

Change Proposal – F40/01	CP No: 1062 <i>Version No:</i>
Title <i>(mandatory by originator)</i> Clarification of the use of Defined Terms within BSCP 27	
Description of Problem/Issue <i>(mandatory by originator)</i>	
<p>In the final version of the new BSCP 27 the Defined Term "Compliance" and related words have been utilised liberally, when in some cases their usage suggests no reference to the Definition in paragraph 1.20.2.</p> <p>e.g. In para 1 of 1.1: "The primary aim of Technical Assurance is to monitor Suppliers' and Supplier Agents' (SVA), Registrants' and Party Agents' (CVA) <u>Compliance with their obligations</u> as defined in the Balancing and Settlement Code (the Code)".</p> <p>In para 1 of 1.3: "The Registrant or Supplier is responsible for ensuring the <u>Compliance of its Party Agents</u>, in particular the MOA and DC, <u>with the Code</u> and Code Subsidiary Documents."</p> <p>In neither of the above cases does "Compliance" have the meaning attributed to in the "Definition" in 1.20.2.</p> <p>In the 2nd para of 1.3 (and elsewhere, e.g. 1.15, 1.16) the related term "Non-Compliant" is used, but this is not strictly covered by the definition of "Non-Compliance". (The normal practice would be to say in the definition, for example: "... and "Non-Compliant" shall be construed accordingly")</p> <p>There is an apparent missing definition for "Code Compliant Settlement Metering Systems" in 1.8.</p> <p>It is also open to question whether the "definitions" of "Compliance" and "Non-Compliance" in 1.20.2 are actually definitions (in the normal sense) or whether they are just statements of obligations to record certain things as a Compliance or Non-Compliance.</p>	
Proposed Solution(s) <i>(mandatory by originator)</i>	
<p>To carry out a review of the usage of these terms in BSCP 27 to determine which instances are Defined Terms within the BSC and which are not, and amend accordingly; also, to review and if necessary amend the definitions of "Compliance" and "Non-Compliance".</p>	

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<p>Justification for Change <i>(mandatory by originator)</i></p> <p>To make the drafting of BSCP 27 less open to legal challenge.</p>	
<p>Configurable Items Potentially Affected by Proposed Solution(s) <i>(optional by Originator)</i></p>	
<p>Impact on Core Industry Documents <i>(optional by originator)</i></p>	
<p>Related Changes and/or Projects <i>(mandatory by BSSCo)</i></p>	
<p>Requested Implementation Date <i>(mandatory by originator)</i></p> <p><i>February 2005</i></p> <p>Reason: Prompt implementation limits the risk of legal challenge</p>	
<p>Agreed Release/Implementation Date <i>(mandatory by BSSCo)</i></p>	

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<p><i>Originator's Details:</i></p> <p><i>BCA Name</i></p> <p><i>Organisation... Npower Ltd</i></p> <p><i>Email Address</i></p> <p><i>Date...18th June 2004</i></p>	
<p>Attachments: No (If Yes, No. of Pages attached:.....) (<i>delete as appropriate</i>)</p>	