpose.

2. *Notification—can/should the scope of notifiable electrical work be reduced and, if so, to what?*
   - The consensus was that the present scope of notifiable work should not be reduced—it covers all higher risk electrical installation work.
   - As a separate exercise, full notification data is to be assembled by scheme operators for subsequent analysis (such as to identify the proportion of electrical work carried out in kitchens).
   - Some Local Authorities may be able to provide data on electrical work notified directly to them.

3. *Competent person schemes—is there still a need for the Defined Competence scheme?*
   - The Defined Competence scheme should be discontinued.

— The Minimum Technical Competence requirements for other self-certifiable work that may include electrical installation work as an adjunct of their main activity work should be enhanced to include appropriate electrical installation competence requirements.

— Scheme operators should identify members on their register that undertake only a limited scope of electrical installation work (for example, electric showers or electric gates).

4. *Certification by building control bodies—is there a viable alternative for the certification of work carried out by other than registered competent persons?*

— The Building Control Charge Regulations now enable lower charges for the inspection and testing of work undertaken by competent unregistered persons (who would also be required to issue an Electrical Installation Certificate).

— Homeowners could be permitted to employ a competent person to inspect, test and certify installation work as an alternative to inspection by a building control body. However, if certification by competent third parties was to be permitted, it could potentially undermine the "self-certification by competent persons" regime.

The risks include:

— Inaccessible elements of work could not be fully inspected for compliance with BS 7671 and with building regulations generally (eg fire and structure).

— The third party inspection option would be likely to encourage an increase in the number of unregistered contractors, potentially undermining the driving force for having work undertaken by a Part P competent person.

— Competent electricians employed by registered Part P firms would become empowered to undertake notifiable work on their own behalf (using third party certification).

— There would be an increase in the proportion of electrical installation work not covered by a warranty or complaints procedure.

The majority of the working group were not on favour of introducing a third certification option due to these foreseeable risks

Potential benefit:

— More DIYers might have their work inspected and tested by a competent person due to this option, but there was doubt as to whether the option would result in an overall reduction in costs.

5. *Reduction of costs*

(a) for the self-certification route

— Risk-based assessment of competent persons would enable an overall reduction in scheme registration fees.

— Registration fees and associated costs (instruments, reference books etc) have effectively reduced due to the number of registrations increasing (fee increases over recent years have been less than inflation).

— To keep the EAS under review to help minimise the cost of operating schemes and the cost of complying with scheme requirements, such as training.

Note: Revised DCLG Conditions of Authorisation (October) may increase cost of operating some competent person schemes (eg requirement for mandatory warranty, UKAS accreditation)

(b) for the alternative route (currently building control)

— The Building Control Charge Regulations now enable lower charges for the inspection and testing of work undertaken by competent unregistered persons (who would also be required to issue an Electrical Installation Certificate).

— Central guidance (such as from the Building Control Alliance) would help building control bodies determine appropriate levels of charging depending on the competence of the person carrying out the work.

6. *Improving compliance—increase public awareness, self-regulation and/or enforcement?*

— The revised DCLG Conditions of Authorisation, due to come into effect in October, will require scheme operators to contribute to the promotion of Part P to the trade and the public.

— Under the new DCLG conditions of authorisation, Competent Persons will be required to report unregistered contractors carrying out notifiable work.

— Enforcement—an "administrative offence" option should be introduced to enable Local Authorities to issue on-the-spot fines or stop notices.

Annex D

NOTIFIABLE WORK

Work that is deemed notifiable as stated in Approved Document P must be notified to the relevant Local Authority's Building Control (LABC) department. If the work is carried out by a registered electrical contractor (sometimes referred to as "Competent Person") they carry out the work first and then report the details to their scheme operator, who then notifies the appropriate LABC of the work that has been completed in accordance with the Building Regulations.

If the notifiable work is carried out by someone who is not registered, be they an electrician or a DIYer, then it must be notified to LABC in advance of the work commencing. In this case, there is a fee payable to LABC to cover their activities related to checking compliance with the Building Regulations.

To be eligible to self-certify that electrical work complies with the Building Regulations, electrical contractors have to be registered with a DCLG-authorised Part P competent person scheme. To become registered, electrical contractors have to undergo an assessment process to confirm that they can work in compliance with the scheme rules. This process includes an on-site inspection of the standard of completed electrical work, evaluation of the technical competence, qualifications and inspecting, testing and certification ability of a nominated employee (known as the Qualified Supervisor), confirmation of possession of appropriate test instruments and public liability insurance, and confirmation of having systems in place to certify electrical work as safe to put into service, and to handle complaints. To remain registered, the contractors have to undergo re-assessment satisfactorily on an annual basis.

REFERENCE

[i] Members of the working group

ESC	Mike Clark and Anneke Rousseau
ABE	Beryl Menzies
BEAMA	Malcolm Mullins
DCLG	Ken Bromley, Scott Turnbull and Shayne Coulson
EAL	Bob Hassall
ELECSA	Steve Mitchell
IET	Richard Townsend
LABC	Andrew Savage
NAPIT	David Cowburn
NICEIC	Terry Pack

Supplementary written evidence from the Electrical Safety Council

The Electrical Safety Council (ESC) was asked by George Hollingbery **MP** to provide more granular data showing what percentage of the 17.5% reduction in fires can be attributed to Part P.

Unfortunately the fire data provided by the Department for Communities and Local Government does not allow for this level of analysis. We believe that an amendment to the Incident Recording System to collect pertinent data, such as the apparent age of the property/electrical installation would assist in making this information available in the future.

RCD Protection

Phil Buckle promised to provide precise data on RCD protection in England. Please see information below.

1. Number of homes in England *without* adequate RCD protection at the consumer unit[i] by number and percentage of houses.
   - — *All types of housing tenure: 12.9 million (49%).*
   - — Owner occupied: 9.7 million (52%).
   - — Private rented: 1.65 million (52%).
   - — Local Authority: 890,000 (38%).
   - — Registered social landlord: 660,000 (30%).
2. Number of homes *without* adequate RCD protection at the consumer unit by region:[ii]
   - — North East: 550,000—48.1%.
   - — Yorkshire and The Humber: 1,204,000—53.8%.
   - — North West: 1,643,000—53.9%.
   - — East Midlands: 848,000—44.6%.
   - — West Midlands: 980,000—42.5%.
   - — South West: 1,065,000—46.1%.
   - — East of England: 1,105,000—45.3%.
   - — South East: 1,732,000—48.6%.
   - — London: 1,779,000—55.3%.

Clarification of Evidence

In response to Bob Blackman's question about the number of property owners prosecuted since 2005 for not complying with Part P, and how this non-compliance would come to the attention of the local authorities.

In its answer to this question, the ESC indicated that non-compliance would be caught at point of sale through a Home Condition Report.

The ESC wish to clarify that a Home Condition Report, which includes information such as any gas safety and electrical "Part P" certificates, is a recommendation only for homebuyers. It is provided on a voluntary basis by the seller and is not mandatory for the sale of a house.

February 2012

References

[i] "Adequate" refers to 30mA RCD protection to circuits within the consumer unit, excluding protection alongside such as may be found where a TT system is used and fitted with a 100mA RCD to reduce the risk of fire. Taken from BRE data with a 95% confidence, adding together no RCDs, Separate RCDs and Unknown data for England, scaling up by the ratio of number of houses in England (22m) to number in the UK (26m)

[ii] From BRE data using the same methodology as in endnote iii

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Written evidence submitted by the Department for Communities and Local Government

Building Regulations

1. Building Regulations control specific types of building work, principally the erection and extension of buildings and the provision or extension of certain services or fittings. They seek to ensure that buildings meet certain standards of health, safety, welfare convenience and sustainability.

2. Compliance with the Building Regulations is the responsibility of the person carrying out the work. The building control system then helps to ensure that the required level of performance has been met. The role of a building control body (which could be either the Local Authority or a private sector Approved Inspector) is to act as an independent third-party check to audit compliance.

3. Some types of work can be self-certified as being compliant by installers who are registered as a member of a DCLG authorised competent person self-certification scheme and have been assessed as competent to do so. This is an alternative to using the services of a local authority or an approved inspector.

4. Only building work, some changes of use of buildings and changes of energy status as defined in the regulations are subject to control. *Repairs and maintenance of buildings and the fittings in them are generally outside the scope of control.*

Electrical Safety

5. Part P of Building Regulations covers the safety of electrical installations and *applies only to dwellings*. It came into force on 1 January 2005. Businesses undertaking electrical work do so within the framework of the Health and Safety at Work etc Act (1974) and consequently, under the Electricity at Work Regulations (1989) the persons doing the electrical work need to be competent to do so. It is important to note that only the work activities at the time they are undertaken are covered by the 1974 Act.

6. Approved Document P, the a statutory guidance that supports the regulation, suggests that electrical installation work should follow the national standard BS 7671, "Requirements for electrical installations" (also known as the "IET wiring regulations"), or an equivalent standard. The Building Regulations require higher-risk types of work to be notified to a building control body unless carried out by an installer registered with a DCLG-authorised Competent Person Self-Certification Scheme.

7. The introduction of Part P provided an incentive for domestic electrical installation businesses to register with Part P Competent Person Schemes, as registration meant that they would be allowed to self-certify compliance with the Building Regulations and in this way avoid paying building control charges when undertaking notifiable work.

8. To qualify for registration with a Competent Person Self-Certification Scheme such as NICEIC, NAPIT or ELECSA, some installers must first attend training courses to gain extra qualifications in order to reach the required level of competence and purchase electrical test equipment. There are now around 39,000 installers registered with Part P Competent Person Schemes who have had their competence assessed; samples of their work checked regularly for compliance. At the time Part P was introduced there were 13,000 registered installers.

9. At the time of Part P introduction the DCLG 2004 Part P Impact Assessment estimated that annually in dwellings in England electrical accidents caused around 41 fatalities resulting from electric shock electrical fires. It was projected that the introduction of Part P would prevent on average 7.6 of the fatalities. We are currently analysing the electrical accident statistics that are available as part of our review of Part P and will be publishing the results in due course.

Gas Safety

10. The installation of gas appliances are regulated through two regimes: the Building Regulations overseen by DCLG and the Gas Safety Regulations overseen by the Health and Safety Executive.

11. The Building Regulations requirements with respect to heat-producing appliances are set out in Part J. These requirements deal with air supply, discharge of products of combustion, protection of buildings, carbon monoxide alarms and the protection of liquid fuel storage systems. Essentially the requirements seek to ensure that fumes from burning gas/oil/solid fuel are safely dispersed and to prevent domestic fuel oil spills which could damage the environment. The current Part J requirements and supporting Approved Document J came in force in 2010.

12. The Gas Safety (Installation and Use) Regulations 1998 is a Statutory Instrument regulating various activities relating to the safety of gas installations and gas appliances. Under the Regulations the Health and Safety Executive (HSE) established a statutory register of gas engineers, which is currently the Gas Safe Register. *By law any engineer carrying out gas work must be on the Gas Safe Register.* The Gas Safe Register also has a programme of consumer awareness campaigns to raise public awareness of gas safety risks.

13. The Gas Safety (Installation and Use) Regulations place duties on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe, to ensure an *annual gas safety check* on each appliance and flue is carried out, and to keep a *record* of each safety check. This does not extend to requirements for servicing. These duties to protect tenants' safety are in addition to the more general ones that landlords have under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

14. The Department for Business, Innovation and Skills is responsible for the Gas Appliances Directive and related product safety issues.

15. The number of domestic gas related fatalities has halved over the past 10 years with *HSE statistics* indicating that an average of 15 people die every year from CO poisoning caused by problems with gas appliances and flues.

INCIDENTS RELATING TO THE SUPPLY AND USE OF FLAMMABLE GAS (A) 2006–07 TO 2010–11P

		2006–07	*2007–08*	*2008–09*	*2009–10*	*2010–11p*
Number of fatalities	Explosion/fire	2	2	2	1	3
	Carbon monoxide poisoning	10	13	15	9	14
	Other Exposure	–	3	1	–	1
	Total	**12**	**18**	**18**	**10**	**18**

Existing Dwellings

16. Private landlords are responsible for the health and safety of their tenants. With regards to electrical safety, the Landlord and Tenant Act 1985 requires that electrical installations are safe when a tenancy begins, and are maintained in a safe condition throughout the tenancy. As outlined above, the Gas Safety (Installation and Use) Regulations 1998 deal with landlords' duties to make sure gas appliances and fittings provided for tenants are safe.

17. The Housing Act 2004 also modernised the legislative framework with which local authorities are able to assess and regulate housing safety. It was introduced in order to improve poor property condition in residential premises generally and to improve management standards in the private rented sector. Local authorities have powers to assess the risks and hazards in all residential properties using the Housing Health and Safety Rating System (HHSRS). Local authorities can assess properties against 29 different hazards including electrical and gas safety.

18. The Housing Act 2004 also introduced a range of measures to help improve the condition and management of privately rented Houses in Multiple Occupation (HMOs). The local authority can impose conditions in an HMO licence which require adequate amenities and safety requirements in such properties. An HMO licence must include a mandatory condition requiring an annual gas safety certificate to be produced by the landlord, and that the certificate should be issued by a recognised engineer. An HMO licence must also include a mandatory condition that all electrical appliances provided by the landlord are kept in a safe condition.

Building Regulations Review

19. In July 2010 DCLG invited external partners to submit ideas and evidence on ways to improve the Building Regulations, on reducing unnecessary regulatory burdens, and on ways to deliver even better levels of compliance. We received several hundred responses which we used, along with contributions gathered at seminars and workshops, in developing a programme of work to examine a number of areas of the Regulations.

20. In December 2010 the Building Regulations Minister, Andrew Stunell, announced a programme of work to develop proposals for consultation in advance of changes in 2013. Through 2011 we have continued to work with a variety of external partners including the Building Regulations Advisory Committee, Working Parties and Advisory Groups to develop detailed proposals for consultation.

21. In particular, there has been some criticism of the Part P around the cost and bureaucracy it imposes on installers, building control bodies and consumers. It was in the light of these concerns that Part P has been included in the 2013 review. This major review is examining the costs associated with the existing regulatory regime and whether there is a continuing case for regulation and, if so, whether the regime could be made more cost-effective.

22. We propose to consult upon the 2013 proposals, including Part P detailed package, shortly. Once we have launched the consultation we will send the Committee the relevant documents. However, please note this will be after the closing date for a submission to this enquiry.

Conclusion

23. We would be happy to provide the DCLG Select Committee with further details and evidence in relation to the above outlined position and that which the Committee would consider helpful in conducting its inquiry. As set out above we will send you the 2013 consultation papers shortly.

January 2012

Supplementary written evidence from the Department for Communities and Local Government

Thank you for giving me the opportunity to present DCLG evidence in front of the Committee on 27 February. I have promised to provide a note to the Committee with additional evidence and clarify a number of points raised during the session. I have outlined my detailed replies to the Committee's questions in the bullets below.

Bob Blackman asked about Government's intention to remove the regulations on kitchens, gardens and some parts of bathrooms and its impact on safety (*Q87 and Q88 in the transcript*). Our proposal is not to exclude kitchens and bathrooms from regulations but relax some requirements to notify such work to building control bodies.

- The consultation document asks consultees if they think we should make alterations to existing electrical circuits in kitchens, outdoors and in the 'out-of-reach' parts of bathrooms non-notifiable. The installation of new circuits elsewhere in a dwelling are already non-notifiable. The installation of new circuits anywhere in an existing or new dwelling—including in kitchens and bathrooms—would continue to be notifiable work. Whether notifiable or not, all electrical installation work should follow the technical guidance in Approved Document P.
- Making all alteration work to existing circuits in dwellings non-notifiable in this way would simplify the guidance, and remove rules that householders are likely to ignore and that building control bodies find difficult in practice to enforce. We feel this would be a better approach, combined with putting more effort into promoting to householders the benefits of having even minor electrical work carried out by registered electricians.

George Hollingbery raised an issue of how running of a competent person scheme is monitored by DCLG. (*Q106 and Q107 in the transcript*)

- Before an organisation is authorised as a competent person scheme it must demonstrate its ability to meet a number of conditions of authorisation principally on its technical, managerial and financial capabilities to secure compliance with the Building Regulations.
- Individual firms wishing to be registered with a scheme must demonstrate appropriate qualifications, knowledge and experience to be able to meet the National Occupational Standards for the types of work they carry out. Scheme operators are required to carry out random surveillance of their members to check whether the work they do complies.
- DCLG currently monitors all scheme operators on a three-year basis and the latest reports can be viewed on the DCLG website under competent person schemes.
- Some scheme operators are also accredited by the United Kingdom Accreditation Service (UKAS) against standard EN 45011 (a quality assurance standard) and in this way subject to further monitoring. Under new conditions of authorisation to be introduced shortly all scheme operators will be UKAS accredited against EN 45011 by the end of 2012, and monitoring of schemes will then be principally by UKAS.

Simon Danczuk asked for details of the new requirement that will be placed on Competent Person Scheme operators to promote and publicise the regulations. (*Q116 and Q117 in the transcript*)

- We intend for scheme operators to be required under new conditions of authorisation to invest more in marketing their Part P schemes to the industry and wider public. We will not be prescribing the effect such marketing must achieve, but the arrangements put in place by the scheme operators will be subject to UKAS monitoring under the new accreditation plans to ensure that marketing has taken place.

Mark Pawsey asked what changes were made to the regulations in 2010 (*Q148 and Q149 in the transcript*). At the time I was not aware of the details, however:

- The last review of Part J of the Building Regulations, which covers all combustion appliances not just those using gas, was completed in 2010. There were a number of changes in the guidance that supports Part J in relation to changes in technology and standards. These included changes to take account of modern biomass appliances and the effects of higher standards of air tightness in new homes.
- A new requirement was introduced for the provision of a carbon monoxide alarm where a solid fuel appliance is installed. This followed a cost benefit analysis and impact assessment that showed the benefits outweighed the costs only in relation to these higher risk appliances.

Simon Danczuk referred to a proposal from the Department of Energy and Climate Change (DECC) to include CO alarm requirements as part of the Green Deal initiative. (*Q158-Q160 in the transcript*)

- The DECC Green Deal Installer standard (PAS 2030) published in February. This is a standard which installers of Green Deal measures should follow. With respect to carbon monoxide alarms this states:

  > *5.2.2 Safety alarms*. Where carbon monoxide (CO) or other safety alarm(s) have already been installed at the designated location, the surveyor shall ascertain whether or not they are operational and report the outcome in the survey record. Where the energy efficiency

measure to be installed requires the installation of safety monitoring as part of the specification the surveyor shall assess whether or not any pre-existing alarms will be sufficient for the new installation.

— As such a carbon monoxide alarm would only need to be provided where the energy efficiency measure to be installed is one where such an alarm is necessary, ie where they are required to satisfy the Part J Building Regulations for solid fuel installations.

Illegal gas work statistics

There was some confusion as to the range of evidence provided to the committee regarding illegal gas work and gas work that was not notified in line with building regulations requirements.

Percentage of illegal gas work (In this context illegally refers to in breach of Gas Safety Installation and Use Regulations and undertaking gas work when not registered)

Gas Safe Register have undertaken market research at a national level with both consumers and engineers and found that there may be in the region of 7,500 businesses or engineers operating illegally, undertaking up to 250,000 jobs per year.

Although these numbers seem high this amounts to approximately 6% of total gas work. We are continually taking steps to tackle this, last year over 65% of HSE's prosecutions for unsafe gas work resulted from work by this small number of unregistered people. In total HSE has served over 2,000 enforcement notices for gas safety since the regulations were introduced. This amounts to almost 10% of the total of HSE's enforcement work.

Percentage of Work not notified in line with Building Regulations

Gas Safe Register also provided written evidence that around 50% of gas boiler appliances sold are not notified to LABC.

Based upon the current Gas Safe Register inspection schedule and the recent completed inspection numbers, it has been identified that 6.4% of installations inspected by Gas Safe Register have what would be classed as unsafe situations which need to be rectified. Of this group 80% comes from work that has not been notified for Building Regulations.

Risk Based Inspection Process

We also agreed to provide further evidence regarding the risk based inspection process operated by Gas Safe Register. To clarify, the Register does not rely solely upon Building Regulations notifications to identify gas work for inspection. Gas Safe Register can and do request to inspect the work of any registered engineer and have a risk based inspections process for identifying work for inspection which takes account of factors such as:

— Qualifications and experience of an engineer.
— Engineer profiles.
— Business Status and work delivery.
— Demographics.
— Type of work ie installation or maintenance.
— Type of gas product ie boiler, cooker etc.
— Problematic appliance types.
— Inspection history.
— Management audit outcomes.
— LPG vs mains gas.
— Customer complaints.

The Register undertake an average of 40,000 inspections per year.

Official Figures for Carbon Monoxide fatalities

The Cross Government Group on Gas Safety and Carbon Monoxide (CO) Awareness produced official figures as part of their annual report in November 2011, including statistical data from Department of Health (DH) and HSE http://www.hse.gov.uk/gas/domestic/cross-government-group-1011.pdf The DH data is based on public health information and excludes self-harm where that has been coded, but it is likely that self-harm is under-reported. HSE collects data on incidents, which are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). The Regulations apply to events, which arise out of or in connection with work activities covered by the Health & Safety at Work etc Act 1974. Reporting of HSE CO incidents depends on the consequences of the exposure ie exposure results in a death or major injury

The recording of deaths is not standardised between Scotland, NI and the combined England and Wales figure. Essentially, the figures are not comparable.

For information on Northern Ireland CO data please contact Health.Protection@dhsspsni.gov.uk

For information on Scottish CO, data please contact ceu@scotland.gsi.gov.uk

DH STATISTICS

Number of deaths from accidental poisoning by carbon monoxide, England and Wales, 2004–10[1,2,3]

EXCLUDING FIRES AND TRANSPORT ACCIDENTS

ICD 10 Code	*Cause*	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*
X47 Total	Accidental poisoning by other gases and vapours	34	22	41	47	39	39	32
X47.0	Occurrence at home	22	19	34	35	26	29	23
X47.1	Occurrence in residential institution	0	0	0	0	0	0	0
X47.2	Occurrence at school other institution/public administration area	1	0	0	0	0	0	0
X47.3	Occurrence at sports/athletics area	0	0	0	0	2	0	0
X47.4	Occurrence on street/highway	0	0	2	1	4	1	1
X47.5	Occurrence at trade/service area	0	0	0	0	0	1	0
X47.6	Occurrence at industrial/construction area	3	0	3	4	2	1	1
X47.7	Occurrence on farm	3	0	0	0	0	0	0
X47.8	Occurrence at other specified place	4	3	2	7	3	5	6
X47.9	Occurrence at unspecified place	1	0	0	0	2	2	1

[1] Cause of death was defined using the International Classification of Diseases, Tenth Revision (ICD 10). Deaths were selected where the underlying cause of death was accidental (ICD 10 codes V01-X59), and where the secondary cause of death was the toxic effect of carbon monoxide (ICD 10 code T58).

[2] Figures for England and Wales include deaths of non-residents.

[3] Deaths registered in each calendar year.

Source: Office for National Statistics

HSE STATISTICS

RIDGAS—Incidents relating to the supply and use of flammable gas (a) 2006–07 to 2010–11p

INCIDENTS RELATING TO THE SUPPLY AND USE OF FLAMMABLE GAS (A) 2006–07 TO 2010–11P

		2006–07	*2007–08*	*2008–09*	*2009–10*	*2010–11p*
Number of fatalities	Explosion/fire	2	2	2	1	3
	Carbon monoxide poisoning	10	13	15	9	14
	Other Exposure	–	3	1	–	1
	Total	**12**	**18**	**18**	**10**	**18**

Notes:

(a) Mainly piped gas but also includes bottled LPG

(b) An incident can cause more than one fatality or injury

p Provisional

Regulation 6(1) of RIDDOR places a duty on certain conveyors of gas (including LPG), to notify HSE of an incident involving a fatal or major injury that has occurred as a result of the distribution or supply of flammable gas. The statistics published above are as reported to HSE. When a report is made under Reg 6(1), it will be at an early stage of the incident, thus the detailed circumstances of the incident will not have been confirmed.

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