

0603:

Removal of liability for members of Performance Assurance Committee



Proposer: Richard Pomroy

Panel Date: 17th November 2016

Why change?



- Discussions in PAC have demonstrated that in order to fulfil their duties members and alternate members of PAC need protection from legal action for their decisions taken when acting in good faith in accordance with their duties
- We consider that PAC members are in the same position as members of Energy Balancing Credit Committee (EBCC)

Options



- Do nothing risks PAC not being fully effective if members are concerned that their actions may lead to legal action by parties affected by their decisions
- Therefore it seems sensible to reflect the provisions in section X relating to members of EBCC. This requires a simple UNC modification

Solution



- New text will be inserted in TPD V 16 that mirrors the provisions in TPD X 1.2.7 and 1.2.8 relating to EBCC with the necessary changes being made
- The legal text and legal text commentary are included with the modification (includes both pre and post Nexus text)

Recommended Steps



- The Proposer recommends that this modification should be:
 - Subject to self-governance
 - Proceed to consultation – pre modification discussion at Distribution workgroup resulted in one change to the legal text, no further comments from PAC