

## Modification 0522 Legal Text Commentary

BR1 & 2 – Already provided for in code as part of the accession requirements of Modification 0479S.

BR3 – The current phrasing of the general section (Section B5.1) already provides that code communications have to be given in the manner provided for and in accordance with the Code i.e. only the email address provided.

At the last workgroup the proposer stated they wanted the legal text to reflect the line referring to an email 'reaching' the addressee, which they felt isn't currently reflected. The current UNC rules state that an email is deemed to have 'reached' the addressee one hour after sending, subject to no non-delivery notice being received by the sender. Any additional rules around an email 'reaching' the addressee would come into conflict with the deeming rule. If the intention of the Modification Proposal is to remove the deeming rule it needs to be explicit in the Solution and make clear what an alternative would look like.

BR4 – This obligates Users to initiate a 'test' email to ensure the supplied email address is valid. The specific make-up of the test will sit in the UK Link Manual and we have provided suggested text, based on Workgroup discussions, for the Proposer.

BR5 – Some new, additional text provided to add to B5.2.5 (d).

The proposer has confirmed that it will follow the existing deeming rule (notwithstanding the above conflict with BR3). We believe this is reflected in the legal text as it is 'subject to 5.2.8'.

The phrase 'as far as possible' has been included as there may be circumstances where it is not possible to resolve a failed attempt at email communication and a different communication method is required. A new email address would not be valid without being subject to BR8 & 9, which require notice of new email addresses.

BR6 – New definition added to TPD Section U, which utilises the general wording about appointing a representative for UK Link and thus code communication purposes, I understand the detail about purpose is to be included within the UK Link Manual.

BR7 – Use of email is only one form of code communication available to Users as provided for in the UK Link manual, the code therefore already provides for Users to use other methods of permitted code communications.

BR 8 & 9 – I have added some additional provisions within TPD Section V2.1.2 (iii) to provide for Users in general to update the valid email address to be used from time to time.

Our query on the disparity between Day for the 20 day period and Business Day for the five day period has not been addressed but we believe the intent of the Modification is for 20 Business Days and have amended the legal text accordingly.