

CHAPTER 368A

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SCHEDULE

CHAPTER 368A

ELECTRICAL WIREMEN (LICENSING)

An Act to provide for the licensing of persons who wire buildings for the supply of electricity and for related purposes. 1974-4.
1976-1.

[1st March, 1975] Commence-
ment.
S.I. 1975
No. 12.

PART I

Preliminary

1. This Act may be cited as the Electrical Wiremen (Licensing) Act. Short title.

2. For the purposes of this Act—

Interpreta-
tion.

“Board” means the Electrical Wiremen Licensing Board established under section 3;

“Council” means the Examinations Council appointed under section 9;

“electrical wireman” or “wireman” means a person licensed under this Act who installs, fixes, repairs, alters, replaces, connects, disconnects or removes the whole or any part of the electric wiring of a building, but does not include a person engaged in—

- (a) the wiring of a telephone, radio-diffusion service, lightning conductor or the wiring (including the earthing) of a wireless aerial;
- (b) the manipulating of a switch;
- (c) the connecting and disconnecting of a plug;
- (d) the replacing or installing of a lamp in a socket; or
- (e) the replacing of a fuse where such replacing is in conformity with the rules.

“licensed person” means a person licensed under section 8A; 1976-1

“Minister” means the Minister responsible for Electrical Installations;

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“ Secretary ” means the person for the time being performing the functions of secretary to the Board;

“ Tribunal ” means the Electrical Wiremen Appeals Tribunal established under section 15.

PART II

Licensing of wiremen and renewal of licences

Establishment of Electrical Wiremen Licensing Board. Cap. 1. Schedule.

3. (1) For the purposes of this Act, there is hereby established a Board to be known as the Electrical Wiremen Licensing Board to which section 20 (1) of the Interpretation Act shall apply.

(2) The Schedule shall have effect in relation to the constitution of the Board and otherwise in relation thereto.

Electrical wiremen to be licensed.

4. A person who, after the commencement of this Act, desires to practise as an electrical wireman in Barbados shall obtain a licence in accordance with this Act.

Application for licence and conditions attaching thereto.

5. (1) An application for a licence under this Act shall be made to the Secretary in such form as the Board determines and shall in respect of the applicant, state—

- (a) his full name and address;
- (b) his date of birth;
- (c) his qualifications and experience together with the educational institutions attended by him; and
- (d) such further information as the Board requires.

(2) An application under subsection (1) shall be accompanied by a certificate of character of the applicant issued by the Commissioner of Police.

(3) Where the Board is satisfied that an applicant is of good character, has had such training and possesses such qualifications as the Board prescribes, it may, on payment by him of the prescribed fee, issue a licence to him in such form as it determines to practise under this Act.

(4) No licence to practise may be issued to a person who has not attained the age of eighteen years.

- (5) A licence under this section—
- (a) shall remain the property of the Crown;
 - (b) shall be produced at the request of any person authorised by the Board;
 - (c) is not transferable; and
 - (d) unless suspended or cancelled, is valid until the 31st December of the year in which it is granted.

6. The holder of a licence which has expired shall in the month of January of every subsequent year after the first issue thereof apply to the Secretary for its renewal, and the Secretary shall, subject to the provisions of this Act, the rules and regulations, renew the licence on payment by the applicant of the prescribed fee.

Renewal of licence.

7. An electrical wireman employed in the public service on a whole-time basis is exempt from payment of licence fees.

Exemption of whole-time public officers from payment of licence fees.

8. (1) The Board shall cause to be published in the *Official Gazette*—

Publication of list of wiremen in *Official Gazette*.

- (a) in the month of February in each year an alphabetical list of persons who at the 31st January in that year are the holders of valid licences;
- (b) as soon as practicable after the issue or renewal of a licence, as the case may be, the name of any person who after the 31st January in any year is the holder of a valid licence.

(2) A copy of the *Official Gazette* containing the list referred to in paragraph (a) of subsection (1) or the name of any person published pursuant to paragraph (b) of that subsection is *prima facie* evidence of the issue of a licence to, or the renewal of a licence in respect of, that person and of the qualification of that person mentioned in the list, and is *prima facie* evidence that a person whose name does not appear therein is not licensed under this Act.

8A. (1) Notwithstanding this Part but subject to subsection (3), a person who is not entitled to practise as an electrical

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wireman under this Act but has worked as such in Barbados for a period of at least three years immediately preceding the 1st January, 1976 may apply to the Board for a licence to practise as a licensed person.

(2) An application for a licence under this section shall contain—

- (a) the information required by section 5 (1) and (2);
- (b) evidence satisfactory to the Board that for a period of at least three years immediately preceding the 1st January, 1976 the applicant performed, exclusively, the service(s) in respect of which he seeks the licence; and
- (c) evidence satisfactory to the Board that the applicant is competent to perform the service(s) referred to in paragraph (b).

(3) The Board shall not entertain an application for a licence under this section after such date as the Minister by notice published in the *Official Gazette* determines.

(4) The Board may, on payment of the prescribed fee by an applicant who satisfies the requirements of this section, issue to him a licence for a period of one year.

(5) A licence issued under subsection (4)—

- (a) shall be subject to such terms and conditions as the Board determines; and
- (b) shall specify the services that may be performed by the holder of that licence.

(6) A person licensed under this section may, on the expiration of his licence, apply to the Board for renewal of that licence and the Board may, on payment by him of the prescribed fee, renew the licence.

(7) Where a licensed person contravenes or fails to comply with the terms and conditions subject to which the licence is issued, the Board may suspend the licence for a period not exceeding three months or, if it thinks fit, revoke such licence.

(8) Where the Board suspends or revokes a licence under subsection (7), the secretary shall, as soon as practicable after such suspension or revocation—

- (a) notify the person affected by prepaid registered post; and
- (b) cause a notice thereof to be published in the *Official Gazette*.

(9) Sections 5 (4) and (5), 7 and 8, and 15–17 apply *mutatis mutandis* to this section.

PART III

Examinations

9. (1) The Board may require any person who applies under section 5 for a licence to submit to such examinations as the Board determines. Examina-
tions.

(2) An examination under subsection (1) may be in addition to or in substitution for any qualification which the applicant possesses.

(3) For the purposes of conducting examinations under this section, the Board shall appoint an Examinations Council, to which section 20 (1) of the Interpretation Act shall apply, consisting of— Cap. 1.

- (a) the Electrical Engineer; and
- (b) a public officer from the Ministry of Education after consultation with the Minister of Education,

to set and conduct examinations in such subjects as the Board directs.

(4) The Board shall fix a time and place for holding examinations under this Act and the Secretary shall cause a candidate to be notified of that time and place.

(5) A candidate shall pay to the Secretary such examination fee as the Board, with the approval of the Minister, determines.

(6) The Council shall as soon as practicable after an examination report its findings to the Board.

(7) Where the Council is satisfied that a candidate is sufficiently skilled and informed in the subjects in which he is examined, that candidate may, on receipt of a notice to that effect from the Board and subject to his complying with section 5 (1) and (2), be issued with a licence under that section.

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(8) Where a candidate has been unsuccessful in an examination, the Board shall cause him to be so notified and that candidate shall not, except on the recommendation of the Board, be permitted to present himself for further examination until after the expiration of six months from the date of the commencement of the examination in which he was unsuccessful.

(9) Notwithstanding subsection (8), a candidate who is unsuccessful in an examination shall, before being permitted to present himself for further examination, comply with such conditions as the Board directs, including the payment of such further examination fee as the Board, with the approval of the Minister, determines.

PART IV

Report to Electrical Engineer

Returns.

10. (1) A wireman shall, on completing an electrical installation, report to the Electrical Engineer the fact of the completion and submit therewith a written return of the work done, which shall contain such information relating to the installation as the Electrical Engineer requires.

Cap. 277.

(2) The Electrical Engineer shall, on receipt of the return and of an application for the supply of electricity under the Electricity Act cause the installation to be inspected to determine as far as possible whether it agrees with facts set out in the return.

(3) Where the Electrical Engineer is satisfied that an installation complies with the Electricity Act and any regulations made thereunder, he may grant permission for the supply of electricity in accordance with that Act.

PART V

Discipline

Disciplinary powers of the Board and cancellation of licence.

11. (1) Where a wireman—

- (a) because of infirmity of mind or body is incapable of performing his functions efficiently;
- (b) has been convicted of an offence involving dishonesty

which he committed in the performance of his functions as a wireman;

- (c) has been convicted of an offence or is alleged to have committed an offence under this Act or the rules; or
- (d) is alleged to have been guilty of gross negligence or inefficiency in performing his functions as a wireman,

the Board may, without prejudice to subsection (2),

- (i) censure him, or
- (ii) suspend or cancel his licence.

(2) The Board may cancel any licence which has been issued in error or because of false information given by the applicant.

12. (1) Where the Board—

- (a) refuses to issue a licence under section 5; or
- (b) suspends or cancels a licence under section 11,

the Secretary shall within seven days of the Board's decision notify the person affected by prepaid registered post.

Person affected by the Board's decision to be notified, and publication in the *Official Gazette*.

(2) The Secretary shall cause any decision of the Board made under section 11 to be published in the *Official Gazette*.

13. The Board may require a wireman whose licence has been cancelled under section 11 to deliver the licence to the Secretary.

Power of Board to order licence to be handed over to the Secretary.

14. (1) A wireman whose licence has been cancelled under section 11 may, after the expiration of one year from the date of such cancellation, apply to have his licence restored.

Restoration of licence.

(2) An application under subsection (1) shall be in writing and addressed to the Secretary.

(3) Where the Board is satisfied that an applicant under this section has established sufficient grounds to support his application it may restore the licence.

(4) Notwithstanding subsection (1) and (3), the Board may, at any time, restore to any person a licence which has been cancelled under section 11.

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PART VI

Appeal

Appeals and
establishment of
Appeals
Tribunal.

15. (1) A person who is aggrieved by the refusal of the Board to issue to him a licence under section 5 or by its decision to censure him or to suspend or cancel his licence under section 11 may, within three months of the receipt by him of a notice under section 12 or within eighteen months of his being censured, appeal against the Board's decision.

(2) For the purpose of hearing appeals under subsection (1), there is hereby established a tribunal to be known as the Electrical Wiremen Appeals Tribunal to which section 20 (1) of the Interpretation Act shall apply.

Cap. 1.

(3) The Tribunal shall consist of—

- (a) a nominee of the Professional Engineers' Association appointed by the Minister;
- (b) a public officer from the Ministry of Education, appointed by the Minister after consultation with the Minister of Education; and
- (c) a public officer from the Ministry of Communications and Works, appointed by the Minister after consultation with the Minister of Communications and Works.

Suspension of
the Board's
decision
pending
appeal.

16. The Board may, pending an appeal under section 15, on the application of the appellant suspend the operation of its decision until the appeal is determined.

Powers of
Appeals
Tribunal.

17. The Tribunal may—

- (a) on hearing an appeal against refusal to issue a licence, dismiss the appeal or allow the appeal and direct the Board to issue a licence to the appellant;
- (b) on hearing an appeal, other than an appeal against refusal under paragraph (a),
 - (i) dismiss the appeal and confirm the decision of the Board,
 - (ii) allow the appeal and set aside the decision of the Board,
 - (iii) allow the appeal and direct that the matter in

- respect of which the decision of the Board was made be further considered by the Board, or
- (iv) set aside the penalty imposed by the Board and impose in substitution therefor such other penalty under section 11 as it thinks fit.

PART VII

Miscellaneous

18. (1) The Board may, subject to the approval of the Minister, make rules for any of the following purposes— Rules and Regulations.

- (a) the proper conduct of its affairs, including the time, manner and place of meetings and the proceedings thereof;
- (b) the maintaining of a high standard of practice among electrical wiremen;
- (c) the conduct of examinations and related matters, and the fees to be paid for such examinations;
- (d) the institution of disciplinary proceedings in relation to any charge made under section 11 against a wireman, and the manner in which proceedings relative to such charge are to be conducted.

(2) Without prejudice to subsection (1), the Minister may make regulations generally for carrying out the provisions of this Act and for any of the following purposes—

- (a) prescribing the fees, other than those fixed by the rules, which are by this Act required to be prescribed; and
- (b) providing for anything in respect of electrical installations not provided for in the rules.

19. A person who—

Offences.

- (a) fails to produce his licence when requested to do so under paragraph (b) of section 5 (5);
- (b) makes or produces or causes to be made or produced any fraudulent representation or declaration, either verbally or in writing or otherwise, for the purpose of procuring or attempting to procure the licensing of himself or of any other person as a wireman under this Act;

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- (c) not being an electrical wireman—
- (i) assumes or uses any name, title or description implying that he is licensed to practise as such,
 - (ii) advertises or holds himself out as a person licensed to practise as an electrical wireman, or
 - (iii) practises as an electrical wireman;
- (d) borrows or uses as his own a licence not issued to him under this Act;
- (e) being an electrical wireman lends his licence or makes the use of his licence available to any other person; or
- (f) in any way contravenes the provisions of this Act, the rules or the regulations,

is guilty of an offence and liable on summary conviction for a first offence to a fine of one hundred and fifty dollars and for any subsequent offence to a fine of three hundred dollars or to imprisonment for three months or both.

Recovery of
unpaid fees.

20. Licence fees which are payable under this Act and remain unpaid after one month from the date on which they became payable may be recovered as a debt due to the Crown in civil proceedings before a magistrate for district A.

Payment of
fees into Con-
solidated
Fund.

21. Fees collected under this Act shall be paid into the Consolidated Fund.

Expenses.

22. Any expenses incurred in the administration of this Act shall be defrayed out of moneys voted for the purpose by Parliament.

SCHEDULE

s. 3.

Constitution of the Electrical Wiremen Licensing Board

1. (1) The Electrical Wiremen Licensing Board shall consist of—
 - (a) the Electrical Engineer, *ex officio*; and
 - (b) four other persons appointed by the Minister.

(2) The Minister shall appoint a member of the Board to be Chairman of the Board.

(3) The Minister may appoint any person to act temporarily in place of any member of the Board in case of the absence or inability to act of such member.

(4) A member of the Board shall hold office for a term of three years unless he sooner dies, resigns or is removed from office by the Minister before the end of that term, but—

- (a) a member who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member shall hold office only for the unexpired portion of the term of that former member; and
- (b) every member is eligible for reappointment for a further term.

(5) The Minister may grant leave of absence to a member of the Board and may appoint a person to act in the place of that member.

(6) A member of the Board, other than a public officer, may at any time by instrument in writing addressed to the Minister and transmitted through the Chairman resign his office, and from the date of the receipt of such instrument by the Minister, such member shall cease to be a member of the Board.

2. (1) Three members of the Board shall form a quorum.

(2) Decisions of the Board shall be by a majority of votes, and where the voting is equal the Chairman shall have a casting vote.

(3) The Board shall meet at such times and at such places as it determines.

(4) The Chairman shall preside at meetings of the Board, and where the Chairman is absent the members present and constituting a quorum shall elect one of their number to act as Chairman for that meeting.

(5) The Minister shall assign a public officer to perform the functions of Secretary to the Board.

(6) Subject to this Schedule, the Board shall regulate its own proceedings.

(7) All documents made by and all decisions of the Board may be signified under the hand of the Chairman or by the Secretary.

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