

Before the Electrical Workers Registration Board

CE No. 22462
Electrical Worker: Shinya Manabe (the Respondent)
Registration Number: E 265841
Electrical Worker Number: EW 126247
Registration Class: Electrician

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

Hearing Location: by audio-visual link
Hearing Type: In person
Hearing and Decision Date: 20 July 2022

Board Members Present:

Mr M Orange, Barrister (Presiding)
Mr R Keys, Registered Inspector
Ms M Kershaw, Registered Electrician
Mr M Macklin, Registered Inspector
Ms J Davel, Lay Member
Ms A Yan, Registered Electrical Engineer

Appearances: Alistair Miller for the Investigator

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(a)(i) of the Act.

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Summary of the Board’s Decision

- [1] The Respondent carried out prescribed electrical work in a negligent manner contrary to section 143(a)(i) of the Act. He is fined \$750 and ordered to pay costs of \$250. A record of the disciplinary offence will be on the public Register for a period of three years.

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. Between 2 November 2020 and 13 July 2021 at [OMITTED], Mr Shinya Manabe 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 adequately follow the verification processes set out in AS/NZS 3000:2007 Section 8 and has left bare conductors with accessibility to live parts in breach of regulations 20(1)(a) and 59 of the Electricity (Safety) Regulations 2010.

Or in the Alternative

2. Between 2 November 2020 and 13 July 2021 at [OMITTED], Mr Shinya Manabe 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 adequately follow the verification processes set out in AS/NZS 3000:2007 Section 8 and has left bare conductors with accessibility to live parts.

Or in the Alternative

3. Between 2 November 2020 and 13 July 2021 at [OMITTED], Mr Shinya Manabe 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 adequately follow the verification processes set out in AS/NZS 3000:2007 Section 8 and has left bare conductors with accessibility to live parts.

- [4] Prior to the hearing, the Respondent and the Board were provided with all of the documents the Investigator had in their 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*¹ and in New Zealand in *Dentice v Valuers Registration Board*².
- [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*,³ 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.”

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

² [1992] 1 NZLR 720 at p 724

³ [2016] HZHC 2276 at para 164

- [8] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. It does not have any jurisdiction over contractual matters.

Procedure

- [9] The matter proceeded on the basis of an Agreed Statement of Facts and by way of audio-visual link.

Evidence

- [10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁴. 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 Board heard from the Respondent prior to it making its decision.
- [12] As noted, the matter proceeded on the basis of an Agreed Statement of Facts. The Statement set out that on or around 2 November 2020 the Respondent was engaged to upgrade a switchboard. The work was started by an employee and was completed by the Respondent after the employee sustained a sports injury. The prescribed electrical work was certified by the Respondent, who completed and provided a Certificate of Compliance and an Electrical Safety Certificate dated 27 July 2021.
- [13] On 13 July 2021, while the work was ongoing, the Complainant discovered a loose cable while carrying out the installation of a kitchen benchtop. The Complainant pushed the cable into the flush box. The cable shorted, creating a flame and spark which burnt the ends of the conductor.
- [14] The Investigator engaged Mr David Olsen, an Electrical Inspector, to provide a technical review of the prescribed electrical work undertaken by the Respondent. He identified that the cable in question had been left live with bare conductors due to a failure to adequately follow the verification processes set out in AS/NZS 3000:2007 Section 8 and formed the opinion that this was in breach of regulations, 20(1) and 59 of the Electricity (Safety) Regulations.
- [15] In response to the complaint, the Respondent explained that the kitchen was installed in stages, and, therefore, sections had to be livened while other sections were not. He accepted that he had left a cable with bare conductors connected to power in the kitchen.

⁴ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

- [16] The Respondent cooperated with the investigation and was remorseful for his mistakes. Following the incident, he held a toolbox meeting with his staff to reiterate that they had to cap off every cable, whether live or dead, to prevent a reoccurrence.
- [17] The Investigator and the Respondent jointly submitted that the level of harm for the disciplinary offence was negligent or incompetent.
- [18] At the hearing, the Respondent clarified that the kitchen that was being installed arrived from Germany in stages and that the work was further interrupted by COVID-19 lockdowns. He also noted the learnings he and his team had taken from the incident.
- [19] 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

- [20] The Board has decided that the Respondent **has** carried out prescribed electrical work in a negligent manner being an offence under section 143(a)(i) of the Act, in that, he left bare conductors with accessible live parts.
- [21] The charges put before the Board were laid in the alternatives of negligently creating a risk of serious harm to any person or a risk of significant property damage under section 143(b)(ii) and, as alternatives, negligence, or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii) of the Act.
- [22] The Investigator and the Respondent jointly submitted that the appropriate finding was one under section 143(a)(i) of the Act. The Board accepted that submission on the basis of the surrounding circumstances, including that the Respondent took over from another electrical worker and that the work was interrupted by COVID-19 which was an unforeseen event.
- [23] There is a hierarchy to the disciplinary charges in that the Board needs to first consider whether the prescribed electrical work was carried out or caused to be carried out in a manner that was contrary to an enactment. If the Board finds in the affirmative, it then needs to consider whether the conduct reaches the threshold for a finding of negligence or incompetence.
- [24] Contrary to an enactment is a form of strict liability offence in that all that need be proven is that the relevant enactment has been breached – in the instance the Electricity (Safety) Regulations 2010 or any of the cited standards within Schedule 2 of the Regulations. The Board does not need to find that there was intention, fault, or negligence⁵.

⁵ *Blewman v Wilkinson* [1979] 2 NZLR 208

[25] In this instance, Mr Olsen identified that section 8 of AS/NZS 3000:2007 had been breached on the basis that the Respondent had failed to identify the bare conductors and that the Respondent had breached regulations 20(1) and 59 of the Safety Regulations.

[26] Under regulation 59, all prescribed electrical work on an installation must be carried out in accordance with AS/NZS 3000:2007:

59 Low and extra-low voltage installations to comply with AS/NZS 3000

- (1) *Every low or extra-low voltage domestic installation, or part of a domestic installation, must be installed, tested, inspected, and connected so as to comply with Part 2 of AS/NZS 3000 if it has a maximum demand at or below—*
 - (a) *80 amperes per phase if single-phase; or*
 - (b) *50 amperes per phase if multi-phase.*
- (2) *Every other low or extra-low voltage installation or part installation must be installed, tested, inspected, or connected so as to comply with either—*
 - (a) *Part 2 of AS/NZS 3000; or*
 - (b) *a certified design prepared in accordance with Part 1 of AS/NZS 3000.*
- (3) *A low voltage or extra-low voltage installation or part installation may be maintained or replaced in all or any of the following ways:*
 - (a) *in such a way that the installation or part installation complies with Part 1 or Part 2 of AS/NZS 3000:*
 - (b) *in such a way that the installation or part installation is restored to, or maintained in, its original condition:*
 - (c) *by complying with all manufacturer's instructions relating to the fittings used in, or affected by, the maintenance or replacement.*
- (4) *Despite subclause (2), low voltage AC railway signalling equipment must be tested in accordance with ECP 60, and not in accordance with AS/NZS 3000.*
- (5) *This regulation is subject to regulations 60 to 61A.*

[27] As accessible live conductors had been left in the installation, there was a breach of AS:NZS 300:2008 and of regulation 59. There was also a breach of regulation 20(1), which provides:

20 Electrically unsafe works and installations

(1) *Works and installations are deemed to be electrically unsafe if there are not measures in place that do at least 1 of the following:*

(a) *prevent accidental direct or indirect contact with exposed fittings or exposed conductive parts of the works or installations:*

(b) *provide for the automatic interruption of the power supply to the works or installations on the occurrence of a fault that would cause injury or damage to any person or property:*

(c) *prevent an electric current passing through the body of a person on contact with any part of the works or installations, or limit that current so that the magnitude and duration of the shock current cannot exceed the IEC shock current standards.*

[28] Given the above, the elements of section 143(a)(ii) of the Act were met. The Respondent had carried out prescribed electrical work in a manner that was contrary to an enactment.

[29] Turning to negligence, it is 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*⁶ test of negligence which has been adopted by the New Zealand Courts⁷.

[30] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test⁸. The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct of a professional. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.

[31] 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 Act⁹. 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

⁶ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

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

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

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 practitioner¹⁰.

[32] 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.]*

[33] The Board also notes, as regards acceptable standards, that all prescribed electrical work must comply with the Electricity (Safety) Regulation 2010 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.

[34] Turning to seriousness in *Collie v Nursing Council of New Zealand*,¹¹ 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.

[35] The Respondent accepted, and the Board agreed, that he had carried out prescribed electrical work in a negligent manner. Whilst the full scope of the envisaged prescribed electrical work had not been completed, and the prescribed electrical work had not been certified when the electrical incident occurred, he had left the cable energised, and there was a risk that persons or property could be harmed. The Respondent should have ensured that either the cable was not live or was isolated in such a way as to mitigate any risk when he was not able to complete the work due to joinery not being supplied in a timely manner and COVID-19 lockdowns. Given those factors, the Board, which includes persons with expertise in the electrical industry,

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

¹¹ [2001] NZAR 74

found that the Respondent had carried out prescribed electrical work in a negligent manner and that the conduct was serious enough to warrant a disciplinary finding.

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 Act¹, 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.

Penalty

- [38] 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*¹² 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.

- [39] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*¹³ 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.
- [40] The Board adopted a starting point of a fine of \$1,500, an amount that was consistent with past penalties imposed by the Board for similar offending. The Board found that there were no aggravating factors but that there were mitigating factors. Principally, the Respondent cooperated and accepted his wrongdoing. He has also taken steps to prevent future occurrences. On the basis of the mitigating factors present, the Board has decided that a 50% reduction in the penalty is warranted. The fine is, accordingly, set at \$750.

¹² HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

¹³ 3 November 2016, CIV-2016-070-000492, [2016] NZDC 21288

Costs

- [41] 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.
- [42] 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 case¹⁴.
- [43] In *Collie v Nursing Council of New Zealand*,¹⁵ 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.*
- [44] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,¹⁶ the High Court noted:
- [46] *All cases referred to in Cooray were medical cases and the Judge was careful to note that the 50 per cent was the general approach that the Medical Council took. We do not accept that if there was any such approach, it is necessarily to be taken in proceedings involving other disciplinary bodies. Much will depend upon the time involved, actual expenses incurred, attitude of the practitioner bearing in mind that whilst the cost of a disciplinary action by a professional body must be something of a burden imposed upon its members, those members should not be expected to bear too large a measure where a practitioner is shown to be guilty of serious misconduct.*
- [47] *Costs orders made in proceedings involving law practitioners are not to be determined by any mathematical approach. In some cases 50 per cent will be too high, in others insufficient.*
- [45] The Board has adopted an approach to costs that uses a scale based on 50% of the average costs of different categories of hearings, simple, moderate, and complex. The current matter was moderately complex. Adjustments based on the High Court decisions above are then made.
- [46] Based on the above, the Board's costs order is that the Respondent is to pay the sum of \$250 toward the costs of and incidental to the matter. In setting the amount, the Board took into account that the Respondent had agreed to the matter proceeding

¹⁴ *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.

¹⁵ [2001] NZAR 74

¹⁶ CIV-2011-485-000227 8 August 2011

by way of an Agreed Statement of Facts. The amount ordered is significantly less than 50% of actual costs.

Publication

- [47] 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 Act¹⁷. 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.
- [48] 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.
- [49] Within New Zealand there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990¹⁸. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction¹⁹. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²⁰. 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*²¹.
- [50] 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 interest²². 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.
- [51] Based on the above, the Board will publish a general article in the Electron summarising the matter but will not order further publication. The Respondent will not be identified in the Electron.
- [52] The Respondent should also note that the Board has not made any form of order under section 153(3) of the Act, which allows for the prohibition of publication.

¹⁷ Refer sections 128 of the Act

¹⁸ Section 14 of the Act

¹⁹ Refer sections 200 and 202 of the Criminal Procedure Act

²⁰ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²¹ *ibid*

²² *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

Penalty, Costs and Publication Orders

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

Penalty: Pursuant to section 147M(1)(f) of the Electricity Act 1992, the Respondent is ordered to pay a fine of \$750.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$250 (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.

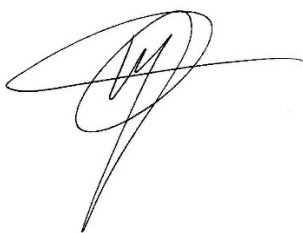
A summary of the matter will not be published by way of an article in the Electron which will focus on the lessons to be learnt from the case. The Respondent will not be named in the publication.

[54] 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.

Right of Appeal

[55] The right to appeal Board decisions is provided for in sections 147ZA and 147ZB of the Actⁱⁱ.

Signed and dated this second day of August 2022.



Mel Orange
Presiding Member

ⁱ 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:*

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- (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:
 - (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.]

ii 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.*