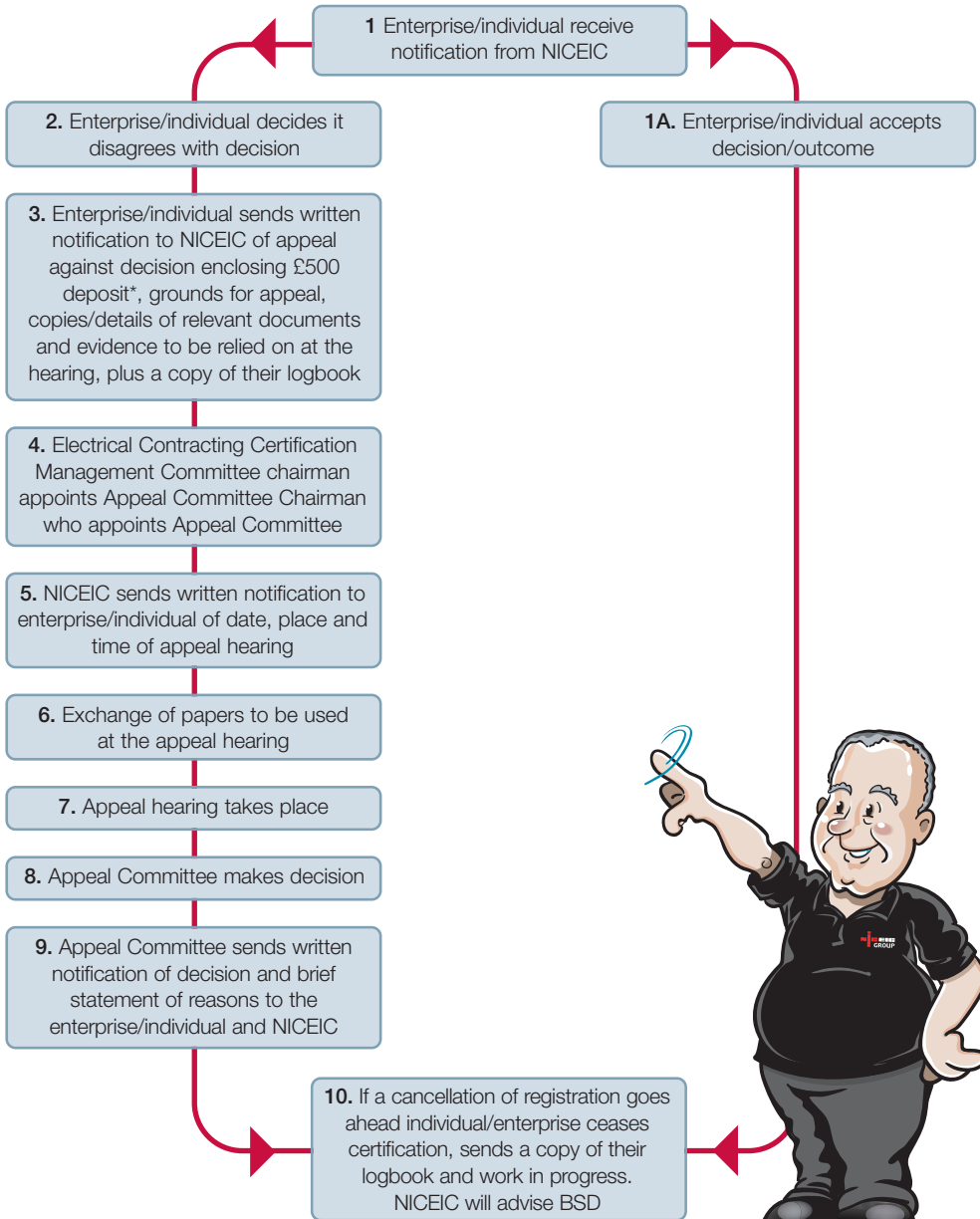




# The appeals process

For Certifiers of Electrical Installations in Scotland

# D.3.5 The Appeals Process for Bodies, Certifiers of Construction or enterprises or individuals applying for registration.



\*Important Note: £500 Deposit, will only be cashed by NICEIC in the event of an unsuccessful appeal and as directed by the Appeal Committee

# The explanation of the process to follow if you disagree with our decision to defer or reject your application or remove you from the register.

1. You will receive a communication advising you of either:-

The outcome of your scheme application, or our decision to cancel your registration.

OR (subsequent to a complaint) we advise you that the determination of the Certification Disciplinary Panel is that the outcome is cancellation of your registration. We send it by recorded delivery.

- 1A. If you accept the decision is reasonable or that the Panel was properly constituted or conducted go to item 10.

2. Alternatively, if you do not accept that the decision is reasonable or that the Panel was properly constituted or conducted then continue to item 3.

3. Within six working days of the date of 1. You send a written appeal against the decision/outcome, together with:

The reasons why you are appealing, copies or details of all supporting documents, all evidence that you will be relying on at the appeal hearing, a £500 deposit\*, an up to date copy of your logbook. You send it by recorded delivery.

If we do not receive your appeal within eight working days of the date of 1 you will be deemed to have accepted the decision/outcome.

4. Appeals will be heard by an Appeal Committee of three independent people drawn from our Appeal Panel. The members of the Appeal Panel will be appointed for a period which is decided by the NICEIC Electrical Contracting Certification Management Council.

An Appeal Committee chairman will be appointed by the chairman of the NICEIC Electrical Contracting Certification Management Council.

The Appeal Committee chairman then appoints two further Appeal Committee members. No member of the Appeal Committee will have had any prior involvement with or any other vested interest in the decision which is the subject under appeal.

5. We make the arrangements for the appeal hearing and advise you by recorded delivery giving you at least ten working days notice of the date, time and place of the appeal hearing.
6. If you have any further papers that you intend to rely on at the appeal hearing you should provide them to us at least seven working days before the hearing is due to take place.

Likewise, we will provide you with the papers that we intend to rely on at the hearing at least seven working days before the hearing is due to take place.

7. The hearing of the appeal will take place within 17 working days of 3. It takes place in private unless you request a public hearing. Subject to the Rules for Registration of Certifiers of Electrical Installations in Scotland the Appeal Committee has the power to regulate its own practice and procedure, and the Appeal Committee Chairman has the power to extend any period within which anything is required to be done within this appeals process, i.e. actions 4 to 9.

The Appeal Committee have the power to consider all the evidence available when the decision you are appealing against was made plus any new evidence and to call witnesses.

You will be given a full and fair opportunity of being heard and of calling witnesses and cross examining any other witnesses who appear before the Appeal Committee. You will be allowed to appear in person or to be represented by solicitors or counsel or any other person.

## Continued...

8. The Appeal Committee has full power to:
  - a. Uphold your appeal and either reverse or modify the decision that you appealed against, subject to any conditions that the Appeal Committee may apply; or
  - b. Reject your appeal and/or
  - c. Make such order for the payment of the costs of the appeal as it thinks fit.

The Appeal Committee decides how the sum deposited, as specified in 3, should be utilised. Each party will bear its own costs unless the Appeal Committee directs otherwise.

9. The Appeal Committee's decision is final and conclusive and shall be binding on you and us. The decision, including a brief statement of

reasons, will be sent to you and us in writing within three working days of the Appeal Committee hearing.

10. If the final decision/outcome results in cancellation of registration of the enterprise/individual, you cease certification immediately. You send us an up to date copy of your logbook and a list of work in progress by recorded delivery, within two working days. The NICEIC will notify the BSD within two working days of the date of 9.

[www.niceicgroup.com](http://www.niceicgroup.com)

This document is available in other print formats. Please contact the Marketing Department on 0870 013 0382 to obtain a copy.

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