

UNC Final Modification Report		At what stage is this document in the process?
<h1>UNC 0750FT:</h1> <h2>Amendment to regulations relating to Covid Modifications</h2>		<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: 100%;">01 Modification</div> <div style="border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: 100%;">02 Workgroup Report</div> <div style="border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: 100%;">03 Draft Modification Report</div> <div style="border: 1px solid #ccc; border-radius: 5px; padding: 5px; width: 100%; background-color: #f4a460;">04 Final Modification Report</div> </div>
<p><b>Purpose of Modification:</b></p> <p>This Modification updates the quoted regulations in the Uniform Network Code (UNC) Transitional Arrangements Document Part VI for the devolved governments with the new regulations that replace them, as well providing clarity to obligations and future proofing against further replacements that may continue to happen.</p>		
	The Panel determined that this Fast Track Self-Governance Modification be implemented	
	High Impact: None	
	Medium Impact: None	
	Low Impact: Shippers, Transporters, CDSP, End Consumers	

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Timeline		
<b>Modification timetable:</b>		
Presented at Panel ( <i>at short notice</i> )	17 December 2020	
Modification Panel decision ( <i>at short notice</i> )	17 December 2020	
		 Any questions? Contact: <b>Joint Office of Gas Transporters</b>  <a href="mailto:enquiries@gasgovernance.co.uk">enquiries@gasgovernance.co.uk</a>  0121 288 2107 Proposer: <b>Tracey Saunders Northern Gas Networks</b>  <a href="mailto:trsaunders@northern-gas.co.uk">trsaunders@northern-gas.co.uk</a>  07580 215743 Transporter: <b>Northern Gas Networks</b>  <a href="mailto:trsaunders@northern-gas.co.uk">trsaunders@northern-gas.co.uk</a>  07580 215743 Systems Provider: <b>Xoserve</b>  <a href="mailto:UKLink@xoserve.com">UKLink@xoserve.com</a>

## 1 Summary

### What

The Relevant Period and Relevant Regulations quoted in the UNC Transition Document (TD) Part VI, which related to coronavirus temporary measures need to be updated to reflect the new regulations that have replaced some of the regulations for the relevant devolved governments.

The current regulations listed in UNC TD Part VI

#### 1.1 (c)

*“Relevant Regulations” means, in the case of:*

- (i) a Supply Meter Point located in England, the Health Protection (Coronavirus Restrictions) (England) Regulations 2020;*
- (ii) a Supply Meter Point located in Wales, the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020;*
- (iii) a Supply Meter Point located in Scotland, the Health Protection (Coronavirus Restrictions) (Scotland) Regulations 2020;*

*in each case as may be amended from time to time;*

### Why

Whilst UNC General Terms section C 2.1.3, which states ‘A reference in the Code to any Legal Requirement shall be construed, at any particular time, as including a reference to any modification, extension or reenactment (before or after the date of the Code) of that Legal Requirement in force at that time’. covers these new regulations, for the sake of clarity we propose to update and future proof these regulations to accommodate any further changes that may be made to the regulations from the devolved governments.

Whilst the current regulations for some of the devolved governments have been amended, others have been replaced in their entirety by new regulations, eg *the Health Protection (Coronavirus Restrictions) (England) Regulations 2020* have since been replaced by *The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020*, and a new Tier system introduced for some Areas. In addition some of the devolved governments have given local governments the ability to place their own, local, restrictions on businesses as well as being able to negotiate additional terms over and above the Tier systems.

### How

This update can be made by amending the references in the legal text of UNC TD Part VI 1.1 (c) to reflect the current regulations, and to add additional text to accommodate any further changes that may be made to these regulations without recourse to further UNC Modifications.

Further additional text will be added to clarify the Users obligations to monitor and changes to be made should they no longer qualify under the Relevant Regulations and Relevant Periods.

For information: The changes to the Relevant Regulations and Relevant Period were originally to be introduced as part of the UNC Modification 0730 legal text, however as this Modification has not been approved for implementation and these changes now require this separate UNC Modification Proposal to progress this timely amendment. These proposals were originally set out in UNC Modification 0730 which

has been out for consultation and there were no issues or comments raised in relation to the changes introduced by this part of the legal text.

## 2 Governance

### Justification for Fast Track Self-Governance

This Modification should be subject to Fast Track Self-Governance as:

- a) it meets the Self-Governance criteria as it has not material impact on competition or the transportation arrangements between Transporters and Shippers, and
- b) it is a housekeeping Modification required to update the references to Relevant Regulations in relation to Coronavirus, and to allow Code to be futureproofed in relation to further changes to these regulations.

The legal text has already been through consultation as part of the text provided for UNC Modification 0730, there were no comments raised with reference to the text in any submitted consultation responses.

### Requested Next Steps

This Modification should:

- be subject to Self-Governance procedures; and
- be subject to Fast Track Self-Governance procedures and be implemented.

## 3 Why Change?

When the original suite of UNC COVID-19 related Modifications was introduced, the terms 'Relevant Period and Relevant Regulations were introduced into UNC. These were linked to the regulations introduced by the devolved governments at that time, however there have since been a number of changes to these regulations, including additional powers being given to local governments to also mandate restrictions on businesses.

While UNC General Terms C 2.1.3 *A reference in the Code to any Legal Requirement shall be construed, at any particular time, as including a reference to any modification, extension or reenactment (before or after the date of the Code) of that Legal Requirement in force at that time* has been seen so far to cover these evolving changes, it is felt that a revision of the definition of Relevant Period and Relevant Regulations is required for clarity to future proof against these constantly evolving regulations.

Should the changes not be made there is a risk, that the Modifications introduced and linked to the Relevant Regulations, would no longer be fit for purpose, and that the intent and letter of Code are no longer aligned.

## 4 Code Specific Matters

### Reference Documents

<https://www.gasgovernance.co.uk/sites/default/files/ggf/page/2020-06/18 TDVI - COVID-19 - Temporary Measures.pdf>

## Knowledge/Skills

Knowledge of the UNC, specifically General Terms C, and TDVI - Covid-19 – Temporary Measures (link above).

## 5 Solution

To amend the definition of Relevant Period and Relevant Regulations in UNC Transition Document Part VI – COVID-19 – Temporary Measures to ensure that these are not only in line with current regulations, but also provides a level of future proofing against further changes. To include (but not limited to)

- the "1984 Act" means the Public Health (Control of Disease) Act 1984;
- the "2020 Act" means the Coronavirus Act 2020;
- "coronavirus" has the meaning given in section 1(1) of the 2020 Act;

To add to the same section an additional line of clarity that it is the Users responsibility (unless otherwise specifically stated) to monitor and reverse any applications as soon as reasonably possible following the ceasing of eligibility under the Relevant Regulations or Relevant Period.

## 6 Impacts & Other Considerations

### Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

No as this modification only impacts the Transitional Text part VI

### Consumer Impacts

This will positively impact consumers who are/have been eligible to utilise any of the measures introduced by the Covid-19 related Modifications by ensuring that the UNC remains aligned with the changing regulations.

### Cross Code Impacts

The proposer believes that the IGT UNC is impacted as the proposal implemented for IGT UNC Modification IGT143U points to the provisions of UNC TD part VI, These changes will be relevant to the proposal introduced by this Modification, however there will be no additional IGT Modification required.

### EU Code Impacts

None

### Central Systems Impacts

There will be no impacts on Central Systems as this proposal is amending referencing to relevant regulations in the UNC.

## 7 Relevant Objectives

Impact of the modification on the Relevant Objectives:	
Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	None
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	None
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	None
f) Promotion of efficiency in the implementation and administration of the Code.	Positive
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

This Modification should ensure that the UNC is aligned to the current and any additional related regulations being introduced by the devolved governments, as well as under powers given to local authorities, and that there is clarity in the UNC around these and any further obligations. Therefore, this Modification furthers relevant Objective f) *Promotion of efficiency in the implementation and administration of the Code*.

## 8 Implementation

As Fast Track Self-Governance procedures are proposed, implementation could be sixteen business days after a unanimous vote in favour of implementation by the Modification Panel, subject to no Objection being raised.

## 9 Legal Text

### Text Commentary

This change removes the existing wording around Relevant Period and Relevant Regulations contained in UNC TD VI Paragraph 1, and replaces these with detailed and more future proof wording, including references to the overarching legislation that restrictions and regulations are made under.

This text is exactly as extracted from the 0730 legal text that was consulted on in October 2020.

### Text

#### TRANSITION DOCUMENT

*Add new Part VI to read as follows:*

#### PART VI – COVID-19 – TEMPORARY MEASURES

##### 1 Relevant Period

###### 1.1 In this Part VI:

- (a) terms defined in the Transportation Principal Document and the General Terms have the meanings given in those Documents;
- (b) the "**1984 Act**" means the Public Health (Control of Disease) Act 1984;
- (c) the "**2020 Act**" means the Coronavirus Act 2020;
- (d) "**coronavirus**" has the meaning given in section 1(1) of the 2020 Act;
- (e) "**Relevant Impact**" means the reduction of a consumer's requirement for gas, or the inability to obtain Meter Readings, as a result of a cessation of, or a restriction on, the conduct of business activities or provision of services at the Consumer's Plant located at the relevant Supply Meter Point;
- (f) "**Relevant Measure**" means a legally binding requirement or restriction that is imposed by a Relevant Regulation and has a Relevant Impact;
- (g) "**Relevant Period**" means in relation to an LDZ Supply Point, a period during which a Relevant Measure has a Relevant Impact in relation to the LDZ Supply Point (for example, the period beginning when a Relevant Regulation that imposes the Relevant Measure enters into force and ending when it ceases to have effect in respect of the LDZ Supply Point).
- (h) "**Relevant Regulation**" means:
  - (i) in the case of a Supply Meter Point located in England or Wales, regulations made under section 45B or 45C of the 1984 Act; an order made under section 45I

of the 1984 Act; or a direction given under Schedule 16 (Part 1), Schedule 20, or Schedule 22 (Part 2 or 4) to the 2020 Act;

- (ii) in the case of a Supply Meter Point located in Scotland, regulations made under Schedule 19 to the 2020 Act; or a direction given under Schedule 16 (Part 2), Schedule 20, or Schedule 22 (Part 3) to that Act; or
- (iii) in the case of any Supply Meter Point any other Legal Requirement which has a Relevant Impact (and whether or not in respect of all or only certain Supply Meter Points located in the relevant part of Great Britain),

in each case as such regulations, orders or directions, or the provisions of the 1984 Act or the 2020 Act referred to in this paragraph (g), may be amended, re-stated, re-enacted, varied, consolidated or replaced from time to time;

~~(b) “Relevant Period” means, in relation to an LDZ Supply Point a period:~~

~~(i) commencing on the date that a legally binding requirement or restriction imposed by the Relevant Regulations comes into force which results in a cessation of, or a restriction on, the conduct of business activities or provision of services at the consumer’s premises in each case to the extent that such requirement or restriction~~

~~(1) reduces the consumer’s requirement for gas; or~~

~~(2) prevents the obtaining of Meter Readings;~~

~~(ii) ending on the date such requirement or restriction imposed by the Relevant Regulations (which has the effect described in paragraph (b)(i)(1) or (2)) is terminated or otherwise ceases to apply~~

~~(c) “Relevant Regulations” means, in the case of:~~

~~(i) a Supply Meter Point located in England, the Health Protection (Coronavirus Restrictions) (England) Regulations 2020;~~

~~(ii) a Supply Meter Point located in Wales, the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020;~~

~~(iii) a Supply Meter Point located in Scotland, the Health Protection (Coronavirus Restrictions) (Scotland) Regulations 2020;~~

~~in each case as may be amended from time to time;~~

~~(i)(d) “coronavirus” has the meaning given in the Relevant Regulations.~~

## 10 Panel Discussions

### Discussion

The Panel Chair summarised that Modification 0750FT seeks to update the quoted regulations in the Uniform Network Code (UNC) Transitional Arrangements Document Part VI for the devolved governments with the new regulations that replace them, as well providing clarity to obligations and future proofing against further replacements that may continue to happen.

Panel Members agreed that this is an immaterial change and is properly a housekeeping Modification that is required in order to update the references to Relevant Regulations in relation to Coronavirus, and to allow Code to be futureproofed in relation to further changes to these regulations.

Therefore, this Modification is suitable for Fast Track Self-Governance.

### Consideration of the Relevant Objectives

Panel Members considered Relevant Objective f) *Promotion of efficiency in the implementation and administration of the Code*, agreeing that implementation would have a positive impact because the Modification should ensure that the UNC is aligned to the current and any additional related regulations being introduced by the devolved governments, as well as under powers given to local authorities, and that there is clarity in the UNC around these and any further obligations.

### Determinations

Members voted unanimously that Modification 0750 is suitable to follow Self-Governance procedures.

Members voted unanimously that Modification 0750S is suitable for Fast Track Self-Governance.

Members voted unanimously to implement Modification 0750FT.

## 11 Recommendations

### Panel Determination

Panel Members determined:

- that Modification 0750FT should be implemented.