

## Before the Electrical Workers Registration Board

	CE No. 22237
Electrical Worker:	Leyton Lingard-Sharp (the Respondent)
Registration Number:	LMD 272759
Electrical Worker Number:	EW 132753
Registration Class:	Line Mechanic Distribution

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### Decision of the Board in Respect of the Conduct of an Electrical Worker Under section 147G and 147M of the Electricity Act 1992

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Hearing Location:	Christchurch
Hearing Type:	In Person
Hearing and Decision Date:	19 November 2020

#### Board Members Present:

Mel Orange (Presiding)  
Michael Macklin, Registered Inspector  
Monica Kershaw, Registered Electrician  
Jane Davel, Lay Member  
Russell Keys, Registered Inspector  
Ashley Yan, Registered Electrical Engineer  
Martin Perry, Registered Electrician

Appearances:	Sarah Blick for the Investigator
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#### Procedure:

The matter was considered by the Electrical Workers Registration Board (the Board) under the provisions of Part 11 of the Electricity Act 1992 (the Act), the Electricity (Safety) Regulations 2010 (the Regulations) and the Board's Disciplinary Hearing Rules.

#### Board Decision:

The Respondent **has** committed a disciplinary offence under section 143(b)(ii) of the Act.

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### Summary of the Board’s Decision

[1] The Respondent has committed a disciplinary offence under section 143(b)(ii) of the Act by failing to ensure testing was carried out prior to livening. The failure to test resulted in a transposition not being identified and a person receiving an electric shock. The Respondent agreed to participate in an article designed to educate other electrical workers. On that basis the Respondent is censured and ordered to pay costs of \$225.

### Introduction

[2] The hearing resulted from a complaint about the conduct of the Respondent and a report under section 147G(1) of the Act from the Investigator that the complaint should be considered by the Board.

[3] The Respondent was served with a notice setting out the alleged disciplinary offences the Investigator reported should be considered by the Board. They were:

1. *On or around 6 September 2019 at [Omitted], Mr Leyton Lingard-Sharp has carried out or caused to be carried out prescribed electrical work in a manner contrary to any enactment relating to prescribed electrical work that was in force at the time the work was done being an offence under section 143(a)(ii) of the Act, IN THAT, he failed to carry out pre-livening and post-livening tests of the service main phase and neutral conductors, which had been incorrectly installed, resulting in an electrically unsafe installation in breach of regulations 38(3) of the Electricity (Safety) Regulations 2010.*

*Or in the Alternative*

2. *On or around 6 September 2019 at [Omitted], Mr Leyton Lingard-Sharp has carried out or caused to be carried out prescribed electrical work in a negligent or incompetent manner being an offence under section 143(a)(i) of the Act, IN THAT, he failed to carry out pre-livening and post-livening tests of the service main phase and neutral conductors, which had been incorrectly installed, resulting in an electrically unsafe installation.*

*Or in the Alternative*

3. *On or around 6 September 2019 at [Omitted], Mr Leyton Lingard-Sharp has negligently created a risk of serious harm to any person, or a risk of significant property damage, through having carried out or caused to be carried out prescribed electrical work being an offence under section 143(b)(ii) of the Act, IN THAT, he failed to carry out pre-livening and post-livening tests of the service main phase and neutral conductors, which had been incorrectly installed, resulting in an electrically unsafe installation.*

[4] Prior to the hearing, the Respondent and the Board were provided with all of the documents the Investigator had in his/her power or possession.

[5] No Board Members declared any conflicts of interest in relation to the matters under consideration.

**Function of Disciplinary Action**

[6] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*<sup>1</sup> and in New Zealand in *Dentice v Valuers Registration Board*<sup>2</sup>.

[7] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*<sup>3</sup> Collins J. noted that:

*“... the disciplinary process does not exist to appease those who are dissatisfied ... . The disciplinary process ... exists to ensure professional standards are maintained in order to protect clients, the profession and the broader community.”*

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<sup>1</sup> *R v Institute of Chartered Accountants in England and Wales* [2011] UKSC 1, 19 January 2011.

<sup>2</sup> [1992] 1 NZLR 720 at p 724

<sup>3</sup> [2016] HZHC 2276 at para 164

## Procedure

- [8] The matter proceeded on the basis of an Agreed Statement of Facts.
- [9] Counsel for the Investigator sought leave to amend the charges to exclude the words “service main”. The Respondent did not object. The charge was amended pursuant to section 156A of the Act.

## Evidence

- [10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed<sup>4</sup>. The Board notes, as regards evidence in proceedings before it, that the provisions of section 147W of the Act apply. This section states:

*In all proceedings under this Part, the Board may, subject to section 156, receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not it would be admissible as evidence in a court of law.*

- [11] The matter proceeded on the basis of an Agreed Statement of Facts. The Statement set out the Respondent was the work site supervisor in charge of a lines crew, who undertook the replacement of a damaged pole at a rural property. The crew attended the site around 4.30 pm on a Friday evening and completed the work on or around 7.30 pm. The crew carried out disconnections, installed a new pole and attached the electricity distributor’s lines to the effected installation. In doing so they transposed the network phase and neutral conductors.
- [12] The Respondent assisted with the prescribed electrical work, but did not complete any of the final connections. As the worksite supervisor he took responsibility for carrying out pre-livening and post-livening tests which were not carried out.
- [13] On 9 September 2019, the resident of the property where the pole was replaced received an electric shock and reported the incident to their electrician who undertook tests and confirmed the phase and neutral transposition. This was reported to the distribution network company whose internal investigation found that the Respondent had not ensured that pre and post livening tests were undertaken in accordance with its written procedures.
- [14] The Respondent accepted that he was responsible for the testing of the installation, that he was aware of the testing requirements and that he had failed to follow the applicable written procedures.
- [15] The Respondent noted that the cause of his failure was fatigue and stress in relation to personal events and factors. The Respondent was demoted, for a time, from a foreperson role. He sought counselling and help him manage fatigue and stress.

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<sup>4</sup> *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

[16] The general rule is that all facts in issue or relevant to the issue in a case must be proved by evidence. As the Investigator and Respondent agreed to the facts as outlined above, it was not necessary to call any further evidence or to test the evidence as outlined in the Statement.

### **Board's Conclusion and Reasoning**

[17] The Board, excluding Member Kershaw who did not agree with the decision, has decided that the Respondent **has** negligently created a risk of serious harm to any person, or a risk of significant property damage, through having carried out or caused to be carried out prescribed electrical work being an offence under section 143(b)(ii) of the Act, in that IN THAT, he failed to carry out pre-livening and post-livening tests of the phase and neutral conductors, which had been incorrectly installed, resulting in an electrically unsafe installation.

[18] The Board made its decision on the basis of the Respondent's acceptance that he had negligently created a risk of serious harm and on the basis of the following legal principles.

[19] The charge was laid in the alternatives of carrying out or causing to be carried out prescribed electrical work in a negligent or incompetent manner or of negligently creating a risk of serious harm or significant property damage.

[20] The Board decided that the alternative of negligently creating a risk of serious harm applied. Serious harm is defined in section 2 of the Act. It means:

- (a) *death; or*
- (b) *injury that consists of or includes loss of consciousness; or*
- (c) *a notifiable injury or illness as defined in section 23 of the Health and Safety at Work Act 2015.*

[21] The relevant parts of Section 23 of the Health and Safety at Work Act 2015 are:

#### **23 Meaning of notifiable injury or illness**

- (1) *In this Act, unless the context otherwise requires, a notifiable injury or illness, in relation to a person, means—*
  - (a) *any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):*
    - (i) *the amputation of any part of his or her body:*
    - (ii) *a serious head injury:*
    - (iii) *a serious eye injury:*
    - (iv) *a serious burn:*
    - (v) *the separation of his or her skin from an underlying tissue (such as degloving or scalping):*
    - (vi) *a spinal injury:*
    - (vii) *the loss of a bodily function:*
    - (viii) *serious lacerations:*

- (b) *an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:*
- (c) *an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:*

[22] Significant property damage is not defined in the Act. Section 16(1)(b)(ii) of the Act, which relates to notification of accidents, also refers to serious harm and to property damage. In respect of damage it requires notification where there is:

*damage to any place or part of a place that renders that place or that part of that place unusable for any purpose for which it was used or designed to be used before that accident.*

- [23] As section 16 refers to both serious harm and to damage the Board considers significant property damage in section 143(b)(ii) should be interpreted in line with the definition in section 16(1)(b)(ii).
- [24] Actual serious harm or significant property damage need not occur. There need only be a risk that either might occur. The risk must be real in that there needs to be a material or substantial possibility, chance or likelihood that serious harm or significant property damage will occur. A real risk has also been described as one that a reasonable person would not brush aside as being far-fetched or fanciful<sup>5</sup>.
- [25] There was a phase neutral transposition. A transposition of that type creates a very real risk of persons receiving electric shocks. That is what occurred. The element of the charge is, therefore, satisfied.
- [26] The Board must also find that the Respondent has been negligent. There is no statutory definition of the term negligence. Negligence is, however, considered to be the departure by an electrical worker, whilst carrying out or supervising prescribed electrical work, from an accepted standard of conduct. It is judged against those of the same class of licence as the person whose conduct is being inquired into. This is described as the *Bolam*<sup>6</sup> test of negligence which has been adopted by the New Zealand Courts<sup>7</sup>.
- [27] The New Zealand Courts have stated that the assessment of negligence in a disciplinary context is a two-stage test<sup>8</sup>. The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct of a

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<sup>5</sup> Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (The Wagon Mound No 2) [1967] 1 AC 617

<sup>6</sup> *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

<sup>7</sup> *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

<sup>8</sup> *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

professional. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.

[28] When considering what an acceptable standard is the Board must have reference to the conduct of other competent and responsible practitioners and the Board's own assessment of what is appropriate conduct, bearing in mind the purpose of the Act<sup>9</sup>. The test is an objective one, and in this respect it has been noted that the purpose of discipline is the protection of the public by the maintenance of professional standards and that this could not be met if, in every case, the Board was required to take into account subjective considerations relating to the practitioner<sup>10</sup>.

[29] The Board notes that the purposes of the Act are:

**1A Purposes**

*The purposes of this Act are—*

- (a) *to provide for the regulation, supply, and use of electricity in New Zealand; and*
- (b) *Repealed.*
- (c) *to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and*
- (d) *to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and*
- (da) *to provide for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; and*
- (e) *to provide for the regulation of electrical workers.*

[30] The Board also notes, as regards acceptable standards, that all prescribed electrical work must comply with the Safety Regulations and the cited Standards and Codes of Practice in Schedule 2 of the Regulations. As such, when considering what is and is not an acceptable standard, they must be taken into account.

[31] Turning to seriousness in *Collie v Nursing Council of New Zealand*<sup>11</sup> the Court's noted, as regards the threshold for disciplinary matters, that:

*[21] Negligence or malpractice may or may not be sufficient to constitute professional misconduct and the guide must be standards applicable by competent, ethical and responsible practitioners and there must be behaviour which falls seriously short of that which is to be considered acceptable and not mere inadvertent error, oversight or for that matter carelessness.*

[32] Looking at the conduct in question, the Respondent accepted responsibility for the testing of a final connection to a property. The connection had been transposed. No testing was carried out. The transposition was not identified. The installation was left

<sup>9</sup> *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

<sup>10</sup> *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

<sup>11</sup> [2001] NZAR 74

in an electrically unsafe state as a result. Under the Electricity (Safety) Regulations 2010 testing is a mandatory requirement and is fundamental to the safety regime under the Regulations. A reasonable practitioner would have carried out or ensured that such testing was carried out prior to the installation being livened. The Respondent's failure was a serious transgression.

- [33] The charge also alleged that the electricity supply was not electrically safe. The term electrically safe and electrically unsafe are defined in regulation 5 of the Safety Regulations.

**5 Meanings of electrically safe and electrically unsafe**

*In these regulations, unless the context otherwise requires—*

***electrically safe** means, in relation to works, installations, fittings, appliances, and associated equipment, that there is no significant risk that a person or property will be injured or damaged by dangers arising, directly or indirectly, from the use of, or passage of electricity through, the works, installations, fittings, appliances, or associated equipment*

***electrically unsafe** means, in relation to works, installations, fittings, appliances, and associated equipment, that there is a significant risk that a person may suffer serious harm, or that property may suffer significant damage, as a result of dangers arising, directly or indirectly, from the use of, or passage of electricity through, the works, installations, fittings, appliances, or associated equipment.*

- [34] It was clear to the Board that the supply was not electrically safe as there was a significant risk that a person or property would be injured or damaged, which transformed into an actual incident. Again, the element of the charge has been satisfied.
- [35] Given the above, the Board, which includes persons with expertise in the electrical industry, was satisfied that the Respondent had committed an offence under section 143(b)(ii) of the Act.

**Penalty, Costs and Publication**

- [36] Having found that one or more of the grounds in section 143 applies the Board must, under section 147M of the Act<sup>i</sup>, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [37] The Respondent made submissions at the hearing as regards penalty, costs and publication.
- [38] Member Kershaw abstained from the deliberations and decisions as regards penalty, costs and publication.



## Penalty

[39] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in *Patel v Complaints Assessment Committee*<sup>12</sup> commented on the role of “punishment” in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

*[28] I therefore propose to proceed on the basis that, although the protection of the public is a very important consideration, nevertheless the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.*

[40] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*<sup>13</sup> the Court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Electricity Act they have the advantage of simplicity and transparency. The Court recommended adopting a starting point for a penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors. The same applies to disciplinary proceedings under the Electricity Act.

[41] The Respondent made submissions as regards mitigating factors. In doing so the Respondent stressed that he was not attempting to downplay the seriousness of his actions. He noted that he had been personally devastated by the events and that he was disappointed in himself for what had occurred. He outlined the personal events that led to his fatigue and to him being distracted. The Respondent gave evidence that he had undergone counselling as a result and that he had engaged with his employer to undertake training to mitigate against future incidents of fatigue or distraction. He expressed sympathy and remorse for the person who received an electric shock and relief that he was not seriously harmed.

[42] The Respondent stated that he had learnt a lot from the incident and that he was working with his employers to ensure that others did not succumb to the factors that had caused his workplace lapse. The Respondent also expressed a desire to assist the Board to educate other electrical workers on how to identify and deal with stress and distraction.

[43] Additionally, the Board noted that the Respondent had accepted responsibility for his actions and for the failings of his co-workers at the earliest opportunity.

[44] The Board (noted the seriousness of the disciplinary offending. Ordinarily a significant fine would be ordered. However, taking into account the Respondent’s approach to the matter and his willingness to assist the Board to educate others it decided that it would censure the Respondent. The censure, which is a public

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<sup>12</sup> HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

<sup>13</sup> 3 November 2016, CIV-2016-070-000492, [2016] NZDC 21288

expression of disapproval, was made on the basis that extensive publication of the matter will be undertaken by the Board. This, in itself, is seen as a form of punishment.

### Costs

[45] Under section 147N of the Act the Board may require the Respondent to pay the Board any sum that it considers just and reasonable towards the costs and expenses of, and incidental to the investigation, prosecution and the hearing.

[46] The Respondent should note that the High Court has held that 50% of total reasonable costs should be taken as a starting point in disciplinary proceedings and that the percentage can then be adjusted up or down having regard to the particular circumstances of each case<sup>14</sup>.

[47] In *Collie v Nursing Council of New Zealand*<sup>15</sup> where the order for costs in the tribunal was 50% of actual costs and expenses the High Court noted that:

*But for an order for costs made against a practitioner, the profession is left to carry the financial burden of the disciplinary proceedings, and as a matter of policy that is not appropriate.*

[48] Based on the above the Board's costs order is that the Respondent is to pay the sum of \$225 toward the costs of and incidental to the matter. In setting the amount of costs the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

### Publication

[49] As a consequence of its decision, the Respondent's name and the disciplinary outcomes will be recorded in the public register as required by the Act<sup>16</sup>. The Board can, pursuant to section 147Z of the Act, also order publication over and above the public register notation. Under section 147Z the Board may, if no appeal is brought within 20 working days of its decision, direct the Registrar to cause a notice stating the effect of the decision or order, the reasons for the decision or order, and (unless the Board directs otherwise) the name of the person in respect of whom the decision or order was made, to be published in the Gazette and any other publications as may be directed by the Board.

[50] As a general principle such further public notification may be required where the Board perceives a need for the public and/or the profession to know of the findings of a disciplinary hearing. This is in addition to the Respondent being named in this decision.

<sup>14</sup> *Cooray v The Preliminary Proceedings Committee* HC, Wellington, AP23/94, 14 September 1995, *Macdonald v Professional Conduct Committee*, HC, Auckland, CIV 2009-404-1516, 10 July 2009, *Owen v Wynyard* HC, Auckland, CIV-2009-404-005245, 25 February 2010.

<sup>15</sup> [2001] NZAR 74

<sup>16</sup> Refer sections 128 of the Act

- [51] Within New Zealand there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990<sup>17</sup>. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction<sup>18</sup>. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive<sup>19</sup>. The High Court provided guidance as to the types of factors to be taken into consideration in *N v Professional Conduct Committee of Medical Council*<sup>20</sup>.
- [52] The Courts have also stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published in the public interest<sup>21</sup>. It is, however, common practice in disciplinary proceedings to protect the names of other persons involved as naming them does not assist the public interest.
- [53] As noted above, the Respondent has agreed to participate in publications to educate other electrical workers. Based on this and the above, the Board will further publish the matter. The Respondent will be identified. The publication will consist of an interview style article about the matter and the learnings from it. The Respondent's employer will not be identified in the publication but the Board is not making any form of order under section 153(3) in this respect.

#### **Penalty, Costs and Publication Orders**

- [54] For the reasons set out above, the Board directs that:

**Penalty:** Pursuant to section 147M(1)(d) of the Electricity Act 1992, the Respondent is censured.

**Costs:** Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$225 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

**Publication:** The Registrar shall record the Board's action in the Register of Electrical Workers in accordance with section 128(1)(c)(viii) of the Act.

**The Respondent will be named in this decision.**

**A summary of the matter will be published in the manner described above. The Respondent will be named.**

**In terms of section 147Z of the Act, there will be action taken to publicly notify the Board's action as noted above.**

- [55] The Respondent should note that the Board may refuse to relicence an electrical worker who has not paid any fine or costs imposed on them.

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<sup>17</sup> Section 14 of the Act

<sup>18</sup> Refer sections 200 and 202 of the Criminal Procedure Act

<sup>19</sup> *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

<sup>20</sup> *ibid*

<sup>21</sup> *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

**Right of Appeal**

- [56] The right to appeal Board decisions is provided for in section 147ZA and 147ZB of the Act<sup>ii</sup>.

Signed and dated this 27<sup>th</sup> day of November 2020



**M. J. Orange**  
Presiding Member

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<sup>i</sup> **Section 147M of the Act**

- (1) *If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—*
- (a) *do 1 or more of the following things:*
    - (i) *order that the person's registration or practising licence (or both) be cancelled:*
    - (ii) *order that the person's provisional licence be cancelled:*
    - (iii) *order that the person may not apply to be reregistered or re-licensed before the expiry of a specified period:*
  - (b) *order that the person's registration or practising licence (or both), or the person's provisional licence, be suspended—*
    - (i) *for any period that the Board thinks fit; or*
    - (ii) *until that person does 1 or more of the things specified in subsection (2):*
  - (c) *order that the person's registration or practising licence (or both), or the person's provisional licence, be restricted for any period that the Board thinks fit, in either or both of the following ways:*
    - (i) *by limiting the person to the work that the Board may specify:*
    - (ii) *by limiting the person to doing, or assisting in doing, work in certain circumstances (for example, by limiting the person to work only on approved premises or only in the employ of an approved employer):*
  - (d) *order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person's capacity as a person to whom this Part applies—*
    - (i) *permanently, or for any period that the Board thinks fit; or*
    - (ii) *until that person does 1 or more of the things specified in subsection (2):*
  - (e) *order the person to do 1 or more of the things specified in subsection [\(2\)](#) within the period specified in the order:*
  - (f) *order the person to pay a fine not exceeding \$10,000:*
  - (g) *order that the person be censured:*
  - (h) *make no order under this subsection.*
- (2) *The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—*
- (a) *pass any specified examination:*
  - (b) *complete any competence programme or specified period of training:*

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- (c) attend any specified course of instruction.
  - (3) The Board may take only 1 type of action in subsection (1) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b), (c), (e) or (g).
  - (4) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an—
    - (a) offence for which the person has been convicted by a court; or
    - (b) infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.
  - (5) The Board must not exercise any authority conferred by this section in respect of any offence committed by any person before the date of that person's registration or, as the case may be, the date on which that person's provisional licence was issued if at that date the Board was aware of that person's conviction for that offence.
  - (6) If a person is registered under Part 10 in respect of more than 1 class of registration, the Board may exercise its powers under subsection (1)(a) to (e) in respect of each of those classes or 1 or more of those classes as the Board thinks fit.]

**<sup>ii</sup> Section 147ZA Appeals**

- (1) A person who is dissatisfied with the whole or any part of any of the following decisions, directions, or orders may appeal to the District Court against the decision, direction, or order:
  - (e) any decision, direction, or order under any of sections 108, 109, 120, 133, 137, and 153 or Part 11 (except section 147C).

**Section 147ZB Time for lodging appeal**

An appeal under section 147ZA must be brought within—

- (a) 20 working days after notice of the decision, direction, or order was given to, or served on, the appellant; or
- (b) any further time that the District Court may allow on application made before or after the expiration of that period.