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Regulations for NSI Approved Companies Annex 5: Additional regulations relating to companies holding NSI 'Fire Gold' and 'Fire Silver' for fire-safety and emergency lighting system installations approval

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National Security Inspectorate
Sentinel House,
5 Reform Road
Maidenhead
SL6 8BY
Website: nsi.org.uk

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Annex 5

Regulation A.5

A.5.1 Certificates of Compliance and related matters

A.5.1.1 Who can issue NSI certificates?

NSI certificates for fire-safety or emergency lighting system installations can be issued only in the name of a NSI 'Fire Gold' or 'Fire Silver' approved company.

A.5.1.2 NSI certificate types

The BAFE SP203 schemes recognise three types of Certificates as follows:

BAFE Scheme	NSI Certificate Types
SP203-1 – Fire detection and fire alarm systems	Certificate of Compliance Module certificate Modification certificate Maintenance certificate
SP203-3 - Fixed gaseous fire-suppression systems	Certificate of Compliance Module certificate Maintenance certificate
SP203-4 - Emergency lighting systems	Certificate of Compliance Module certificate Modification certificate Maintenance certificate
Certificate types are aligned with the certificates described in the above mentioned BAFE SP203 scheme documents	

A.5.1.3 Buying NSI certificates

With the exception of Maintenance certificates, you must buy from us every NSI certificate type listed in A.5.1.2 that you issue.

NSI do not provide Maintenance certificates but an NSI approved Fire Gold or Fire Silver company who hold approval for maintenance must provide a Maintenance certificate at the frequency and format prescribed in the relevant BAFE scheme document.

NSI Certificates of Compliance, Module and Modification certificates are provided in either eDirect or electronic format.

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A.5.1.4 Issuing NSI certificates

NSI certificates must be issued for any systems within a scope for which the approved company holds NSI approval on the date of issue of the certificate and in accordance with these regulations.

Before issuing any NSI certificate, you must make sure the relevant work meets the appropriate BAFE scheme requirements and other NSI requirements.

When issuing certificates, you must also issue the NSI Terms and Conditions for Fire Gold or Fire Silver certificates according to your approval type.

You must issue the relevant certificates in line with the timescales described in the applicable BAFE SP203 scheme document.

Where “electronic” certificates are issued, you must return certificate data to us within 30 days of the date the certificate was issued or the date the certificate should have been issued. Returns are not applicable to Modification or Maintenance Certificates.

Under these regulations, the obligation to issue NSI certificates applies only to fire-safety and emergency lighting system installations in the UK, the Channel Islands and the Isle of Man. You should issue NSI certificates for installations in these places only.

However, we can run one or more approval schemes for fire-safety and emergency lighting system installations outside the UK, Channel Islands and Isle of Man, in which case special regulations will apply.

A.5.1.5 Issuing NSI certificates for new work

If you hold ‘Fire Gold’ approval or ‘Fire Silver’ approval for **all** of the following:

- Module 1 Design
- Module 2 Installation
- Module 3 Commissioning and Handover

and you are responsible for verifying a fire-safety or emergency lighting system installation, you must issue your customer with a NSI Certificate of Compliance for that fire-safety or emergency lighting system installation in line with the conditions of the applicable BAFE SP203 scheme document.

You can issue a NSI Certificate of Compliance for a fire-safety or emergency lighting system installation where more than one contractor is involved for the different modules of the BAFE SP203 scheme and you issue the certificate in line with the conditions of the BAFE SP203 scheme.

If there are circumstances which mean you have not issued a NSI Certificate of Compliance within 13 weeks of the date the fire-safety or emergency lighting system installation was used for the first time, you must tell us, in writing, explaining those circumstances.

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A.5.1.6 Issuing NSI Modification certificates for new modification work (not applicable to SP203-3)

If you hold NSI 'Fire Gold' or 'Fire Silver' BAFE SP203-1 or SP203-4 approval for modules 2 or 3, you must issue a NSI Modification certificate for each system installation you extend or make changes to, if the work is eligible for a Modification certificate in line with the conditions of the applicable BAFE SP203 scheme document and any current BAFE SP203 technical notes.

A.5.1.7 Making changes to NSI certificates

You must not make any changes to a NSI certificate without first getting our permission in writing.

A.5.1.8 Charges for failing to issue or deliver NSI certificates you should have issued

We may charge you if you fail to keep to the conditions of these regulations. We may also require you to issue certificates which you should have issued. The charge will not be more than five times the total normal cost of the certificates you should have issued. Your approval may be at risk under regulation 5 if you fail to issue any certificate you should have issued.

A.5.1.9 Shelf life of NSI certificates

You are entitled to issue NSI certificates within three years of the date you bought them.

A.5.1.10 Refunds

You are not entitled to receive a refund from us of the price you paid for a NSI certificate you have not issued. We will not pay refunds for lost, spoiled or missing NSI certificates.

A.5.1.11 Status of NSI certificates

We reserve the right to change the status of a certificate to 'withdrawn' if we consider you have failed to keep any fire-safety or emergency lighting system installation to the standard for which a certificate has been issued. You will be advised of the conditions in relation to this 'withdrawn' certificate and you will not be entitled to a refund of any fees you have paid.

A.5.1.12 'Verification' process

Before issuing a NSI Certificate of Compliance, a 'verification' process must be completed as defined in the relevant BAFE SP203 scheme document to check that the fire-safety or emergency lighting system installation meets the recommendations given in the relevant British Standard codes of practice (or any other standards that apply).

A.5.1.13 How to deal with 'variations'

If, during the 'verification' process, you find there are 'variations' (as defined in the latest version of the relevant British Standard and applicable standards or any European or International Standard which may succeed the BS), you must bring these 'variations' to the customer's attention. The customer should then arrange for the 'variations' to be corrected, or formally accept the 'variations' and allow them to be listed as 'agreed variations'. (You must add the details of all 'agreed variations' to the final NSI Certificate of Compliance). If the customer does not agree to the 'variations' being corrected and does not agree to them

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being listed as 'agreed 'variations'', you will not be able to issue them with a final NSI Certificate of Compliance.

Note: The term "variation" is replaced by "deviation" in relation to Emergency Lighting Systems.

A.5.2 Maintaining fire-safety or emergency lighting system and correcting faults

If you are responsible for maintaining, or have the right to claim future income from any fire-safety or emergency lighting system installation for which a NSI Certificate of Compliance has been issued or for which it should have been issued (and which is within a scope covered by the 'maintenance' module for which you hold NSI approval), you must:

- maintain the fire-safety or emergency lighting system installation and carry out maintenance inspections in line with NSI requirements;
- carry out any work on the fire-safety or emergency lighting system installation that may be necessary for the installation to keep to all NSI and applicable BAFE SP203 requirements and you must fulfil your responsibilities to maintain the installation;
- make sure that the fire-safety or emergency lighting system installations are available for our representatives to inspect, and provide any information and undertakings we may require.

A.5.3 Customer agreements

The conditions of regulation A.5.2 no longer apply once you have properly ended your contract with the customer.

If you are prevented from keeping to any part of the NSI and applicable BAFE SP203 requirements relating to a fire-safety or emergency lighting system installation because a customer has refused to give you permission, you will be considered to have kept to the requirements if you have either of the following on file:

- A written refusal the customer has given you; or
- Copies of correspondence between you and your customer to show that you have made every reasonable effort to get the customer's permission and to keep to the NSI requirements.

You will also need to have the following information on file:

- A copy of a notice you have given the customer to end, as soon as possible, the contract for supplying or hiring all or part of the fire-safety or emergency lighting system installation, or for supplying services relating to the fire-safety or emergency lighting system installation;
- If you have had an opportunity to end the contract, evidence that you ended the contract as soon as possible;

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- If you have ended the contract, evidence that you made every reasonable effort to tell the person or organisation using the premises in which the fire-safety or emergency lighting system installation is installed about the fire-safety risks of not continuing with a maintenance contract for the fire-safety or emergency lighting system installation.

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