

Before the Electrical Workers Registration Board

CE No. 22779

In the matter of:

A disciplinary hearing before the Electrical Workers Registration Board

Between:

The Ministry of Business Innovation and Employment

And

Jareth Paulsen a registered and licensed electrical worker (E281702, EW147019, Electrician) (the Respondent)

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:

Auckland

Hearing Type:

Audio Visual Link

Hearing Date:

21 November 2024

Decision Date:

21 November 2024

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)

Mr T Wiseman, Registered Inspector

Mr J Hutton, Registered Inspector

Ms S Cameron, Registered Electrician

Ms L Wright, Barrister

Mr T Tran, Barrister

Appearances: **[Omitted]** Counsel for the Investigator, **[Omitted]** for the Investigator

Mr Jareth Paulsen, Self-Represented

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 disciplinary offences under sections 143(a)(i) and 143(f) of the Act.

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Summary of the Board's Decision

- [1] The Board determined the Respondent committed disciplinary offences under sections 143(a)(i) and 143(f) of the Act, relating to:
- a. Negligently carrying out prescribed electrical work by failing to provide required RCD protection for socket outlets and undertile heating systems at multiple properties (Disciplinary offences 1 and 2);
 - b. Providing false or misleading returns by certifying installations as compliant when they did not meet mandatory requirements (Disciplinary offences 3-7).
- [2] The Board ordered:
- a. A fine of \$2,500 (reduced from \$4,000 starting point due to guilty plea and being a first offence);
 - b. Costs of \$1,125;
 - c. Publication in the Electron newsletter where the Respondent will be named, a record of the disciplinary finding on the Public Register for 3 years and publication of the decision on the Board website.

Introduction

- [3] 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.
- [4] The Respondent was engaged to carry out prescribed electrical work (PEW) associated with bathroom renovations at multiple properties in [Omitted] between January 2022 and June 2022.

- [5] The Respondent was served with a Notice of Proceeding dated 26 April 2024 setting out seven alleged disciplinary offences the Investigator reported should be considered by the Board.
- [6] The following disciplinary charges are set out the Notice of Proceeding:

First Alleged Disciplinary Offence:

- a. On or around 14 April 2022 at **[Omitted]**, Mr Jareth Paulsen 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:
- i. Failed to provide RCD protection where required for newly installed socket outlets; and/or
 - ii. Failed to provide RCD protection where required for newly installed heating systems (controller for under tiles heating system) in a domestic installation.
- In breach of regulation 59 of the Electricity (Safety) Regulations 2010 and 2.6.3.1 and 4.10.5 of AS/NZS3000:2007.

Or in the alternative

- b. On or around 14 April 2022 at **[Omitted]**, Mr Jareth Paulsen 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:
- i. Failed to provide RCD protection where required for newly installed socket outlets; and/or
 - ii. Failed to provide RCD protection where required for newly installed heating systems (controller for under tiles heating system) in a domestic installation.

Second Alleged Disciplinary Offence:

- c. On or around 22 April 2022 at **[Omitted]**, Mr Jareth Paulsen 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:
- i. Failed to provide RCD protection where required for newly installed socket outlets; and/or
 - ii. Failed to provide RCD protection where required for newly installed heating systems (controller for under tiles heating system) in a domestic installation.

Or in the alternative

- d. On or around 22 April 2022 at **[Omitted]**, Mr Jareth Paulsen 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:
- i. Failed to provide RCD protection where required for newly installed socket outlets; and/or
 - ii. Failed to provide RCD protection where required for newly installed heating systems (controller for under tiles heating system) in a domestic installation.

Third Alleged Disciplinary Offence:

- e. On 7 April 2022 at **[Omitted]**, Mr Jareth Paulsen has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued certification documents which contain incorrect and incomplete information.

Fourth Alleged Disciplinary Offence:

- f. On 11 April 2022 at **[Omitted]**, Mr Jareth Paulsen has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued certification documents which contain incorrect and incomplete information.

Fifth Alleged Disciplinary Offence

- g. On 14 April 2022 at **[Omitted]**, Mr Jareth Paulsen has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued certification documents which contain incorrect and incomplete information and falsely declared that prescribed electrical work undertaken was lawful when it was in breach of mandatory installation requirements.

Sixth Alleged Disciplinary Offence

- h. On 22 April 2022 at **[Omitted]**, Mr Jareth Paulsen has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued certification documents which contain incorrect and incomplete information and falsely declared that prescribed electrical work undertaken was lawful when it was in breach of mandatory installation requirements.

Seventh Alleged Disciplinary Offence

- i. On 4 May 2022 at **[Omitted]**, Mr Jareth Paulsen has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued certification documents which contain incorrect and incomplete information.

Function of Disciplinary Action

- [7] 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.
- [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. Those grounds relate to carrying out or supervising prescribed electrical work (PEW).

Evidence

- [9] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed.³ The Board notes, as regards evidence in proceedings before it, that the provisions of section 147W of the Act apply. This section states:

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

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.

Procedure

[10] The matter proceeded on the basis of briefs/statements of evidence filed for the hearing.

[11] The Board reviewed the evidence from:

- a. **[Omitted]**, who engaged the Respondent to carry out prescribed electrical work associated with bathroom renovations at the Properties. **[Omitted]** evidence established that he engaged the Respondent to carry out prescribed electrical work during the relevant period. After the Respondent completed work at **[Omitted]**, the homeowner started raising concerns about the quality of work and refused to have the Respondent back onsite. **[Omitted]** sent **[Omitted]** to inspect the property when the homeowner got in touch about trouble with the electrical plug when using a hairdryer.
- b. **[Omitted]**, electrical inspector, who inspected the Respondent's work after concerns were raised and identified numerous non-compliant and unsafe installations. **[Omitted]** evidence detailed specific issues found at each property.
- c. At **[Omitted]** discovered there was no RCD protection installed for the socket and the undertile heating. The homeowner refused to have the Respondent back onsite. **[Omitted]** had to run a cable back to the board and install two RCDBOs. When he contacted the Respondent about the lack of protection despite issuing a COC, the Respondent advised he was told the work was completed by another electrician and he had assumed protection was installed.
- d. At **[Omitted]** inspected the property after receiving a complaint about the heated towel rail not working. Upon opening the wall, he found the cable to the heated towel rail was not connected to it and was live, sitting inside the wall, creating a fire and electrocution risk. He also discovered a live cable hanging down in a cupboard that used to house the hot water cylinder, which posed a serious safety hazard as a child regularly played in that cupboard. He changed this to a blank plate to make it safe. Additionally, he found no RCD protection on the bathroom socket, which he remedied by installing a single socket with built-in RCD power guard.
- e. At **[Omitted]** checked the bathroom socket (immediately above the sink) and the undertile heating and discovered that there was no RCD protection installed for them. He installed 2 RCDBOs at the switchboard for the socket circuit and the undertile heating to rectify the issue. When he contacted the Respondent about this, the Respondent advised that the homeowner was going to replace the switchboard, though this had not happened due to the high cost of the bathroom renovations.
- f. At **[Omitted]** checked the power socket inside a cupboard and discovered there was no RCD protection installed on the electrical socket. He fitted an RCDBO to the switchboard to rectify the issue.
- g. At **[Omitted]** discovered that the Respondent had not installed RCD on the undertile heating and an electrical socket in the bathroom. It was particularly difficult to rectify and required engaging another electrician to assist. To fix the issues, they had to

install a cable back to the switchboard for the undertile heating and re-arrange the socket cabling in the switchboard to connect to the new RCDBO.

- h. **[Omitted]**, Technical Advisor appointed by the Investigator, who reviewed the complaint documentation and provided expert opinion on compliance with regulations. **[Omitted]** determined that the work carried out constituted prescribed electrical work. For **[Omitted]**, he found breaches of regulations for failure to provide RCD protection for new socket outlets and for undertile heating controllers, along with incorrect certification containing false declarations. He found no breaches at **[Omitted]**. Regarding **[Omitted]** found no breach occurred as under AS/NZS 3000:2007 clause 2.6.3.4, there was no mandatory requirement to provide additional RCD protection for the socket outlet fitted by Mr Paulsen. **[Omitted]** identified certification issues across multiple properties including email addresses not being in a readily accessible format, incorrect insulation resistance test results, and unsigned certificates.

[12] **[Omitted]** was also present at the hearing for further questioning by the Board.

Board's Decision

[13] Having considered all of the evidence, the Board finds that the Respondent has committed disciplinary offences under sections 143(a)(i) and 143(f) of the Act.

Negligence

[14] Negligence, in a disciplinary context, 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*⁴ test of negligence which has been adopted by the New Zealand Courts.⁵

[15] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test⁶. The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.

[16] 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,⁷ which includes protecting the health and safety of members of the public in connection with the supply and use of electricity, and promoting the prevention of damage to property in connection with the supply and use of electricity. 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.⁸

[17] In this case, the evidence established that the Respondent:

⁴ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁵ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁶ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁷ *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

⁸ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

- a. Failed to provide mandatory RCD protection for socket outlets and undertile heating systems at multiple properties;
- b. Left live cables unconnected in wall cavities creating safety risks;
- c. Left live cables unconnected in wall cavities creating safety risks;
- d. Made false declarations about the compliance of his work.

[18] These failures represent significant departures from the standards expected of a licensed electrical worker and warrant disciplinary action.

[19] Based on the above, the Board finds the charges under sections 143(a)(i) and 143(f) have been proven.

Penalty, Costs and Publication

[20] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Act,ⁱ consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay a fine, any costs and whether the decision should be published.

[21] The Board received submissions at the hearing regarding penalty, costs, and publication.

Penalty

[22] The Board has the discretion to impose a range of penalties, which are set out in section 147M of the Act. Exercising that discretion and determining the appropriate penalty requires that the Board balance various factors, including the seriousness of the conduct and any mitigating or aggravating factors present.⁹ It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹⁰

- (a) protection of the public and consideration of the purposes of the Act;
- (b) deterring Respondent and other Electrical Workers from similar offending;¹¹
- (c) setting and enforcing a high standard of conduct for the industry;¹²
- (d) penalising wrongdoing;¹³ and
- (e) rehabilitation (where appropriate).¹⁴

[23] Overall, the Board should assess the conduct against the range of penalty options available in section 147M of the Act, reserving the maximum penalty for the worst cases¹⁵ and applying the least restrictive penalty available for the particular offending.¹⁶ In all, the Board should be

⁹ *Ellis v Auckland Standards Committee 5* [2019] NZHC 1384 at [21]; cited with approval in *National Standards Committee (No1) of the New Zealand Law Society v Gardiner-Hopkins* [2022] NZHC 1709 at [48]

¹⁰ Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

¹¹ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹² *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

¹³ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

¹⁴ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354; *Shousha v A Professional Conduct Committee* [2022] NZHC 1457

¹⁵ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁶ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

looking to impose a fair, reasonable, and proportionate penalty¹⁷ that is consistent with other penalties imposed by the Board for comparable offending.¹⁸

- [24] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to it considering any aggravating and/or mitigating factors present.¹⁹
- [25] In terms of penalty, the Board considered a fine is warranted in the circumstances.
- [26] The Board heard that the Respondent:
- a. Had no previous disciplinary history;
 - b. Admitted responsibility;
 - c. Had suffered financial loss related to the work.
- [27] Starting with a fine of \$4,000, and taking into account the above factors, the Board reduces this to \$2,500.
- [28] Accordingly, a fine of \$2,500 is imposed.

Costs

- [29] 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, the prosecution and the hearing.
- [30] 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.²⁰
- [31] In *Collie v Nursing Council of New Zealand*,²¹ 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.

- [32] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,²² 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.

¹⁷ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁸ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁹ In *Lochhead v Ministry of Business Innovation and Employment* 3 November [2016] NZDC 21288 the District Court recommended that the Board adopt the approach set out in the Sentencing Act 2002.

²⁰ *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.

²¹ [2001] NZAR 74

²² CIV-2011-485-000227 8 August 2011

[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.*

[33] 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 moderate. Adjustments based on the High Court decisions above are then made.

[34] Based on the above, the Respondent is to pay costs of \$1,125.

Publication

[35] 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.²³ 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.

[36] 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.

[37] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990²⁴. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction.²⁵ Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive.²⁶ 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*²⁷.

[38] 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.²⁸ 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.

[39] Based on the above, the Board will publish a general article in the Electron summarising the matter where the Respondent will be identified in the Electron. Further, a copy of the decision will be available on the EWRB website, and the Respondent will be named.

Penalty, Costs and Publication Orders

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

Penalty: Pursuant to section 147M(1)(f) of the Act, the Respondent is ordered to pay a fine of \$2,500.

²³ Refer sections 128 of the Act

²⁴ Section 14 of the Act

²⁵ Refer sections 200 and 202 of the Criminal Procedure Act

²⁶ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²⁷ *ibid*

²⁸ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

- Costs:** Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$1,125 (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, which will be publicly available on the Board's website.
- A summary of the matter will 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 be named in the publication.

Right of Appeal

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

Signed and dated this 19th day of March 2025



R Keys
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;*
 - (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.*