

**SECTION F: MODIFICATION PROCEDURES** (*Version 9.0 including all Approved Modifications awaiting Implementation*)

**1. MODIFICATION OF THE CODE**

*Amend paragraph 1.3.5 as follows:*

1.3.5 The Modification Register shall include details of:

- (a) each Modification Proposal which has been withdrawn pursuant to paragraph 2.1.12 or rejected by the Authority; ~~and~~
- (b) each Approved Modification which has been implemented; ~~and~~
- (c) each Modification Proposal that:
  - (i) has been the subject of a notice from the Transmission Company either pursuant to paragraphs 1.1.2 or 1.1.4; and
  - (ii) is the subject of a Relevant Challenge.

for a period of 3 months after such withdrawal, rejection or implementation, (and in the case of a Modification Proposal as described in sub-paragraph (c) determination of the relevant appeal or judicial review), or such longer period as the Panel may determine.

*Amend paragraph 1.4.2 as follows:*

1.4.2 The Monthly Progress Report shall contain:

- (a) details of any proposal which has been refused pursuant to paragraph 2.1.3 or paragraph 2.1.4;
- (b) the current version of the Modification Register;
- (c) details of:
  - (i) the priority which the Panel is proposing to accord or is according to the Modification Proposals contained in the Modification Register (in accordance with paragraph 2.2.3);
  - (ii) the scheduling and timetable for consideration of each Modification Proposal and completion of the Modification Report in respect thereof in the context of all other current Modification Proposals;
  - (iii) the impact of the priority accorded to each Modification Proposal by reference to each other pending Modification Proposal;
- (d) details of any decision to amalgamate Modification Proposals in accordance with paragraph 2.3;
- (e) details of any decision to suspend a Definition Procedure or an Assessment Procedure in relation to a particular Modification Proposal and to proceed directly to the Report Phase in accordance with paragraph 2.2.11;
- (f) details of any circumstances which lead the Panel to believe that the Implementation Date for an Approved Modification is unlikely to be met or should be brought forward and, if so, why;

- (g) such other matters as the Authority may request to be included from time to time; ~~and~~
- (h) details of any decision of the Panel to recommend a Conditional Implementation Date in relation to any Modification Proposal as described in paragraph 1.3.5(c); and
- ~~(i)~~ the basis for each of the decisions referred to above (including, where applicable, the cost and other implications of those decisions).

## 2. CODE MODIFICATION PROCEDURES

*Amend paragraph 2.11 as follows by the addition of new paragraphs 2.11.10:*

### 2.11 Implementation

2.11.10 Where a Relevant Challenge is made and the Panel considers the Implementation Date or a “Proposed Implementation Date” (as defined in paragraph 2.11.15) relating to a Modification Proposal is or may no longer be appropriate or may expire prior to a determination made in relation to the Relevant Challenge, the Panel shall consult with the persons listed in paragraph 2.1.10(a) as to the following:

- (a) whether a Conditional Implementation Date in replacement of the current Implementation Date or Proposed Implementation Date is appropriate or advisable as a result of the Relevant Challenge; and
- (b) (if the Panel considers it appropriate) whether the Conditional Implementation Date should replace the current Implementation Date or Proposed Implementation Date subject to the condition precedent that it shall be effective only if the determination of the relevant appeal or judicial review is received on or before (or not received after) a specified date.

2.11.11 After undertaking a consultation pursuant to paragraph 2.11.10 the Panel may recommend to the Authority a Conditional Implementation Date which is subject to the condition precedent that it shall be effective only if the determination in the relevant appeal or judicial review is received on or before (or not received after) a specified date.

2.11.12 The Panel shall, at the same time as the making of its recommendation under paragraph 2.11.11, provide copies of the representations made in relation to such consultation and any relevant additional information (including any information or assessment from BSCCo relating to the BSC Systems and processes) to the Authority.

2.11.13 If the Authority decides to accept the Panel’s recommendation referred to in paragraph 2.11.11, the Conditional Implementation Date so accepted (subject to any conditions precedent to its effectiveness imposed by the Authority) shall be deemed to replace the:

- (a) current Implementation Date which is applicable (or purportedly applicable) by reason of paragraph 1.1.3; or
- (b) Proposed Implementation Date set out in any Modification Report relating to the relevant Modification Proposal.

2.11.14 Where the Panel considers that:

- (a) a Conditional Implementation Date (whether or not subject to any condition precedent concerning its effectiveness) imposed in accordance with this

paragraph 2.11 is or may no longer be appropriate or may expire prior to a determination being made in relation to the Relevant Challenge; or

- (b) where the Authority has previously rejected a recommendation from the Panel made pursuant to paragraph 2.11.11 but, as a result of the progress of the appeal or judicial review or some other relevant circumstance, the Panel considers that it may be appropriate to make or consider making a new recommendation to the Authority concerning a Conditional Implementation Date;

paragraphs 2.11.10, 2.11.11, 2.11.12 and 2.11.13 shall apply mutatis mutandis.

2.11.15 For the purposes of this paragraph 2.11:

- (a) there shall be a Relevant Challenge where any necessary consent or permission to bring an appeal or seek a judicial review from or of a decision by the Authority to accept or reject a Modification Proposal is granted and such an appeal or judicial review is made, brought or proceeded with; and

- (b) Proposed Implementation Date means a proposed Implementation Date set out in a Modification Report in accordance with Annex F-1 in relation to any Modification Proposal in respect of which a decision has been made (or purportedly made) by the Authority to approve or reject such Modification Proposal.

2.11.16 Where, in relation to a Modification Proposal which is the subject of a notice of the Transmission Company pursuant to paragraphs 1.1.2 or 1.1.4, a Party either makes:

- (a) an application for consent or permission to make or seek an appeal or judicial review; or  
(b) a Relevant Challenge;

the Party must submit written notice of such application and/or Relevant Challenge to the Modification Secretary no later than 5 Business Days from the date such application and/or Relevant Challenge is made.

2.11.17 Upon receiving a notice pursuant to paragraph 2.11.16(b) the Modification Secretary shall send notice of such to the persons listed in paragraph 2.1.10(a).

*Add the following new definitions into Annex X-1*

**ANNEX X-1: GENERAL GLOSSARY** *(Version 27.0 including all Approved Modifications awaiting Implementation)*

<u><b>“Conditional Implementation: Date”:</b></u>	<u>means in relation to a Modification Proposal as described in Section F1.3.5(c) the date recommended by the Panel pursuant to Section F2.11;</u>
<u><b>“Relevant Challenge”:</b></u>	<u>shall have the meaning given to that term in Section F2.11.15;</u>