

ATTACHMENT B DRAFT LEGAL TEXT

BSCP26 and BSCP526 will be merged to create a new Technical Assurance BSCP, BSCP27.

This change is a result of the findings of the Technical Assurance Review which was brought to the Panel for information in February '03. (Refer to paper 58/004 Appendix B – Performance Assurance Framework Review: Findings of the Technical Assurance Review)

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the carrying out of those functions, duties and responsibilities accorded to it in BSCP ~~526~~ and BSCP 535 together with such monitoring and technical assurance functions, duties and responsibilities referred to in Section L as are assigned to it by the Panel from time to time; and

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7.2 Provision of information

7.2.1 Each SMRA and the CDCA shall submit to BSCCo details of the Half Hourly Metering Systems and the associated Registrants respectively registered in SMRS or CMRS in accordance with ~~BSCP 26~~ BSCP 27 or (as respects SVA Metering Systems) the relevant provisions of the MRA.

7.2.2 BSCCo shall periodically submit to the TAA, in accordance with ~~BSCP 26 (as regards CVA Metering Systems) and BSCP 526 (as regards SVA Metering Systems)~~ BSCP 27, a list of the Metering Systems and the associated Registrants, from which sample visits shall be selected in accordance with paragraph 7.3.

7.2.3 The Registrant of each Metering System shall provide the TAA with records, data and other information in accordance with ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27, and each Party irrevocably agrees to the release to and use by the TAA of all such records, data and other information in the circumstances described in this Section L.

7.2.4 The CDCA shall provide the TAA with such Meter Technical Details in relation to CVA Metering Systems as the TAA may request in accordance with ~~BSCP 26~~ BSCP 27.

7.3 Site Selection

7.3.1 BSCCo shall determine and instruct to the TAA, in relation to each BSC Year, consistent with any guidance or instructions from the Panel, and in accordance with ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27, the total number of Metering Systems to be inspected.

7.3.2 The TAA shall select the sample of Metering Systems to be inspected in each BSC Year in accordance with BSCCo's instructions under paragraph 7.3.1 and consistent with the further provisions of this paragraph 7.3 and in accordance with ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27.

7.3.3 The sample shall be selected consistent with the following principles:

(a) the sample shall allow for:

(i) inspection ("**targeted inspection**") of a number of Metering Systems in relation to which non-compliance is

suspected, as notified by BSCCo to the TAA or on the basis of the information provided to the TAA by other persons;

- (ii) inspection ("**re-inspection**") of a number of Metering Systems in relation to which non-compliance was previously identified and has subsequently been reported to have been rectified by the Registrant;
- (b) the sample shall be representative of the Metering Systems respectively registered in CMRS and each SMRS;
- (c) the sample shall be representative of:
 - (i) Meter Operator Agent;
 - (ii) type of Metering Equipment;
 - (iii) Code of Practice;
 - (iv) Registrant;
 - (v) GSP Group (for SVA Metering Systems);
 - (vi) previous inspection(s);

and shall not be biased towards any one Registrant, Meter Operator Agent, GSP Group or type of Metering Equipment.

7.4 Site Visits

- 7.4.1 The TAA shall notify the Registrant whose Metering System(s) are selected for inspection, giving the Registrant such period of notice prior to the inspection as may be required in accordance with ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27.
- 7.4.2 The TAA shall invite the Registrant or a nominated representative to attend the inspection, and the Registrant shall ensure that the Meter Operator Agent attends (by a suitably competent person).
- 7.4.3 The Registrant shall confirm to the TAA in accordance with ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27:
 - (a) the attendance of the Meter Operator Agent; and
 - (b) the identity of other attendees who will be present.
- 7.4.4 The Registrant shall, in accordance with ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27, make appropriate arrangements to ensure access to all elements of the Metering Equipment being inspected in accordance with the requirements of paragraph 6.
- 7.4.5 The Registrant shall bear all costs of its and its Meter Operator Agent's attending an inspection (but without prejudice to its right to charge any other person for such service pursuant to another agreement or arrangement).

7.5 Non-Compliance

- 7.5.1 The TAA shall determine that a Metering System is non-compliant if, after taking account of any applicable Metering Dispensations, the requirements of the Code

and the relevant Code(s) of Practice are not being adhered to and if configurable meter parameters are not consistent with the Meter Technical Details supplied by the Registrant.

7.5.2 Where a Metering System has been determined to be non-compliant, the Registrant shall:

- (a) ensure that the non-compliance is rectified, to the extent to which it can be rectified directly by the Meter Operator Agent;
- (b) otherwise, take all reasonable steps to ensure that a person which can directly rectify the non-compliance does so.

7.5.3 Following the rectification of a Metering System which is materially non-compliant, BSCCo shall, where in its discretion it considers it appropriate to do so having regard to the nature of such rectification, require the Registrant to carry out the relevant Code of Practice Four tests and validation testing in accordance with the relevant BSC Procedures and the TAA may attend and/or request details of any such testing carried out.

7.5.4 For the purposes of paragraph 7.5.3, a Metering System is "materially non-compliant" if the TAA considers that the non-compliance of that Metering System is likely to affect the quality of data used in Settlement.

7.5.5 The Registrant of a Metering System determined by the TAA to be non-compliant following an inspection may refer to the Panel the question of whether the requirements referred to in paragraph 7.5.1 are being adhered to in relation to the Metering System.

7.6 Reporting

7.6.1 On completion of an inspection, the TAA shall issue notices of compliance or non-compliance to the Registrant and BSCCo by the date required under ~~BSCP 26 (as regards CVA Metering Systems) or BSCP 526 (as regards SVA Metering Systems)~~ BSPC 27.

7.6.2 Where a Metering System is determined by an inspection to be non-compliant, the TAA shall provide the Registrant with a report detailing the areas of non-compliance.

7.6.3 The TAA shall provide the Registrant with a reminder, in the form of a re-issued non-compliance report, if the Registrant has failed to rectify the non-compliance by the date required under ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27.

7.6.4 In relation to each month the TAA shall, by the date required under ~~BSCP 26 or BSCP 526 (as the case may be)~~ BSCP 27:

- (a) submit a report (in a format approved by BSCCo) summarising all inspections falling due within that month; and

after amending the report to take account of any comments of BSCCo, submit the report to the Panel, the Performance Assurance Board and the BSC Auditor.

Section K – K.3.4.2A

This clause was introduced in approved modification P123 which was bought to the January Panel meeting for information. (Refer to paper 71/023 – Operational

issue in application of Section K: Classification and registration of metering systems and BM units.

This clause should be modified to read:

The Lead Party of a Supplier BM Unit may, up to twice in each BSC Season, (subject to paragraph 3.4.4), also estimate and notify decreases in the maximum magnitude of the negative value of QM_{ij} where the Lead Party becomes aware of or believes in good faith that such value divided by SPD will become greater than DC for the remainder of the BSC Season. The Lead Party shall estimate and notify to the CRA such amount as specified in paragraph 3.4.5.

Section R – R.2.1.2

This was brought to the January '04 Panel meeting, where removal of BSCP07 was approved. Thus consequential changes are noted. (Refer to paper 71/015 – Decommissioning of BSCP07 : ISG Recommendation)

- 2.1.2 ~~In accordance with BSCP 07, t~~The CDCA shall:
- (a) validate (as to completeness and form) registration data submitted to it by the CRA;
 - (b) record and maintain such validated data; and
 - (c) where the CRA fails to submit any registration data to the CDCA, or any registration data which is submitted fails validation, so inform the CRA and request the CRA to submit or correct and submit the registration data.

Section T – Annex T-1, 3.1

TTQUAB is a term that means NIV Tagged System Total Un-priced Bid Volume, the text preceding the brackets should reflect the term in the brackets. Furthermore, the sentence is referring to determining the NIV Tagged System Total Un-priced Bid volume, and thus to include the Offer terminology is clearly inconsistent with the intent of that clause. Therefore 'Offer' should be 'bid'

If none of the System Total Un-priced Bid Volume for the relevant Settlement Period is NIV Tagged System Total Un-priced Bid Volume ($TTQUAB_j$), the value of NIV Tagged System Total Un-priced