

DEPARTMENT OF TRADE & INDUSTRY

**1 SCHEME FOR THE CERTIFICATION OF CRAFTSMEN 1990**

Made	28th day of September	1990
Approved by Tynwald	23rd day of October	1990

Title, commencement and interpretation

1.(1) This scheme may be cited as the Scheme for the Certification of Craftsmen 1990 and shall come into operation on the 1<sup>st</sup> November 1990.

(2) In this scheme –

“the Department” means the Department of Trade & Industry;

“the register” means the register maintained under paragraph 3;

“the registrar” means such person, being a member of the staff of the Department, as the Department may from time to time appoint to be Registrar for the purposes of this scheme;

“registration” means registration in the register.

*Application of Scheme*

2.(1) This scheme applies to the trades listed in the Schedule to this scheme.

2.(2) The Department, after consultation with such persons representative of the trade in question as appears to the Department to be appropriate, may direct that the Schedule shall be varied by the addition of any trade to it or the removal of any trade from it. Such a direction shall be laid before Tynwald.

*The register*

3.(1) The Department shall maintain a register of craftsmen engaged in the trades to which this Scheme applies.

3.(2) The register shall include the full name, address and national insurance number of each person registered, and such other particulars as the Department may direct, and shall specify the trade or trades in respect of which the person is registered.

### *Qualification for registration*

4. An individual is qualified to be entered in the register in respect of a trade if –
  - (a) he has served an apprenticeship to the trade, or
  - (b) he has had such period of employment or training, or both, in the trade as appears to the Registrar to be equivalent to apprenticeship.

### *Registration*

- 5.(1) Subject to sub-paragraph (2), an individual engaged in a trade to which this scheme applies shall be entitled to be registered in respect of that trade if –
  - (a) he has applied in writing for registration in such form as the Registrar may require, giving such particulars as the Department may direct;
  - (b) he has satisfied the Registrar that he is qualified to be so entered with respect to that trade or trades; and
  - (c) he has paid to the Department such registration fee as the Department, after consultation with the Treasury, may determine.
- 5.(2) An individual shall not be registered in respect of a trade if it appears to the Registrar that, although qualified in respect of a trade, he is not competent to carry on the trade in question.
- 5.(3) Where the Registrar has refused an application for registration on the ground that the applicant is not competent to carry on the trade in question, the applicant may elect to undertake a trade test in such manner and on payment of such fee as the Department may direct; and if he passes such a test he shall be deemed to be competent to carry on that trade.
- 5.(4) On granting an application for registration the Registrar shall issue to the applicant a certificate in such form as the Department may direct.
- 5.(5) On refusing an application for registration the Registrar shall notify the applicant in writing of the reasons for refusal.

### *Duration and renewal of registration*

- 6.(1) Every registration shall expire on such day in the year 1995 and in every 5th year thereafter as the Department may direct.
- 6.(2) Subject to compliance with paragraph 5.(1) (a) and 5.(1) (c), an individual who was registered immediately before the day referred to in sub-paragraph (1) shall be entitled to have his registration renewed unless it appears to the Registrar that he is not competent to carry on the trade in question.
- 6.(3) Paragraph 5.3 to 5.5 applies to an application for renewal of registration as it applies to an application for registration.

### *Amendment of the register*

- 7.(1) A person entered in the register shall notify the Registrar of any change in the registered particulars relating to him, and the Registrar shall make any necessary entries in the register.
- 7.(2) If a person contravenes sub-paragraph (1), his registration shall be suspended and of no effect for such time as the contravention continues.

### *Appeals*

- 8.(1) Any person aggrieved by a decision of the Registrar (other than the refusal of an application for registration or renewal of registration on the ground that the applicant is not competent to carry on the trade in question) may, by notice in writing to the Registrar, appeal to an Appeal Committee constituted under this paragraph.
- 8.(2) The Appeal Committee shall consist of 3 persons appointed by the Department, of whom –
  - (a) one member (who shall be chairman) shall be independent of the construction industry;
  - (b) one member shall be appointed to represent employers and one member shall be appointed to represent employees in that industry, after consultation with such bodies representative of those employers and employees as the Department may think appropriate.
- 8.(3) The Department may appoint persons to be members of the Appeal Committee for the purposes of a particular appeal, a class of appeals or appeals generally, and a person so appointed shall hold office in accordance with the terms of his appointment.
- 8.(4) The Appeal Committee, after giving the appellant and the Registrar an opportunity of being heard, shall determine the appeal; and the Registrar

shall make such entries or amendments of entries in the register as are necessary to give effect to that determination.

*Publication of register*

9. The Department shall make the register available for inspection by the public at its offices free of charge at all reasonable hours, and shall allow any person to take such copies of any entries in the register on payment of such reasonable fee (if any) as the Department may determine.

*Transitional provision*

10. If an individual –
- (a) was immediately before the commencement of this scheme entered in a register of workmen maintained by the Registration Council of Builders and Workmen (“the old register”), and
  - (b) complies with paragraph 5.1.1 before the 1st January 1991, he shall be entitled to be entered in the register in respect of any trade in respect of which he was entered in the old register, unless it appears to the Registrar that he is not competent to carry on the trade in question.
- 10.(2) Paragraph 5.(3) to 5.(5) applies to an application for registration made by virtue of this paragraph.

Paragraph 2.

SCHEDULE

TRADES TO WHICH THIS SCHEME APPLIES

Joiner  
Mason/Bricklayer  
Plasterer  
Slater/Tiler  
Plumber  
Plumber and heating engineer  
Electrician  
Painter and decorator  
Wall and floor tiler  
Gas fitter  
Scaffolder  
Flat Roofing  
Glazier

Dated 28th September 1990

Minister of Trade & Industry