

Proposed Electricians (Scotland) Bill

A PROPOSAL FOR A BILL TO PROVIDE FOR THE PROTECTION OF TITLE AND REGISTRATION OF ELECTRICIANS

A consultation by Jamie Halcro Johnston MSP
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www.electriciansbill.uk

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1. Foreword by Jamie Halcro Johnston MSP

Every year, electrical faults cause accidents, shocks, fires and even, in the most extreme cases, death in domestic premises. Ensuring that electrical installations are carried out by properly qualified, experienced and competent electricians is essential to make sure that people are safe in their own homes.



There are thousands of electricians across Scotland, carrying out professional work to high standards and improving the safety of people's homes. However, the cases of poor quality work have potentially dangerous consequences and present a problem for wider society.

Dangerous electrical installations do not simply affect individual home owners. They present a risk to neighbours, a financial cost to insurers as well as placing our emergency services unnecessarily in harm's way.

The proposed Bill will not simply focus on "rogue traders", but on ensuring that electricians undertaking work are qualified to do so and effectively registered. This will not only benefit the end consumer, but also the electrical industry – which depends on the trust of the wider public.

There is a body of evidence showing the level of unsafe electrical installations in domestic properties. The urgency of bringing forward legislation in this area has been underlined by incidences where domestic tragedies have occurred. Most notably, the Grenfell tower fire in London has caused us to look at fire safety and building regulations across the United Kingdom.

It is my aim to produce a solution that does not create burdensome costs for taxpayers nor create a significant intrusion into the work of qualified and competent electricians who are engaging in their trade in a professional manner. In my discussions with stakeholders, I have emphasised the need to work with the industry and to create a system that is accessible, both for those in the trade and the consumer.

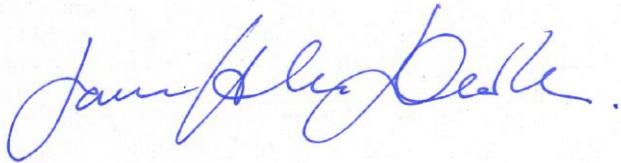
And I am pleased to say that this consultation has been produced with the support of a wide range of major professional bodies in the electrical industry. It is my intention, based on the views that I receive, to introduce a Member's Bill in the Scottish Parliament to put regulation of electricians on a statutory footing.

This proposed Bill will not solve all of the problems of dangerous or poor quality electrical work. Legislation alone will never achieve that outcome. Instead it will provide an important basis for ensuring that those carrying out electrical installations are

properly qualified and professionally experienced as well as allowing the public to make informed decisions before work takes place.

I would like to thank those other Members of the Scottish Parliament who contributed to my members' debate in the Scottish Parliament in October 2018, particularly those who supported my motion to bring it to the chamber, and those electricians and members of the public who attended to watch from the public gallery. I would further extend my thanks to those stakeholders who have engaged with me and other MSPs ahead of the publication of this consultation.

I encourage all those in the electrical industry as well as outside, whether from representative organisations, other trades or consumers themselves to respond to this consultation. It will be important that as wide a range of views as possible can be heard if real change is to be brought forward.

A handwritten signature in blue ink, reading "Jamie Halcro Johnston". The signature is fluid and cursive, with a period at the end.

Jamie Halcro Johnston MSP
Member of the Scottish Parliament
Highlands and Islands Region

August 2020

2. How the consultation process works

2.1 This consultation relates to a draft proposal I have lodged as the first stage in the process of introducing a Member's Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament's Standing Orders which can be found on the Parliament's website at:

<http://www.scottish.parliament.uk/parliamentarybusiness/17797.aspx>

2.2 At the end of the consultation period, all the responses will be analysed. I will then publish a summary of the consultation responses. As the deadline for introducing a Member's Bill has passed for this parliamentary session, I expect this consultation to inform a draft proposal lodged in the next parliamentary session.

2.3 At this stage, therefore, there is no Bill, only a draft proposal for the legislation.

2.4 The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, suggesting improvements, and generally refining and developing the policy. Consultation, when done well, can play an important part in ensuring that legislation is fit for purpose.

2.5 The consultation process is being supported by the Scottish Parliament's Non-Government Bills Unit (NGBU) and will therefore comply with the Unit's good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

2.6 Details on how to respond to this consultation are provided at the end of the document.

2.7 Additional copies of this paper can be requested by contacting me at Jamie Halcro Johnston MSP, M2.18, The Scottish Parliament, Edinburgh EH99 1SP. E-mail jamie.halcrojohnston.msp@parliament.scot and telephone 0131 348 6140.

2.8 Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

2.9 An on-line copy is available on the Scottish Parliament's website (www.parliament.scot) under Parliamentary Business / Bills / Proposals for Members' Bills.

3. Aim of the proposed Bill

BACKGROUND

- 3.1 There is no existing form of protection of title in law for electricians in Scotland. Any individual can present him or herself as an electrician and undertake electrical work on that basis, without having demonstrated any skills or qualifications. Protection of title would restrict the title of electrician, by law, to people who are appropriately qualified, experienced and competent to carry out electrical work.
- 3.2 There are over 100 regulated professions in the United Kingdom, ranging from legal and medical professionals to surveyors, construction industry professionals, farriers, and nightclub door supervisors.¹ Gas, another major utility provided to a large number of homes across the United Kingdom, is regulated and registered through the Gas Safe Register. Gas engineers are afforded protected title in law.
- 3.3 A survey carried out by TNS, entitled “*Attitudes towards use of electricians in Scotland*” on behalf of SELECT in June 2016 showed that 93 percent of householders in Scotland agreed that there should be regulations to ensure that only people with appropriate industry qualifications can claim to be an electrician. 89 percent agreed that it would be good to know how they could check to see if an electrician had been properly trained.²
- 3.4 Currently, there is some level of self-regulation within the industry. Electrical businesses are often associated with electrical trade organisations, which are well known within the electrical contracting industry. However, each of these bodies maintains independent registers and uses different identifying brand marks.
- 3.5 There is evidence that confirms the frequency of unsafe or poor quality electrical installations carried out in domestic premises. Unsafe electrical installations in homes may pose real dangers for other parties, including neighbours who may be affected by electrical fires, insurers and their customers, who often carry the cost of damages, and the emergency services who have to respond in case of accidents.
- 3.6 This Bill aims to provide for a single, unified register of qualified, experienced and competent electricians in Scotland and to provide protection of title for those who are registered. While there are a number of additional actions that should be taken to improve electrical safety, this Bill aims to tackle one particular area and to encourage further activity building public awareness.

¹ SELECT, *Electrician as a Profession: the case for regulation*, 2016, Appendix E: UK NCP Regulated Professions. Available online at <https://www.select.org.uk/wp-content/uploads/2016/12/Report-Electrician-As-A-Profession.pdf>

² SELECT, *Electrician as a Profession*, 2016, Appendix A: Scottish Opinion Survey June 2016

WORKING GROUP ON ELECTRICIANS

3.7 The Scottish Government's Working Group on Electricians ('the Working Group') has considered a number of issues around protection of title and regulation since it first met in November 2017.³ The Working Group's stated aims are:

- protecting consumers;
- protecting scrupulous traders and creating an inhospitable environment for miscreants; and,
- maintaining an environment that allows competition within the provision of electrical services to thrive.

3.8 In the intervening two years, the Working Group has held five meetings, commissioned a number of sources of evidence in relation to the problems presented by poor quality electrical work and analysed the options for regulation of the industry.

3.9 While its work is continuing, the Scottish Government has indicated that it will be unlikely to bring forward legislation on the regulation of electricians in the current session of the Scottish Parliament.

3.10 A number of the organisations which have engaged with MSPs over this issue – including SELECT, the National Inspection Council for Electrical Installation Contracting ('NICEIC') and the Scottish Joint Industry Board ('the SJIB') – are represented on the Working Group. In addition, bodies including Electrical Safety First, The Society of Chief Officers of Trading Standards in Scotland (SCOTSS), Citizens Advice Scotland, Unite the Union, NAPIT and the Scottish Fire and Rescue Service all participated in the group.

EXISTING APPROACH

3.11 Electricians do not currently benefit from protection of title. There is also no single register of qualified, experienced and competent individuals operating as electricians in Scotland.

3.12 Many electrical businesses are members of bodies like SELECT or are registered with the NICEIC. These two organisations are also designated Scheme Providers for the Certification of Construction scheme, which allows electricians (Approved Certifiers of Construction) working for businesses (Approved Bodies) to certify electrical work carried out where a building warrant is required.

³ Scottish Government, *Electricians Working Group minutes: November 2017* (2018). Available online at <https://www.gov.scot/publications/electricians-working-group-minutes-november-2017/>

- 3.13 Whilst a building warrant is required for many domestic electrical jobs there are some exceptions. In addition, work which is subject to Schedule 3 of the Building (Scotland) Regulations 2004 is currently exempt.
- 3.14 As a result, a great deal of electrical work carried out in domestic premises does not require a building warrant or that a person performing work produces a certificate of compliance with building regulations despite the fact that the work itself must comply with such regulations. Moreover, in circumstances where a warrant is not required, there is no oversight of the work carried out.
- 3.15 Use of a NICEIC or SELECT registered business may provide a level of assurance to consumers, however surveys have demonstrated that consumers are generally unaware as to how they can check on the qualifications of competence of someone calling themselves an electrician. A December 2017 survey by YouGov indicated that there was low recognition of SELECT and NICEIC, with 88 percent and 87 percent of respondents respectively stating that they had not heard of these organisations.⁴
- 3.16 For individuals, there is no single, unified register of electricians with a clear and common branding, and the absence of protection of title means that any person can claim to be an electrician.

EVIDENCE BASE FOR REGULATION

Accidents, costs and risk

- 3.17 In June 2019, the Scottish Government published a report entitled “*The Regulation of Electricians in Scotland*” prepared by consultancy firm Pye Tait on behalf of the Scottish Government’s Directorate of Energy and Climate Change.⁵
- 3.18 A call for evidence generated 537 responses, of which 411 came from electricians (76.5% of total responses), 88 came from stakeholders and 38 from members of the public. While acknowledging the limitations of the report, it recognised that research has shown “relatively significant costs and consequences from defective electrical installations in Scotland”.⁶
- 3.19 In terms of accidents and remedial work, the report concluded that--

...the fire statistics helped in estimating that there could be 400 plus accidental fires in Scotland caused by faulty electrical supply and lighting

⁴ Scottish Government, *Electricians Working Group paper: Protecting consumers – the way forward*, January 2018, Annex. Available online at <https://www.gov.scot/publications/electricians-working-group-minutes-january-2018/>

⁵ Scottish Government, *The Regulation of Electricians in Scotland Research Report* (2019). Available online at <https://www.gov.scot/publications/regulation-electricians-scotland/>

⁶ Scottish Government, *The Regulation of Electricians* (2019), p.6

which might, assuming each fire occurs in a separate dwelling, involve some 1,000 people and might cause up to four fatalities and 100 injuries a year.

- 3.20 The report further addressed some of the costs of the current situation and the potential benefits of improving electrical safety—

Looking at the number of defects submitted to the Call for Evidence by electricians we were able to scale these up to produce an assessment of the risks. We indicated a very conservative total of around 7,260 remedial operations (the number of times another electrician has to actually fix a defective installation) per year in Scotland. The total annual costs of defective fittings of electrical supply and lighting could, therefore, be estimated at some £15m plus the unquantifiable, non-fatal, non-injury human costs.

- 3.21 The report recognised the limitations of its work, noting that many relevant variables could not be understood. A great deal of faulty electrical installations may be in place in homes and it is only when an incident occurs that they may become visible. It is also often difficult to quantify the precise origins of electrical faults, particularly in older systems, between improper installation and wear and tear due to age. The report however observes that—

Nevertheless, the research has shown relatively significant costs and consequences from defective installations in Scotland.

Prevalence of unqualified individuals working on electrical installations

- 3.22 The report commissioned from Pye Tait estimated in Chapter 3 the number of electricians working in Scotland in 2018 as being about 22,000. The report concluded the following—

In order to develop the scale of numbers that are aligned to trade, registration and certification bodies, and to estimate unaffiliated electricians, a profile of their memberships or registrants has been developed.

For comparison of electricians the SJIB (Scottish Joint Industry Board) provides a basis as it has individual registrants. SJIB registrants account for 10,195 qualified electricians in Scotland, almost half of the 22,000 estimated total (c46%). In addition, there are an estimated 3,000 apprentices/adult trainees who are also registered with the SJIB, suggesting that up to 60% of those under SOC 5241 (Standard

Occupation Classification (SOC) code 5421 Electricians and Electrical fitters for the UK) could be registered with the SJIB.

3.23 Later in Chapter 5 the report continues—

There is a minimum of around 13,000 "qualified" electricians in Scotland (based on a combination of SJIB registrant and apprentice data). We can also estimate a minimum of around 22,000 people in total working as electricians across the nation. What is impossible to estimate is the number of people outside SOC Code 5241 who may work on domestic electrical installations. The fact that 60% of electricians in Scotland are registered with the SJIB does not necessarily mean that 60% of all Scotland-based electricians are qualified and 40% unqualified. SJIB registration is voluntary. Neither does the fact that we can estimate 22,000 electricians from SOC Code 5241 mean that that total is an adequate representation of the number of people in Scotland who carry out electrical work. Even ignoring DIY householders there will be a reasonably large number of kitchen and bathroom fitters, plumbers and other trades who might turn their hand to electrical work.

To make things even more interesting there is the further fact that a number of these other trades-people may be "qualified" electricians who classify their job role as other than 'SOC code 5241' electricians. Some of them may be qualified, but not working in their main role as an electrician, some will be unqualified. However, those totals are impossible to estimate without detailed further research.

3.24 While difficult to quantify, it is likely that there are a significant number of individuals carrying out work on electrical installations in Scotland who may be either underqualified or have no qualifications at all.

INTERNATIONAL APPROACH

3.25 The Working Group's paper *Protecting consumers – the way forward* looked at international examples of the treatment of electricians as a profession.⁷ It noted that—

An exploration of international treatment of electricians as a profession indicates that there is some consensus on the need for regulation.

⁷ Scottish Government, *Electricians Working Group paper: Protecting consumers – the way forward*, January 2018. Available online at <https://www.gov.scot/publications/electricians-working-group-minutes-january-2018/>

- 3.26 Noting the different approaches across Europe, the Working Group paper found that the ‘vast majority’ of EU countries have regulated the electrical profession, while the United Kingdom stood alongside only Bulgaria, Estonia, Portugal and the Netherlands in providing no such regulation.

RECENT SCOTTISH PARLIAMENTARY ACTIVITY

- 3.27 On 25th October 2018, I sponsored a Member's Debate on the regulation of electrician as a profession.⁸
- 3.28 The debate was based on a motion supported by Members from every political party represented in the Scottish Parliament:

Motion S5M-14162: Regulation of electricians as a profession [Jamie Halcro Johnston MSP]

That the Parliament notes the calls supporting the principle of the regulation of electricians as a profession; understands that, while over 100 regulated professions exist in the UK, including gas engineers, there is no protection afforded to electricians; appreciates that improperly-installed electrical work creates a significant risk of fire as well as other harm to householders in the Highlands and Islands and across Scotland; believes that the installation of electrical work by unqualified or only partly qualified individuals carries the risk of defects and safety issues arising; acknowledges the survey conducted by SELECT, which is the trade association for the electrical contracting industry in Scotland, which suggests that 93% of householders would expect someone claiming to be an electrician to be properly qualified and that 89% were not aware of how to check the qualifications of someone, and acknowledges the calls for the Scottish Government to consider how the Parliament's powers over protection of title can be utilised to reassure the public of the safety of electrical work that is carried out in domestic and non-domestic premises.

- 3.29 A number of contributors spoke in support of the motion including Neil Findlay, Labour MSP for Lothian—

The proposal in Mr Halcro Johnston's excellent motion is absolutely sensible. It suggests a normal way forward. The question that we should be asking is, "Why have we not done this before?", because this is about safety, consumer protection, building standards and professional regulation and protection of title.

Others have mentioned the remarkable list of 100 other trades or professions, including art therapists, taxi drivers and street sweepers that are all licensed in some way while electricians are not — it just does not add up. There is not a political point to be made on this—not at all. What is

⁸ Scottish Parliament, SP OR 25 October 2018, col 29-43. Available online at <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11726&mode=pdf>

suggested is a practical and sensible step that fits in with the preventative agenda that Governments are supposed to be all about.

3.30 Monica Lennon, Labour MSP for Central Scotland, said—

People should feel reassured because the regulation of professionals is commonplace in the United Kingdom. For example, I am a chartered town planner, which is a protected title. There are already more than 100 regulated professions, yet no protection is afforded to electricians.

3.31 Alexander Burnett, Conservative MSP for Aberdeenshire West added—

The privilege of calling oneself an electrician should be limited to those who are qualified in that highly skilled profession. That would not only prevent rogue traders from carrying out electrical work that could be unsafe but help to reduce costs to the consumer by preventing the further repairs to shoddy work that are required. The overall cost of faulty electrical work in Scotland is around £120 million a year—and that does not even include the cost of major incidents.

3.32 At the conclusion of the debate, the Minister for Business, Fair Work and Skills Jamie Hepburn MSP summarised his views, anticipating this consultation by stating that—

Mr Halcro Johnston has said that he might be considering introducing legislation on this issue, but I should make it clear at the outset of my speech that I am open minded on the matter and have made no clear or firm decision on the best way forward. I have not ruled anything out. I came into this post in June, and I was very happy to meet SELECT a matter of weeks later to discuss this very issue. It has made a serious proposal about the protection of title, and we will give that full and proper consideration in the process that we are taking forward and which I will lay out in a few moments' time.

3.33 It was my hope that subsequent meetings of the Working Group would result in progress from the Scottish Government toward a viable scheme of further regulation for the electrical profession, coupled with measures to raise consumer awareness. However, well over a year later there does not appear to have been a significant drive to bring forward legislation during the current Parliament.

4. Detail of the Proposed Bill

CREATION OF A UNIFIED REGISTER OF ELECTRICIANS

4.1 The proposed Bill seeks to create a single, unified register of qualified, experienced and competent electricians in Scotland ('the unified register'). The Working Group looked at three options as to how to create a single register, detailed below.

Option 1	Option 2	Option 3
Utilising the Scottish Government's existing Building Standards Certification Register.	Utilising the existing ISO17065 UKAS accredited Certification Bodies which currently operate UK wide to feed enterprises and individuals into a Register.	Creating a new register that would include details of the enterprise and assessed, qualified and competent individuals that work for it.

4.2 In order to avoid the additional cost and complexity concerned with the creation of a wholly new register, the proposed Bill will seek to deliver an outcome that builds on an existing registration scheme. The most practical option for delivering this would seem to be utilising the Certification Register provided through the Scottish Government's current Certification of Construction scheme.⁹

4.3 The Certification Register designates for Certification of Construction (Electrical Installations to BS7671) status at present, which allows for certification of compliance with Building Regulations for any electrical installation work carried out. The current scheme providers are SELECT and NICEIC.

4.4 The proposed Bill would set out provisions allowing for the relevant part of the Certification Register to be expanded to a new unified register of electricians. Existing functions of the Certification Register could continue.

4.5 Existing scheme providers would be able to designate approved bodies for the purposes of registration on the unified register. The Scottish Government would also be able to appoint any additional scheme providers. The proposed Bill would create powers for the Scottish Ministers to set out minimum requirements for scheme providers, to ensure that a consistent approach is taken on registration of individuals with qualifications gained outside of Scotland and to create any required applications and appeals process for individuals and organisations seeking to become approved through these scheme providers.

⁹ Scottish Government, *Certification Register*, <http://www.certificationregister.co.uk/>

- 4.6 The Scottish Ministers would consider applications to become a scheme provider through an applications process and an appeals process, for where an application is made and refused, would also be available. The power to create and adjust these processes will require to be set out in secondary legislation.
- 4.7 Under the proposed Bill, individuals who currently hold certifier of construction status in the Certification Register would continue to hold that status under the unified register on the same conditions. The Scottish Government and scheme providers would work with the sector to provide information on registration and to encourage unregistered individuals to register.
- 4.8 As this would be a change in the remit of the register, it would be an opportune time to consider its naming and certification mark as part of wider efforts to increase public awareness. This would create the ability to have a single mark for electricians which could be better understood by consumers.
- 4.9 The consultation questions ask for your views on formulating a single register of electricians.

PROTECTION OF TITLE

- 4.10 As set out in 3.1 above, protection of title is a means to restrict the use of the title of electrician to people who are appropriately qualified, experienced and competent to carry out electrical work.
- 4.11 Protection of title would create a criminal offence where a person, who was not an appropriately registered electrician for the purposes of the Bill, was to use the title of electrician.
- 4.12 It would similarly be an offence for a person who was not an appropriately registered electrician to use a title or description to imply that they were an electrician, or in other ways claim to be an electrician under false pretences.
- 4.13 The Bill would set out penalties for these offences. Initial proposals are to allow courts the scope to impose similar penalties to those that exist in relation to the Gas Safe Register. As such, the proposed Bill would propose a maximum sentence for these offences of a term of six months' imprisonment or an equivalent community penalty and a fine of Level 5 on the standard scale (currently set at £5,000).
- 4.14 The Bill would not prevent homeowners from undertaking electrical work on their own property.
- 4.15 The consultation questions will ask for your views on protection of title.

IMPLICATIONS OF THE BILL

Financial implications

- 4.16 It is anticipated that if the Bill's objectives are achieved, the effect of improved electrical safety will be economically beneficial, reducing electrical accidents, injuries and property damage.
- 4.17 The nature of the proposed single register is designed to be as cost-effective as possible, both in terms of public funds and the cost to industry. Of the three options explored by the Working Group (see section 4.1, above), it seems clear that the proposals set out here are the lowest cost approach. It is anticipated that other costs to the Scottish Government, such as the development of the regulations, would be minimal and absorbed within existing budgets.
- 4.18 If people commit the offences created by the proposed Bill, then the associated resource implications of investigating and prosecuting these offences will fall on the police and the Crown Office and Procurator Fiscal Service. Where cases go to court or lead to prison sentences, there would be costs on the Scottish Courts and Tribunals Service and the Scottish Prison Service.

Equalities

- 4.19 At this stage it does not appear that the draft proposal will have any positive or negative impacts in terms of protected characteristics under the Equality Act 2010.

Sustainability

- 4.20 It is suggested that the proposed Bill can support sustainable development by reducing the risk, and incidence, of fire damage to property. This should reduce risk to physical and mental health and wellbeing. The risk of adverse impacts from fires on air quality and deposition of harmful substances to land and water, will also be reduced.
- 4.21 The proposed Bill may increase people's confidence in the electrical safety of their homes and other buildings, and result in a reduction of risk to the emergency services personnel that are called to attend electrical fires. The reduced fire risk could also reduce the cost to emergency services and help to ensure that other emergencies can be attended to.
- 4.22 The creation of a single register of electricians will increase people's ability to make decisions about work carried out in relation to their property and will increase the accountability of those carrying out this work.

5. Consultation questions

ABOUT YOU

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:

- an individual? – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
- Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

3. Please choose one of the following:

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. (Note: your reason will not be published.)

4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

Name:

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Contact details:

5. Data protection declaration

- I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

YOUR VIEWS ON THE PROPOSAL

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

Aim and approach

1. Which of the following best expresses your view of the proposed Bill?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

2. What do you think would be the main practical advantages of the proposed Bill?

3. What do you think would be the main practical disadvantages of the proposed Bill?

4. Which of the following best expresses your view of the establishment of a single register for electricians?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please give any views or comments on a single register and how it might be set up:

5. Which of the following best expresses your view of establishing protection of title for electricians?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please give any views or comments either on the principle or practical operation of protection of title:

Financial implications

6. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(b) Businesses

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(c) Individuals

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

7. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Equalities

8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

9. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Sustainability

10. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
- No
- Unsure

Please explain the reasons for your response.

General

11. Do you have any other comments or suggestions on the proposal?

6. How to respond to this consultation

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

Online survey

To respond via online survey, please follow this link:

<https://www.smartsurvey.co.uk/s/Electricians/>

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey is based in the UK and is subject to the requirements of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Any information you send in response to this consultation (including personal data) will be seen by the MSP progressing the Bill and by staff in NGBU.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above, or at the end of this document.

Smart Survey's privacy policy available at: <https://www.smartsurvey.co.uk/privacy-policy>

Electronic or hard copy submissions

Responses not made via Smart Survey should, if possible, be prepared electronically (preferably in MS Word). Please keep formatting of this document to a minimum. Please send the document by e-mail (as an attachment, rather than in the body of the e-mail) to:

jamie.halcrojohnston.msp@parliament.scot

Responses prepared in hard copy should either be scanned and sent as an attachment to the above e-mail address or sent by post to:

Jamie Halcro Johnston MSP
Room M2.18
The Scottish Parliament
Edinburgh EH99 1SP

Responses submitted by e-mail or hard copy may be entered into Smart Survey by my office or by NGBU.

If submitting a response by e-mail or hard copy please include written confirmation that you have read and understood the Privacy Notice (set out below).

You may also contact my office by telephone on 0131 348 6140

Deadline for responses

All responses should be received no later than Tuesday 10 November. Please let me know in advance of this deadline if you anticipate difficulties meeting it. Responses received after the consultation has closed will not be included in any summary of responses that is prepared.

How responses are handled

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received (other than “not for publication” responses) on my website at www.electriciansbill.uk. Published responses (other than anonymous responses) will include the name of the respondent, but other personal data sent with the response (including signatures, addresses and contact details) will not be published.

Where responses include content considered to be offensive, defamatory or irrelevant, my office may contact you to agree changes to the content, or may edit the content itself and publish a redacted version.

Copies of all responses will be provided to the Scottish Parliament’s Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member’s Bill). The Privacy Notice (below) explains more about how the Parliament will handle your response.

If I lodge a final proposal, I will be obliged to provide copies of responses (other than “not for publication” responses) to the Scottish Parliament’s Information Centre (SPICe). SPICe may make responses available to MSPs or staff on request.

Requests for anonymity or for responses not to be published

If you wish your response to be treated as anonymous or “not for publication”, please indicate this clearly. The Privacy Notice (below) explains how such responses will be handled.

Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory content. If I think your response contains such content, it may be returned to you with an invitation to provide a justification for the content or to edit or remove it. Alternatively, I may publish it with the content edited or removed, or I may disregard the response and destroy it.

Data Protection

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for it not to be published. I will not publish your signature or personal contact information. The Privacy Notice (below) sets out in more detail what this means.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person's consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: www.ico.gov.uk.

Freedom of Information (Scotland) Act 2002

As indicated above, NGBU may have access to information included in, or provided with, your response that I would not normally publish (such as confidential content, or your contact details). Any such information held by the Parliament is subject to the requirements of the FOISA. So if the information is requested by third parties the Scottish Parliament must consider the request and may have to provide the information unless the information falls within one of the exemptions set out in the Act. I cannot therefore guarantee that any such information you send me will not be made public should it be requested under FOISA.

Further details about Freedom of Information can be found at: www.itspublicknowledge.info

Privacy Notice

This privacy notice explains how your ***personal data** which may be included in, or is provided with, your response to a MSP's consultation on a proposal for a Member's Bill will be ****processed**. This data will include any personal data including *****special category data** that is included in responses to consultation questions, and will also include your name and your contact details provided with the response. Names and contact details fall into **normal category data**.

***Personal data** is information that relates to an identified or identifiable individual.

****Processing** of personal data refers to any operations carried out in relation to the data such as collecting, storing, sharing and deletion of the data.

****Special category data** includes information about an individual's race; ethnic origin; political or religious views; sex life or sexual orientation; trade union membership; physical or mental health; genetic or biometric data.

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (SPCB) processes any personal data you send to it, or that the MSP whose consultation you respond to shares with it (under a data-sharing agreement) according to the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

The SPCB will hold any personal data securely, will use it only for the purposes it was collected for and will only pass it to any third parties (other than the MSP whose consultation you respond to) with your consent or according to a legal obligation. Further information about data protection legislation and your rights is available here: <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

Purpose of the data processing

The purpose of collecting, storing and sharing personal data contained in consultation responses is to enable Members to consider the views of respondents to inform the development of the Bill, with the support of NGBU. Personal data contained in consultation responses will not be used for any other purpose without the express consent of the data subject.

The legal basis

The legal basis for collecting, holding, sharing and publishing your personal data is that the processing is necessary for the performance of a task carried out in the public interest (for normal category data), or in the substantial public interest (for special category data), in accordance with Art 6(1)(e) GDPR and section 8(d) DPA (for normal category data), or Art 9(1)(g) GDPR and section 10 of and paragraph 6 of Schedule 1

DPA (for special category data). The task is to support Members seeking to introduce Members' Bills to the Parliament. This is a core task of the SPCB and therefore a Crown function. The adequate support of the Members Bill process and the ability to seek, use and temporarily store personal data including special category data is in the substantial public interest.

If the person responding to the consultation is under the age of 12 then consent from the parent or guardian of the young person will be required to allow the young person to participate in the consultation process (however, the legal basis for the processing of the personal data submitted remains as the public interest task basis identified above).

Sharing Personal Data

The data collected and generated by Smart Survey will be held by the Non-Government Bills Unit (NGBU), a team in the Scottish Parliament which supports MSPs progressing Members' Bills, and shared with the MSP who is progressing the Bill and staff in the MSP's office. Data submitted by other means (e.g. by email or hard copy) will be held by the MSP's office and shared with NGBU for the purposes of producing a summary of responses to the consultation. The MSP and NGBU are joint data controllers of the data. Under a data-sharing agreement between the MSP and the Scottish Parliament, access to the data is normally limited to NGBU staff working on the Member's Bill/proposal, the MSP and staff in the MSP's office working on the Member's Bill/proposal; but data may also be shared by NGBU with the Scottish Parliament's solicitors in the context of obtaining legal advice.

Publishing Personal Data

"Not for publication" responses will not be published and will only be referred to in the summary of consultation responses in the context of a reference to the number of "not for publication" responses received and, in some cases, in the context of a general reference that is considered by you to be consistent with the reasons for choosing "not for publication" status for your response.

Anonymous responses will be published without your name attached, your name will not be mentioned in the summary of consultation responses, and any quote from or reference to any of your answers or comments will not be attributed to you by name.

Other responses may be published, together with your name; and quotes from or references to any of your answers or comments, together with your name, may also be published in the summary of consultation responses.

Contact details (e.g. your e-mail address) provided with your response will not be published, but may be used by either the MSP's office or by NGBU to contact you about your response or to provide you with further information about progress with the proposed Bill.

Where personal data, whether relating to you or to anyone else, is included in that part of your response that is intended for publication, the MSP's office or NGBU may edit or remove it, or invite you to do so; but in certain circumstances the response may be published with the personal data still included.

Please note, however, that references in the foregoing paragraphs to circumstances in which responses or information will not be published are subject to the Parliament's legal obligations under the Freedom of Information (Scotland) Act 2002. Under that Act, the Parliament may be obliged to release to a requester information that it holds, which may include personal data in your response (including if the response is "not for publication" or anonymous).

Use of Smart Survey software

The Scottish Parliament is licensed to use Smart Survey which is a third party online survey system enabling the Scottish Parliament to collect responses to MSP consultations, to extract and collate data from those responses, and to generate statistical information about those responses. Smart Survey is based in the UK and is subject to the requirements of data protection legislation.

Any information you send by email or in hard copy in response to a consultation on a proposal for a Member's Bill may be added manually to Smart Survey by the MSP's office or by NGBU.

The privacy policy for Smart Survey is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

While the collected data is held on Smart Survey, access to it is password protected. Where the data is transferred to our own servers at the Scottish Parliament, access will be restricted to NGBU staff through the application of security caveats to all folders holding consultation data.

Access to, retention and deletion of personal data

If a summary of consultation responses is published within six months of the consultation period ending, all of your data will be deleted from Smart Survey as soon as possible after the summary is published. If, six months after the consultation period has ended, a summary has not been published, then responses may be downloaded from Smart Survey and saved (with all the information that would normally not be published – including contact details – removed) to Scottish Parliament IT systems and retained until the end of the session of the Parliament in which the consultation took place. When that is done, all responses will normally be deleted from Smart Survey; but in exceptional circumstances, your data may be retained in Smart Survey beyond the end of the six month period if that is necessary for the purpose of preparing a summary for future publication. All data will be deleted from Smart Survey at the end of the session of the Parliament during which it was collected. If the MSP lodges a final

proposal, he/she is required to provide a copy of your response (unless it was “not for publication”), together with your name (unless you requested anonymity), but not your contact details, to the Scottish Parliament Information Centre (SPICe), where it will be retained permanently in line with the collection management policy.

Your rights

Data protection legislation sets out the rights which individuals have in relation to personal data held about them by data controllers. Applicable rights are listed below, although whether you will be able to exercise data subject rights in a particular case may depend on the purpose for which the data controller is processing the data and the legal basis upon which the processing takes place.

For example, the rights allowing for deletion or erasure of personal data (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purpose(s) of the performance of a task carried out in the public interest. The right to object to the processing of personal data for the purpose of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject. This would be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data would pose to you.

The following rights will apply:

Access to your information – You have the right to request a copy of the personal information about you that we hold.

Correcting your information – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.

Objecting to how we may use your information – Where we use your personal information to perform tasks carried out in the public interest then, if you ask us to, we will stop using that personal information unless there are overriding legitimate grounds to continue.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply where this is no longer a basis for using your personal information but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us in any of the ways set out in the *Contact information and further advice* section if you wish to exercise any of these rights.

Changes to our privacy notice

We keep this privacy notice under regular review and will place any updates on the Scottish Parliament's website. Paper copies of the privacy notice may also be obtained using the contact information below.

This privacy statement was last updated on **24 October 2019** and will be reviewed within 12 months if not updated prior to that.

Contact information and further advice

If you have any further questions about the way in which we process personal data, or about how to exercise your rights, please contact:

The Head of Information Governance
The Scottish Parliament
Edinburgh EH99 1SP
Telephone: 0131 348 6913 (Text Relay calls welcome)
Textphone: 0800 092 7100
Email: dataprotection@parliament.scot

Complaints

We seek to resolve directly all complaints about how we handle personal information, but you also have the right to lodge a complaint with the Information Commissioner's Office: <https://ico.org.uk/make-a-complaint/>

By phone: 0303 123 1113

Contact information and further advice

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The Scottish Parliament
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Textphone: 0800 092 7100
Email: dataprotection@parliament.scot

Please contact us if you require information in another language or format.



**Proposed Electricians (Scotland) Bill
A Consultation by Jamie Halcro Johnston MSP**

**The Scottish Parliament
Edinburgh
EH99 1SP**

www.electriciansbill.uk

jamie.halcrojohnston.msp@parliament.scot

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