

# “Assure”

# Self-Certification

# Scheme

## Scheme Rules

## Terms and Conditions

This document provides the scheme rules for the Assure dwellings and non-dwelling Self-Certification Scheme and encompasses the Assure certification code of practice as described in the terms and conditions.

## 1. Introduction

This document applies to “Assure” certified installers who undertake replacement window, door, roof light and roof window installations in dwellings and non-dwellings.

Members carrying out works under the “Assure” scheme shall comply with the conditions set out in these requirements and any accompanying technical notes.

These rules should be read in conjunction with the Technical guidance documents which include the “Assure” Surveying and Installation Manual.

## 2. Scope

Scheme members have been judged by “Assure” as competent to self-certify their own installations of window, doorset, roof light and roof window installations carried out by their installation teams, certifying that they meet current Building Regulation requirements in dwellings and non-dwellings in England and Wales. The Assure Competent Person Scheme operates under licence from MHCLG and the Welsh Government Construction Unit.

## 3. General Business Requirements

These rules set out the standards of professional conduct that are expected of you so as to promote best practice and confidence in the integrity of this scheme and you.

- You shall keep the scheme informed of any changes to your company details
- Any changes implemented by Assure and communicated to you must be fulfilled.
- You must allow Assure to conduct evaluation and surveillance inspections including examining documentation and records and access to personnel and subcontractors.
- You must allow the participation of observers if applicable, however this information will be communicated to you prior to your inspection.
- You must not use the certification in such a manner as to bring the certification body ‘Assure’ into disrepute and you must not make any statement regarding certification that Assure may consider misleading or unauthorised.
- You shall be responsible for all aspects of the works, produced by you, regardless of whether or not you have completed the work yourself and you shall carry out your work with all reasonable skill and care.

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- Where subcontractors are employed by you, you shall be responsible for ensuring that they have the required skills to complete the works. You are responsible for the declaration of works to us and take full responsibility for the work and your guarantee. You shall have suitable procedures in place to sign-off/inspect finished works.
- Works shall be carried out in accordance with all appropriate Building Regulations at the time of installation.
- You shall provide written estimates for all works. Estimates shall be written in such a way as to allow easy pricing for variations in the work ordered along with a full set of Customer Terms & Conditions.
- You shall adhere to regulations and best practices regarding consumer contracts with cooling off clauses as defined by the Office of Fair Trading and as enforced by local Trading Standards.
- You shall provide a written guarantee to all customers in respect of all works undertaken.
- You shall have adequate public liability insurance covering the scope of work you carry out and with a minimum liability limit of £2million
- You shall have adequate employer liability insurance cover you employees with a minimum liability of £10million. (Not required for Sole Traders)
- You shall have a Health & Safety Policy (Not required for companies with less than 5 employees)
- You shall only carry out work for areas in which you are skilled.
- Laws, statutory codes of practice, and “Assure” guidance notes that affect your work shall be observed and your knowledge of them kept up to date.
- You shall make accurate and legible records of works, for a period not less than 10 years including:
  - Existing site conditions affected by the works
  - Proposed improvements
  - Digital images/accurate sketches of the existing property

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- You shall provide an insurance backed guarantee from an approved provider as laid down in the MHCLG and Welsh Government Construction Unit scheme rules
- Where deposits are collected, deposit payments shall be protected by a suitable insurance
- You shall know and comply with the requirements of the Health and Safety at Work Regulations as they apply to you.
- You shall apply as appropriate the scheme's technical rules and requirements. The scheme rules may be changed from time to time, you shall ensure that you have read and understood all such documents which can be found in the document section of your dashboard.
- You shall disclose to the scheme, any of the following, at the soonest opportunity:
  - Prior disciplinary allegations made and proven by other Competent Person Schemes
  - Referrals to disciplinary hearings by other Competent Person Schemes
- You shall respond to queries made by the scheme in the investigation of any potential disciplinary issues in a timely manner
- You shall inform the scheme if you believe any company claiming to be an "Assure" member when they are not.
- You shall keep your professional knowledge up to date.
- You shall not engage in conduct that damages the reputation of the "Assure" scheme
- You shall carry out your work in a fair and proper manner.
- You shall only promote and advertise your services in a clear, honest and lawful manner.
- Use of the "Assure" logos shall be in-line with the relevant Use of Logo's section of this document, If you leave the scheme you may longer use the logo
- The rules lay down a minimum level of Public Liability and Employer Liability insurance needed to be certified by "Assure", you shall maintain at least the stated level of insurance during certification.

- By recording jobs and maintaining certification with Assure you:
  - Agree with the “Assure” scheme rules and undertake to read and understand any published scheme documentation available on your members area.
  - Have read and understand any other specific requirement defined by the scheme
  - Confirm that the appropriate internal procedures are in place to ensure customer protection
- All active members shall have their details published on the [www.assurecertification.com](http://www.assurecertification.com) and Competent Person Scheme websites.

#### 4. Trading Requirements

You are required to demonstrate to us financial probity of the business.

a. Trading Practices:

The Installer shall not undertake questionable sales practices, such as pressure-selling, or misleading the end-user as to the specification of materials to be used. Installers shall also ensure that any advertisements of their services are in accordance with the British Code of Advertising Practice and the British Code of Sales Practice

b. Expectation of Fair & Reasonable Conduct:

“Assure” fully expects that all certified scheme members will act in a fair and responsible manner. This is a condition of continued certification. As such, the installer agrees to act within the law at all times, abiding not only by the Terms and Conditions of “Assure” certification, but also abiding by all consumer protection legislation, if at any time, the installer fails to meet these expectations, their certification may be terminated as per the Terms and Conditions.

c. Protection Against Limitation of Liability Clauses:

The Installer agrees to take full responsibility for the competence of any subcontractors acting on its behalf. In addition, the Installer agrees to accept liability for the sections of any of its subcontractors. The Installer furthermore agrees that it will take no unreasonable contractual measures to limit liability, as per the Unfair Contract Act 1977.

d. Financial Protection for End-User:

The Installer agrees to give an Insurance Backed Guarantee to the End-user which will provide the appropriate financial protection to put work to dwellings right which is non-compliant to the building regulations. Although, Assure, would expect the Installer to rectify these faults under their own customer complaint procedure. This Insurance Backed Guarantee would come into effect if the Installer is unable to honour their own contractual guarantee. This protection is mandatory for all installations within dwellings. Installers may use Insurance Backed Guarantees provided by either Assure or a third party. Any third-party guarantees must be submitted to Assure to allow us to check the validity of the scheme prior to use.

## 5. Scope of Installations

Assure is authorised by the MHCLG to certify its members to install all types of windows and doors. There are 2 distinct categories of installations, Dwellings and non-dwellings. Our scope is as follows

The surveying and installation of non-load-bearing windows and external doorsets of any material, to be installed vertically (within 15°) into the external face of buildings. This includes good practices necessary for the successful surveying and installation of windows and external doorsets in both new build and replacement situations. It does not apply to load-bearing windows (other than bay poles), load-bearing doorsets, roof windows or rooflights, or to fire doorsets and assemblies. It does not cover curtain or ribbon walling but might apply to separate window and door elements within those particular types of assemblies. Building over 18m are outside of our scope and should not be registered on our system without prior consent

1. ***Dwellings*** Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.
2. ***Non-dwellings*** Installation, as a replacement, of a window, rooflight, roof window or door in an existing building other than a dwelling. This paragraph does not apply to glass which is load bearing or structural or which forms part of glazed curtain walling or a revolving door.

## 6. Registration of Installations

Under current building regulations all window, doorset and roof light installations must be registered with either LABC or through the Assure self-certification registration process. All installations must be registered within 21 days of the installation completion. Any

registration which is not registered within the 21 days cannot be registered on the system and must be inspected by LABC. Registrations cannot be withheld due to customer payment issues. During the registration process you must select the status of the installation either dwelling or non-dwelling. All end-user information will be sent to their local building control department. All information stored on the Assure registration database will not be distributed to any other party in line with data protection legislation. Assure is registered with ICO. Registration no. ZA258743.

Assure certification has the right to remove any registrations if they believe it is not legally compliant or is incorrect

## 7. Confidentiality and Data Protection

Assure will keep all information confidential except for information that the Client makes publicly available, or when agreed between Assure and the Installer, or where outlined in the Scheme requirements, or as required by UKAS or MHCLG, Assure agrees to treat as confidential all information obtained or created during the performance of its certification activities including Information about the Installers obtained from sources other than the client, provided however that Assure may release confidential information as required by law or authorised by contractual arrangements, in which case, unless prohibited by law, Assure will provide the Client details of the information released.

Assure Certification Ltd. Is registered with the ICO. Reg. no. ZA258743. The designated person responsible for data protection within the organisation is Austin Greene. Should you require any information regarding data protection then please contact our designated person.

All personal information recorded on the Assure Dashboard relating to the homeowner is held for 10 years as legislation requires us to hold this data as it is of public interest. Personal data held on operators is held for the same period. Any information held regarding outstanding non-conformances which could be detrimental to the public will be placed on the competent person scheme register which can only be accessed by other Competent Person Schemes. This will be held for a maximum period of 10 years.

No personal data will be sold, shared or passed to any other organisation other than LABC and UKAS for legislation purposes

## 8. Members Skills and Ability

In order to be an “Assure” Competent Person Member you must have the ability to undertake works to an appropriate standard. All window fitters and surveyors employed or sub-contracted by the company must be able to prove their competence. To be able to do this they must be qualified against the MTC criteria as approved by the MHCLG and Welsh Government. The qualification consists of a knowledge-based test and an on-site observation; this can be administered by Assure or any other Competent Person Scheme. Once “Assure” has been satisfied that the required skills are in place to ensure all installations are completed to an appropriate standard each operative will be issued with a card which will detail their competence and list any relevant qualifications.

In addition to the initial assessment surveyors and installers must be re-assessed every three years. They will also carry out CPD, continuous professional development. This will include evidence gathered from suppliers and health and safety issues. Assure will ensure that any information regarding building regulations and standard changes will be sent to all registered e-mails and postal addresses. If there are lots of changes, seminars/training will be provided. Companies, surveyors and installers must ensure that ‘Assure’ is informed regarding changes to contact details, roles and personnel.

## 9. Insurance

To carry out works you shall be appropriately insured. The minimum limits of insurance cover are £2,000,000 for Public Liability and £10,000,000 for Employers Liability where needed.

## 10. New applicants:

Potential new members return a completed application form which includes information about the corporate entity, name, address and legal status of the applicant, signed by a duly authorised representative of the member committing to the following:

To operate under the scope of Assure’s authorisation by the Ministry of Housing, Communities and Local Government that covers:

‘The installation as a replacement of a window, roof light, roof window or door in an existing dwelling or non-dwelling’,

Applicants agree

To comply with the requirements for certification

To supply any relevant information to enable certification

That information about their company can be published on the public “Assure” and Competent Persons web sites.

To “Assure” using sub-contractors for auditing.

## 11. Processing of Applications:

### Initial assessment

All applicants are considered as probationary until an initial assessment of the company has been conducted. After the initial inspection and application, a Decision Maker will review the information and issue certification. Work can only be registered after certification has been completed.

Those members wanting “Assure” certification shall have their technical competence assessed against National Occupational Standards under a Minimum Technical Competence. Assessment includes on-site inspections.

Inspectors follow general rules of impartiality and cannot offer consultancy or advice during evaluations.

Inspectors will be appointed to do an initial assessment / evaluation which will include;

New applicants will have a minimum of one site inspection. This inspection will be to determine the competency of the member against the criteria set out in the Inspection Rules section of this document

MTC’s for new members can be assessed as part of the initial inspection. This will take the form of a knowledge assessment and site evaluation for each installer.

Members who have previously achieved MTC under a different scheme can use this information as evidence of compliance but will be subject to an inspection before they can be eligible to join the “Assure” scheme. Only MTC’s conducted by approved providers will be accepted. Current providers include Certass and Fensa.

Any operator that holds a current (within the last 5 years) NVQ must be evaluated prior to acceptance. This includes an onsite observation.

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In the event that any non-conformities have to be discharged in order to comply with all the requirements for certification, a report highlighting these shall be given to the installer along with an explanation of any further evaluations required and the timescales.

Any non-conformities or issues must be addressed before an application can be processed for evaluation.

### Evaluation:

Personnel (inspectors) appointed to evaluate the member shall provide "Assure" with a report of findings as to the conformity with all the certification requirements and any other relevant information with recommendations sufficient for the Managing Director to ratify any decision.

### Certificate Issue / Certification:

The application form, completed references, attachments, assessment report and recommendations are submitted to the Managing Director for ratification.

On confirmation that certification is approved (or in the case of existing members, renewed), the installer will be sent a letter of acceptance / renewal and a certificate confirming

The name and address of the installer

The scope of the certification granted

The effective date of certification

The term of the certification (12 months)

And reminding installers that

They must deal with any resultant corrective actions in a timely manner and work within the scope

They need to notify all completed work under the scheme to enable "Assure" to issue a certificate of Building Regulation compliance and notify the relevant Local Authority (in England and Wales)

## 12. Certification Fees, Charges and continuation of Certification

Your certification runs for a minimum 12-month term. Upon its anniversary we will automatically renew your certification for another 12-month term so long as your account is active.

Certification fees are detailed in the members area of the website

Fees are payable in advance of certification, inspection or knowledge assessment

Fees are still payable during suspended certification status

All fees and charges are taken automatically by Direct Debit mandate on the 15<sup>th</sup> of each month. All members must subscribe to this service unless a dispensation has been requested. Any member cancelling a Direct Debit mandate will be automatically suspended pending re-instatement.

We reserve the absolute right to amend all fees and charges

Our refund policy is:

- Registration fees are not refundable under any circumstances.
- Works registered, and any applicable charges are not refundable.
- If you cancel your Certification with us, for any reason. No fees are refundable.

We will periodically review your performance in relation to auditing activity, training requirements, complaints and disciplinary action. The outcome of the review may result in an increased inspection rate for registered jobs or in extreme cases non-renewal of certification. This level of auditing activity is at the sole discretion of the certification scheme.

The installer agrees to notify "Assure" where appropriate of any changes in the constitutional makeup of their company, whether this be changes in ownership, directors, legal status or otherwise

## 13. Conditions for issue, retention and withdrawal of certification documents:

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Certified members may use the “Assure” logo and certificate to differentiate themselves from non-Assure members

They should consider displaying the logo and certificates in showrooms, van backs, point of sales, letterheads, and advertisements

Checks are made at each audit visit to ensure correct use is being made of the certificate and logo.

In the event of misuse of the logo and / or certification, “Assure” will write to the member demanding corrective action within an appropriate timescale decided by the MD. If this is not complied with the member faces the threat of legal action and withdrawal of certification.

### **14. Maintaining Certification.**

Existing members’ competencies will be re-evaluated over a period of three years from the latest conditions of authorisation dated 6<sup>th</sup> June 2012.

Inspectors will follow general rules of impartiality and offer no consultancy or advice during evaluations

All members are audited annually – with each operative audited at least once in each three-year period

In the event of any failures the member must rectify these within an appropriate timescale. The installation(s) will be re-inspected with the member charged at the current rate.

As and when issues arise that are likely to affect competencies such as changes to the Building Regulations or technical standards, Assure, will either host regional seminars to which members will be invited or send out e-mails/newsletters to ensure their competencies are kept up to date.

## 15. Inspections

The following is a description of the inspection process and conditions affecting re-certification. This details the inspection regime, the standards against which the inspection is carried out and the rules covering non-conformances. All inspection reports remain the property of Assure and will not be shared with any other organisation other than UKAS and MCHLG. Specific unresolved non-conformance information will be shared with other CPS schemes should the installer move to another scheme provider.

### Minimum Site Inspection Regime:

There will be a minimum of one site inspection per year or 1% of registrations

A random sample of each fitting team will be taken but will ensure every fitting team and surveyors are inspected within a three-year period.

As the size and complexity of our members differs the following inspection regime will apply;

A member with one to three fitting teams will have one annual inspection which will include one live site visit.

A member with four to six fitting teams will have one annual inspection which will include two live site visits. They will also be subject to a surveyor inspection.

A member with six to 10 fitting teams will have one annual inspection which will include up to four live site visits. They will also be subject to a surveyor inspection.

Members with over 10 fitting teams will have regimes designed to ensure all fitters and surveyors are inspected within three years. This may entail more than one inspection per year.

## Site Inspections

### Live Installations

All members will be subject to live installation inspections. This is to ensure that all aspects of the installation can be seen and also the competency of the operatives can be assessed.

### Completed Installations

For members who conduct very few installations it may be possible to inspect completed installations. However, this is only acceptable if access can be gained to the property so that all aspects of the installation can be viewed. Extra paperwork must be provided detailing the names of the operatives and the full product specification. A live inspection must be completed within three years to ensure competency of the operatives.

## Inspection Documentation requirements

All new applicants must supply Assure with all the relevant information regarding documentation and listed earlier in this document. This information is stored on the dashboard. Upon renewal of the company's insurance policies an email is sent to the company to remind them to upload this information.

During site inspections the inspector will ensure that the company has uploaded all their documents and they are up to date.

To ensure that the company complies the inspector will check all the documentation during the Inspection this is carried out at least annually to ensure compliance with the regulations. This frequency can be increased if the company receives numerous consumer complaints or a concern has been raised regarding the company internally

### **Surveyors Competency**

Surveyors must also be inspected for competency. Operatives who survey sites prior to installation must be qualified and be able to demonstrate their competence. At least one survey must be inspected within the three-year period.

### **Fitters Competency**

All operatives must produce either a Skills card at each inspection. They must all have been inspected at least once within a three-year period. The competency of the operators will be recorded and logged on the MTC database, along with any CPD evidence collected.

## **16. Extending certification:**

This is not relevant unless or until “Assure” applies to extend its scope in which case procedures will be established

## **17. Undertaking Installations**

All installers registered with “Assure” should offer clear information to the consumer on the services being offered. A written specification is required, detailing the work to be undertaken, materials to be used, proposed timetable, price and payment method. This can be made available to the consumer in the form of a contract or a quotation. It is recommended that installers seek out approval signatures from consumers for scope of works, particularly in case where a degree of variance from the original specification is anticipated or expected.

In addition:

- Full notes and drawing of customer requirements shall be taken and filed.
- All works shall be carried out in accordance with legislative and “Assure” requirements.

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- All works shall be undertaken in a safe manner in accordance with all Health & Safety Legislation.
- All works shall be registered with Assure within 21 days of completion.
- Completion of works.

All installers should complete works, within a timescale agreed with the consumer, but with provision for variances in weather, materials shortages and other factors outside the installers reasonable control. In the event that such situations give rise to delays, the installer should give due notice to the consumer of any delay.

The installer agrees to comply with all current statutory and common-law requirements in respect of Health & Safety, and shall continue to comply with any amendments, secondary legislation and case-law developments in this area.

In terms of environmental health, the installer agrees to comply with all requirements with regards to waste disposal, particularly with regards to hazardous waste. Sites are to be kept clean and tidy with waste and energy consumption kept to a minimum.

### 18. Use of Logos

The Assure windows and doors and Certified Installer Tick logos may be used by installers who have been certified under the Assure Competent Person Scheme.



The Assure scheme is an independent certification system administered by Assure Certification Ltd. Members of Assure may only use the logos above and are not permitted to use the UKAS logo. Any installers who are found using any other logo will have their certification withdrawn

Assure Certification Ltd is an accredited certification body and is therefore licensed to issue specific marks by the owners of these marks. Misuse of any of the logos by either members or non-members may result in either the withdrawal of the logo or a civil prosecution.

Incorrect references to the certification scheme or marks found in documentation or other publicity shall be dealt with by suitable action

## 19. Dealing with the Consumer

You shall be able to explain to consumers the requirements of the regulations relating to any works.

Before entering into a commitment to undertake works you should ensure that your customer:

- a. Understands the nature of the works and its limitations.
- b. Understands the reason why you may terminate the works on site, and any reimbursements you would seek in such circumstances.
- c. Understands the policy and procedures for cancellation of services and the payment of refunds.
- d. Understands the fee you will charge, which should be broken down to allow for the pricing of extras or specification changes

The above should be provided within any quotation, and/or as part of your standard terms of business

You shall identify yourself to the consumer as, Assure Competent Person Scheme certified

## 20. Consumer Complaint Procedure

You shall adopt the "Assure" customer complaint policy (INS.005) as part of your complaints handling procedures, or other complaints policy deemed suitable by "Assure". Where requested you shall supply a copy of the complaints procedure to the consumer

- a. The complaint policy is based upon a process of escalation, commencing with attempts to resolve the issue by you, then escalation to us. “Assure” will not involve itself with any consumer complaint until the contractor complaints procedure has been exhausted. We will act as an independent third party to the contract existing between your customer and you. Where the issue cannot be resolved, and the customer wishes to use our third-party arbitration service, you shall participate in arbitration in order to remain certified by “Assure”
- b. Whenever a customer complaint is formally escalated to us we will require you to provide all supporting documentation within five working days.
- c. Where a complaint is escalated to the scheme, we will review all of the facts related to the complaint. We may request further clarification from the various parties. We will seek to resolve the complaint to the consumer’s satisfaction. Our decision will be final, but not binding on the consumer, however, you, shall abide by our decision in order to remain a scheme member. Where the customer wishes to seek arbitration you shall agree to arbitration in order to remain in the scheme.
- d. If a consumer complaint is received directly by us about you, we will inform the consumer to contact you and follow your complaints procedure.
- e. In the event that you receive a customer complaint about us, this should be fully recorded as to the nature and circumstances and then passed immediately to us.
- f. Your complaint records will be used by us as part of our quality assessment procedures and can also be used in certain circumstances in order to instigate the disciplinary procedure.
- g. Only complaints in relation to a non-compliance against the building regulations, will be investigated by Assure. If a breach in building regulations has taken place, then Assure will suspend the company until it has been rectified. Failure to rectify building regulation breaches will result in removal from the scheme and the breach will be reported to LABC for prosecution. In the event that the breach is discovered after the company has ceased trading then the Insurance-backed guarantees or warranties need to be activated by the homeowner

## 21. Suspending / withdrawing certification:

Certification can be withdrawn for a number of reasons including:

Potentially if there are changes of ownership or management of the installer

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Consistently failing to comply with Building Regulations

Regular need for re-inspections

Not putting right non-compliant works

High level of consumer complaints

Poor consumer relations or satisfaction results

Non-compliance with scheme rules

None payment of outstanding invoices

Dependent on the reason members will first receive a written warning highlighting what the issue is along with suggested timescales to address the issue. They will also be warned that in the event the issue is not addressed then they run the risk of certification being suspended with an indication of what will then happen.

Members may also be removed immediately if Assure believe they will continue to use the certification in a misrepresentative manner or they have joined another CPS scheme as certification with 2 schemes simultaneously is not permitted

This includes informing members that:

MHCLG, Local Authorities and other CPS's will be notified about their suspension. For consumer complaints which have not been addressed the full details of the complaint will be forwarded to the local Trading Standards department for further investigation and possible prosecution

During the period of suspension, they must make no misleading claims,

Potential customers must be informed regarding the status of their certification

They must cease using the Assure logo.

The Assure web site will be updated to remove the Assure logo from their listing

The CPF will be informed to remove the member's details from the CPF web site

Assure will review the member's web site and adverts to ensure the Assure logo has been removed

## 22. Complaints:

- Complaints Procedure (from members about Certification):

see 'Appeals'

- Complaints from consumers:

The Assure website informs consumers about the formal complaints procedure and how to request a copy. Members commit to this procedure. This includes low cost arbitration as an alternative to potentially costly court action.

- Complaints to members about Certification issues:

Members must keep a record of any complaints relating to compliance and document any actions taken; see Certificate issue / Certification

## 23. Appeals:

Policy for dealing with appeals, complaints and disputes

Members have the opportunity to appeal about suspension of membership, certification, audit, evaluation issues or the MTC process.

Members must write to Assure outlining why they are appealing with supporting evidence where appropriate.

This is referred to the Certification Committee and the member may formally present their case at a meeting.

Appeals are examined and processed without prejudice and resolved in a timely manner.

Assure will respond in writing to the member with their decision and the reasons for it.

For certification appeals the Certification and Compliance Committee's decision is final.

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