

Draft Legal Text to Give Effect to Modification P 94

Section F: Modifications Procedures

Insert the following new paragraphs 2.7.8 – 2.7.10 after the existing paragraph 2.7.7 and renumber the existing paragraph 2.7.8 accordingly. (Note- If P93 has been approved in advance of this modification insert the following new paragraphs after paragraph 2.7.10, renumber the following paragraphs and paragraph 2.7.11 accordingly, and amend cross references therein accordingly).

2.7.8 The proposed text to modify the Code (in order to give effect to a Proposed Modification and any Alternative Modification) shall be prepared by reference to the Code as in effect at the time that the Modification Report is submitted to the Authority (that is, disregarding possible modifications of the Code after that time pursuant to any other Modification Proposal).

2.7.9 If, after the submission of the Modification Report and before the Authority decides whether or not to direct the Proposed Modification or any Alternative Modification, either (1) the Code is modified pursuant to any other Modification Proposal (a "prior modification") in a way which has an impact on the drafting of the proposed text to modify the Code, or (2) the Panel becomes aware of a manifest error or minor inconsistency in such proposed text, then subject to paragraph 2.7.10:

(a) the Modification Secretary shall, in accordance with such instructions (as to when he is to do so) as the Panel, after consultation with the Authority, may give, or in the absence of such instructions, promptly after the prior modification is made:

(i) give notice to that effect to each of the persons listed in paragraph 2.1.10(a);

(ii) commission a revision of the proposed text, to make it consistent with the prior modification or (as the case may be) correct the manifest error or minor inconsistency;

(iii) prepare a supplement to the Modification Report identifying the prior modification and describing its impact on the proposed text, or (as the case may be) identifying the manifest error or minor inconsistency, and setting out the revised or corrected text, and put such supplement on the agenda for the next following Panel meeting;

(b) the Panel (at its next following meeting) shall consider such proposed supplement to the Modification Report (including the revised or corrected text) and determine whether to approve the same or instruct the Modification Secretary to make such changes thereto as may be specified by the Panel;

(c) within 7 Business Days after such Panel meeting the Modification Secretary shall finalise such supplement to the Modification Report, submit such supplement to the Authority and copy such supplement to each Party and each Panel Member;

(d) the Modification Report previously submitted to the Authority shall be revised by such supplement so submitted (which shall be considered part of the Modification Report).

2.7.10 If the Panel decides, or the Authority directs the Panel, that it is appropriate to consult in relation to the revision to the proposed text and supplement to the Modification Report, the supplement prepared pursuant to paragraph 2.7.9(a)(iii) shall be treated as a draft Modification Report for the purposes of paragraph 2.7.4 and the procedures in paragraphs 2.7.4 to 2.7.6 (so far as applicable) shall apply.