

DRAFT LEGAL TEXT FOR PROPOSED MODIFICATION (*Panel 227/05*)

SECTION F: MODIFICATION PROCEDURES (v23.0)

Amend paragraph 1.9.3 to read as follows:

1.9 Interpretation

- 1.9.1 For the purposes of this Section F, in relation to an Approved Modification, 'implement' (and derivative terms) shall mean 'bring into operational effect'.
- 1.9.2 A reference in any provision of the Code to the "**Relevant Implementation Date**" is to the Implementation Date of the Approved Modification pursuant to which that provision (in its current form) applies.
- 1.9.3 For the purposes of this Section F, in relation to the consultation of interested third parties, the term 'interested third parties' shall include the Secretary of State, [a](#) CfD Counterparty, the CM Settlement Body, a CFD Settlement Services Provider and any CM Settlement Services Provider.

Amend paragraph 2.1.1 to read as follows:

CODE MODIFICATION PROCEDURES

2.1 Modification Proposals

- 2.1.1 A proposal to modify the Code may be made by any of the following:
- (a) a Party (other than BSCCo or the BSC Clearer);
 - (b) Citizens Advice and Citizens Advice Scotland;
 - (c) such other bodies representative of interested third parties as may be designated in writing for this purpose by the Authority from time to time;
 - (d) the Panel:
 - (i) on the recommendation of BSCCo in accordance with Section C3.8.8 or Section H9.8;
 - (ii) on the recommendation of BSCCo following receipt by BSCCo of a change request proposing a change to a Core Industry Document and/or the System Operator-Transmission Owner Code which would, if made, have an impact on the Code;
 - (iii) on the recommendation of BSCCo where BSCCo becomes aware of a change in circumstances, since approval of a Proposed Modification, which would make the implementation of that Approved Modification impossible or significantly more costly than anticipated at the time such Modification was approved or no longer relevant;

- (iv) on the recommendation of BSCCo to rectify manifest errors in or to correct minor inconsistencies (or make other minor consequential changes) to the Code;
- (v) on the recommendation of the Trading Disputes Committee in consequence of a Trading Dispute; and
- (vi) on the recommendation of the Performance Assurance Board in accordance with Section Z8.2,

provided that, where the Panel decides to make a proposal in any of the circumstances set out in paragraphs (i) to (vi), such proposal shall be without prejudice to the Panel's decision, pursuant to paragraph 2.7, as to whether or not to recommend to the Authority that such modification should be made;

- (e) a CfD Counterparty to reflect a proposed change to the CFD Arrangements which would, if made, have an impact on the Code;
- (f) the CM Settlement Body to reflect a proposed change to the CM Arrangements which would, if made, have an impact on the Code; and-
- (g) the Authority (in relation only to modifications which it reasonably considers are necessary to comply with or implement the Electricity Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency).

Amend paragraph 2.1.3 to read as follows:

2.1.3 If a submitted proposal fails in any material respect to comply with the requirements of paragraph 2.1.2 (excluding paragraphs (e), (g) and (h) thereof) and with the exception of paragraphs 2.1.1(~~ge~~) and 8.2, the Modification Secretary may refuse to accept such submission provided that:

- (a) the Modification Secretary shall furnish the Proposer with the reasons for such refusal;
- (b) the Modification Secretary shall report such refusal to the Panel at the next Panel meeting;
- (c) if the Panel decides to reverse the Modification Secretary's decision to refuse the submission, the Modification Secretary shall notify the Proposer accordingly and the proposal shall be dealt with in accordance with the succeeding provisions of this paragraph 2; and
- (d) nothing in this paragraph 2.1.3 shall prevent a Proposer from submitting a revised proposal in compliance with the requirements of paragraph 2.1.2 in respect of the same subject-matter.

Amend paragraph 2.1.4 to read as follows:

- 2.1.4 Without prejudice to the development of any Alternative Modification pursuant to paragraph 2.6.2 but subject to paragraph 5.3.2 and 8.5, the Panel may refuse to accept the submission of a proposal made pursuant to paragraph 2.1.1 (with the exception of paragraphs 2.1.1(~~ge~~) and 2.1.10A) if and to the extent that such proposal has, in the opinion of the Panel, substantially the same effect as:
- (a) a Pending Modification Proposal; or
 - (b) a Rejected Modification Proposal, where such proposal is made at any time within 2 months after the decision of the Authority not to direct the Transmission Company to modify the Code pursuant to the Transmission Licence in the manner set out in such Modification Proposal.

Amend paragraph 8.1.1 to read as follows:

AUTHORITY RAISED OR DIRECTED MODIFICATION PROPOSALS

8.1 Authority Raised Modification Proposals

- 8.1.1 Where a Modification Proposal has been raised pursuant to paragraph 2.1.1(~~ge~~), the Panel shall comply with any direction(s) issued by the Authority in respect of that Modification Proposal setting and/or amending a timetable for the;
- (a) completion of each stage of the Modification Procedure; and/or
 - (b) implementation of the modification.

SECTION K: CLASSIFICATION AND REGISTRATION OF METERING SYSTEMS AND BM UNITS (v35.0)

Amend paragraph 3.3.12 (b) to read as follows:

- 3.3.12 Where a Supplier is the Registrant of SVA Metering System(s) associated with CFD Assets, the Supplier shall in respect of those CFD Assets:
- (a) ensure that Additional BM Unit(s) have been registered in accordance with this Section K; and
 - (b) assign only the Relevant CFD Assets to such Additional BM Unit(s); ~~or~~.

SECTION V: REPORTING (v27.0)

Amend paragraph 5.2.2 (b) to read as follows:

5.2.2 In respect of the CFD Settlement Data, BSCCo shall provide to the Panel:

- (a) a schedule of the CFD Settlement Data reasonably required by a CFD Settlement Services Provider and/or a CfD Counterparty;
- (b) an explanation of why ~~the~~ CFD Settlement Data is reasonably required to enable any CFD Settlement Services Provider and/or any CfD Counterparty to discharge their EMR Settlement Functions; and
- (c) a copy of the agreement required by paragraph 5.4.1.

SECTION X ANNEX X-1: GENERAL GLOSSARY (v62.0)

Amend the following definitions to read as follows:

"CM Settlement Services
Provider":

means any person appointed for the time being and from time to time by ~~the~~ CM Settlement Body to provide services to it in relation to the performance of its functions under the Capacity Market Documents;

"Contract for Difference":

means a contract for difference entered into by ~~the~~ CfD Counterparty pursuant to Chapter 2 of Part 2 of the Energy Act 2013 or any contract treated as a CFD for the purposes of The Contracts for Difference (Electricity Supplier Obligations) Regulations 2014 by virtue of any provision made under paragraph 16(2) of Schedule 2 to the Energy Act 2013;