



BERMUDA

NATIONAL OCCUPATIONAL CERTIFICATION REGULATIONS 2008

BR 57 / 2008

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The National Certification and Apprenticeship Board, with the approval of the Minister responsible for the National Certification and Apprenticeship Board, in exercise of the powers conferred by section 15(1) of the National Occupational Certification Act 2004, makes the following Regulations:

Short title

1 These Regulations may be cited as the National Occupational Certification Regulations 2008.

Interpretation

2 In these Regulations, unless the context otherwise requires—

“Act” means the National Occupational Certification Act 2004;

“applicable occupation regulations” means regulations made under section 15(1) of the Act that make provision for the tasks, activities, functions and other related matters of a designated occupation;

“apprenticeship program” means a program under Part III of the National Certification and Apprenticeship Board Act 1997 under which a person enters into a contract of apprenticeship in an occupation in respect of which a training scheme is in force with an employer and includes a program of apprenticeship in an overseas jurisdiction recognized by the Board as equivalent to an apprenticeship program;

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“certificate” means a national occupational certificate granted under section 8 of the Act;

“Committee” means an Occupation Advisory Committee appointed under section 5(1)(a) of the National Certification and Apprenticeship Board Act 1997;

“Director” means the Director of the Department of Workforce Development appointed under section 7 of the NTB Act;

“Executive Officer” *[Deleted by 2011 : 47 s.7(2)]*

“Minister” means the Minister for the time being responsible for the National Certification and Apprenticeship Board;

“NTB Act” *[Revoked by 2023 : 30 s. 9]*

“training program” means a program under Part III of the National Certification and Apprenticeship Board Act 1997 under which a person enters into a contract of training in an occupation in respect of which a training scheme is in force with an employer.

[Regulation 2 amended and “Director” inserted by 2011 : 47 s. 7(2) effective 18 December 2011; “Director” amended by BR 40 / 2013 para. 2 effective 3 May 2013; Regulation 2 definition “NTB Act” revoked, and definitions “apprenticeship program”, “Committee”, “Minister” and “training program” amended by 2023 : 30 s. 9 effective 1 January 2024]

PART I

OCCUPATION ADVISORY COMMITTEE

Duties of the Board when appointing a Committee

3 When appointing a Committee, the Board must take reasonable steps to ensure that the members of the Committee—

- (a) represent the interests of—
 - (i) the employers and employees in the occupation;
 - (ii) the various industries in which the tasks, activities and functions of the occupation are performed; and
 - (iii) if applicable, the geographic areas (parishes) of Bermuda; and
- (b) include experts or persons having special, technical or other knowledge to advise the Committee in the exercise of its functions or powers.

Applications and nominations for membership

4 Applications and nominations for membership on a Committee may be made in writing to the Director.

[Regulation 4 amended by 2011 : 47 s.7(2) effective 18 December 2011]

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Establishment of additional Committees

5 (1) The Chairman of a Committee may establish additional committees for the purpose of assisting the Committee in the performance of its functions.

(2) An additional committee established under paragraph (1), shall not make any recommendation which may be made by a Committee under the Act or the National Certification and Apprenticeship Board Act 1997.

[Regulation 5 paragraph (2) amended by 2023 : 30 s. 9 effective 1 January 2024]

Conduct of business of a Committee

6 The business of a Committee may be conducted by means of—

- (a) general meetings;
- (b) meetings of additional committees;
- (c) committee meetings which may be held electronically; or
- (d) any other means approved by the Board.

Committee meetings may be held in private

7 The Chairman of a Committee may conduct a meeting or any portion of a meeting in private and may require any person who is not a member of the Committee to leave the meeting.

Voting

8 (1) No person other than a member of a Committee shall be entitled to vote in respect of a matter before the Committee.

(2) The Chairman of a Committee shall be entitled to vote only in the event of a tie vote in respect of a matter before the Committee.

PART II

DESIGNATION OF OCCUPATIONS

Board to obtain advice in respect of the designation of an occupation

9 Prior to the Board making a recommendation to the Minister for the designation of an occupation under the Act, the Board shall obtain advice in respect of the proposed designation from the Committee for that occupation.

Requests for the designation of an occupation

10 A Committee may—

- (a) initiate a request to the Board for the designation of an occupation; or
- (b) respond to a request from either the Board or from industry to consider whether an occupation should be designated.

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Consultation required by a Committee when developing recommendations for the designation of an occupation

11 When a Committee is engaged in the process of developing its advice to the Board regarding whether an occupation should be designated under the Act, the Committee shall consult—

- (a) any person who has an interest in or who may be affected by the designation or a representative of such person; and
- (b) any Committee in respect of an occupation that may be affected by the designation.

Content of advice provided to the Board by a Committee

12 When a Committee is providing advice to the Board in respect of the designation of an occupation the Committee shall advise on—

- (a) the extent of industry support for compulsory training and certification in that occupation;
- (b) whether the occupation will provide an economically viable career for its practitioners;
- (c) the impact which the designation would have on the economy and society; and
- (d) the degree of risk of physical harm to an employee or other person from the improper application of the materials or methodology of the occupation.

Advice to be provided to the Board if there is merit to the designation of an occupation

13 (1) If a Committee initiates the designation of an occupation pursuant to regulation 10(a) it may or, at the request of the Board, shall provide advice to the Board in respect of—

- (a) the tasks, activities and functions that would come within the proposed designated occupation;
- (b) the standards and requirements for certification; and
- (c) a program of transition.

Board to consider the advice of a Committee regarding the designation of an occupation

14 The Board shall consider the advice provided by a Committee pursuant to regulation 13 in respect of the designation of an occupation and may—

- (a) request further information from the Committee;
- (b) request that the Committee do further work on its advice; or

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- (c) consult with persons who are knowledgeable about the occupation or about training and certification in the occupation.

Board to submit a report to the Minister

15 (1) When the Board has completed its consideration of the advice of a Committee in respect of the designation of an occupation, the Board shall submit a written report to the Minister.

- (2) A report submitted to the Minister under paragraph (1) shall include—
 - (a) a recommendation in favour of or against the designation of the occupation;
 - (b) any information in support of the recommendation; and
 - (c) if the recommendation is for the designation of an occupation, an outline of—
 - (i) the tasks, activities and functions that would come within the proposed designated occupation;
 - (ii) the standards and requirements for certification; and
 - (iii) a program of transition.

PART III

REQUIREMENTS FOR CERTIFICATION

Eligibility for certification

16 A person is eligible to be granted a certificate in a designated occupation if that person—

- (a) has successfully completed—
 - (i) an apprenticeship program in that occupation; or
 - (ii) a training program in that occupation;
- (b) has been granted a certificate recognized by the Board as being equivalent to a national occupational certificate in that occupation; or
- (c) establishes to the satisfaction of the Director that he has successfully—
 - (i) met the standards established or recognized by the Board;
 - (ii) obtained the work experience necessary to demonstrate the knowledge and applied skill competencies required to perform any of the tasks, activities and functions in the applicable occupation regulations in an effective manner; and

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- (iii) completed the examinations established or recognized by the Board for that occupation.

[Regulation 16 amended by 2011 : 47 s.7(2) effective 18 December 2011]

Exemption from examination

17 (1) Notwithstanding regulation 16(c)(iii) a person is eligible to be granted a certificate where the Board has reason to believe that the person—

- (a) is incapable of taking an examination; or
- (b) would otherwise be prejudiced by taking an examination.

(2) A person to whom subsection (1) applies is eligible to be granted a certificate if the Board is satisfied, after reviewing the work that has been carried out by that person, that the person is sufficiently skilled and knowledgeable in respect of the occupation to be granted a certificate.

PART IV

GENERAL PROVISIONS

Requirements for the grant of a new certificate

18 A person whose certificate has been cancelled or suspended under section 9(a) of the Act may be granted a new certificate if that person successfully completes—

- (a) an apprenticeship program in that designated occupation;
- (b) a training program in that designated occupation; or
- (c) a work training program designed by the Board to permit the person to acquire the skills in the practice of the designated occupation in which the person is deficient.

Commencement of appeals

19 A person who has a right of appeal under section 12 of the Act may commence an appeal by serving on the Minister a notice of appeal within 30 days from the day the person received written notification of the decision that is the subject of the appeal.

Content of notice of appeal

20 A notice of appeal served under regulation 19 shall contain—

- (a) the name and address of the person making the appeal; and
- (b) the grounds of appeal.

Decision of the Minister in respect of an appeal

21 The Minister shall make a decision within 60 days from the day of receipt of the notice of appeal and shall communicate the decision in writing to—

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- (a) the Board; and
- (b) the person making the appeal.

Replacement of a certificate

22 The Director, upon receipt of an application from the holder of a certificate granted under the Act, may replace the certificate if the Director is satisfied that the certificate is unavailable as a result of—

- (a) theft;
- (b) fire;
- (c) loss; or
- (d) any valid reason.

[Regulation 22 amended by 2011 : 47 s.7(2) effective 18 December 2011]

PART V

FORMS

Application for the grant of a certificate

23 An application for the grant of a certificate under section 7 of the Act shall be made to the Minister as prescribed by Form A in the Schedule to these Regulations.

Application for the renewal of a certificate

24 An application for the renewal of a certificate under section 10 of the Act shall be made to the Minister as prescribed by Form A in the Schedule to these Regulations.

Application for the replacement of a certificate

25 An application for the replacement of a certificate shall be made as prescribed by Form A in the Schedule to these Regulations.

Public notification

26 The Board shall notify the public by means of a notice published in the Gazette in respect of—

- (a) the designation of an occupation;
- (b) the applicable transition program for that occupation;
- (c) the forthcoming date on which occupational certification is required;
- (d) the grant of a certificate; and
- (e) the suspension or cancellation of a certificate.

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Form of certificates

27 A national occupational certificate shall be issued as prescribed by Form B in the Schedule to these Regulations.

Identification card

28 The Director shall issue an identification card to any person to whom a national occupational certificate is granted in the form prescribed by Form C in the Schedule to these Regulations.

[Regulation 28 amended by 2011 : 47 s.7(2) effective 18 December 2011]

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**SCHEDULE
FORM A**

Issue/Renewal/Replacement of National Occupational Certificate

General Information

Name of designated occupation:

Purpose of Application

Issue of Certificate...../Renewal of Certificate...../Replacement of Certificate.....

Personal Information

Last name:

First name:

Middle name:

Social insurance number:

gender (male/female)

date of birth:

Mailing address:

Postal code:

Telephone number:

For initial grant of national occupational certificate

Certificate or document information:

Name of certificate or document held:

Name of institution/state/province/country/organization that issued the certificate or document:

Number on certificate or document:

Date of issue:

Expiry date
(if applicable):

Background to attainment of certificate or document:

Completion of apprenticeship or other training:

Name of trade or occupation:

Location of training:

Dates of commencement and completion of training:

Employment experience:

Name and address of current employer:

Telephone number of current employer:

Contact person and contact information (phone number, email address):

Dates employed in occupation by employer:

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Number of hours worked in occupation:

Description of work performed in occupation for specified employer:

Details of previous employers:

For renewal of national occupational certificate

Certificate or document information:

Number on certificate or document:	Date of issue:	Expiry date (if applicable):
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Work experience in occupation since date of issue of current national occupational certificate:

Name and address of current employer:	Telephone number of current employer:
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Contact person and contact information (phone number, email address):

Dates employed in occupation by employer:

Number of hours worked in occupation:

Description of work performed in occupation for specified employer:

Details of previous employers:

Description of training completed since the grant of the current certificate:

For replacement of certificate

Certificate or document information:

Details of certificate to be replaced:

Wall certificate:	Wallet certificate:	
Number on certificate or document:	Date of issue:	Expiry date:

Reasons for replacement:

Name and address of current employer:	Telephone number of current employer:
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Name change:	Lost or misplaced original:	Other (describe):
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Signature of applicant

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I certify that, to the best of my knowledge, the information provided in this application is true and complete in all respects and that I have not withheld any relevant information. I authorize the National Certification and Apprenticeship Board or its designate to contact persons as required to verify my training, certification and work experience in the trade.

Signature_____ Date of signature_____

Form B

WALL CERTIFICATE

NATIONAL OCCUPATIONAL CERTIFICATE

This is to certify that

.....

has completed the requirements and achieved the standards established by the National Certification and Apprenticeship Board under the National Occupation Certification Act 2004 and is entitled to practice (engage in) the occupation of

.....

and to use the title “nationally certified”.

Effective date: Expiry date:

Signed:	Signed:	Signed:
Minister	Director and Secretary National Certification and Apprenticeship Board	Chairman National Certification and Apprenticeship Board

Form C

IDENTIFICATION CARD

.....(name).....has been granted
National Occupational Certificate#.....
in the occupation of
effectiveto.....

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Signed
Director

Signed:
Holder of certificate

[Schedule, Form B and C amended by 2011 : 47 s.7(2) effective 18 December 2011; Schedule, Form A and B amended by 2023 : 30 s. 9 effective 1 January 2024]

Made this 21st day of April 2008.

Chairman
National Training Board

[Amended by:

2011 : 47
BR 40 / 2013
2023 : 30]