

MODIFICATION 0656 – CHANGES TO MODIFICATION PANEL ARRANGEMENTS

LEGAL TEXT - EXPLANATORY TABLE

Reference	Subject Matter	Explanation
Modification Rules		
Definitions	Paragraph 2.1	New defined terms 'Appointment Period', 'Conflicting Appointment' and 'Panel Constituency' added as used (and defined) in new legal text to be inserted in paragraphs 3 and 4.
Modification Panel - Members	Paragraph 3.2.1	Erroneous text deleted. And concept of the persons appointing a Voting Member comprising that Member's constituency introduced (as constituency term used in new definition of Conflicting Appointment in paragraph 4.4.5).
Membership of Modification Panel - Appointment	Paragraph 4.1.6	Voting Members to be appointed for a fixed two (2) year term.
	Paragraph 4.1.7	Requirement that all Voting Members submit written confirmation to the Secretary that they do not hold a Conflicting Appointment prior to first attending a meeting of the Modification Panel, and the Voting Member cannot attend a meeting of the Modification Panel or vote until the confirmation is submitted.
Membership of Modification Panel - Appointment	Paragraphs 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6 and 4.2.7	Consequential changes flowing from two (2) year fixed term for Voting Members.
Membership of Modification Panel – Appointment and	Paragraph 4.3.1	Consequential change flowing from two (2) year fixed term for Voting Members.

re-appointment		
Membership of Modification Panel – Appointment and re-appointment	Paragraph 4.4.1	A Member will cease to be a Member where the Member (i) voluntarily retires, or in the case of a Voting Member, (ii) fails to attend three (3) consecutive meetings of the Modification Panel, (iii) gives notice of holding a Conflicting Appointment or (iv) on investigation is found to hold a Conflicting Appointment.
	Paragraph 4.4.5	Definition of what constitutes a Conflicting Appointment in the context of both a Voting Member and its alternate; broadly being where the Member or alternate is employed or engaged by a person who is represented by a Member appointed by a different Panel Constituency.
	Paragraph 4.4.6	Where a Member believes a Voting Member or its alternate holds a Conflicting Appointment it may ask the Panel Chairman to investigate.
	Paragraph 4.4.7	The Panel Chairman may engage third party assistance when investigating whether a Voting Member or its alternate holds a Conflicting Appointment.
	Paragraph 4.4.8	Where a person ceases to be a Voting Member or its alternate by reason of holding a Conflicting Appointment the person cannot act as a Voting Member or an alternate until the Conflicting Appointment no longer applies; nor may the person be appointed to fill the resulting vacancy.
Membership of Modification Panel – Alternates	Paragraph 4.5.1	<p>New rules added, so that:</p> <ul style="list-style-type: none"> - each Voting Member must appoint two alternates – so a mandatory requirement, for other Members appointment optional; and - the appointment of any alternate is only effective on the Member notifying the Secretary and the alternate confirming to the Secretary a willingness to act as the Member's alternate – and in the case of a Voting Member's alternate, the alternate confirming to the Secretary that they do not hold a Conflicting Appointment. <p>An alternate will cease to be an alternate where the appointing Member or the alternate notifies the Secretary that the appointment is to cease.</p>
	Paragraph 4.5.4	Only one of a Voting Member's two alternates may attend a meeting of the Modification Panel in the event of the Voting Member's absence.
	Paragraph 4.5.5	Required clarification on alternate ceasing to be appointed.

	Paragraph 4.5.6	Requirement that where an alternate ceases to be an alternate the Voting Member will appoint a replacement as soon as practicable.
Transition Document Part IV – Modification Rules		<p>Rules added to make clear:</p> <ul style="list-style-type: none"> - where Voting Members for the period commencing 1 October 2018 are appointed at the time Modification 0656 is implemented they will continue to be appointed for a one year period only, and will retire with effect from 1 October 2019, and the first two (2) years appointment will commence from that date; - the Secretary as soon as practicable issue the form of notice required from a Voting Member and any alternate confirming they have no Conflicting Appointment; and - the Voting Member or any alternate cannot attend a meeting of the Modification Panel or vote until the relevant confirmation is submitted to the Secretary; and - Voting Members will appoint two (2) alternates as soon as practicable.