

18/12/2003

Dear Colleague,

**NOTICE OF IMPLEMENTATION
MODIFICATION PROPOSAL No: 0668**

"Energy Balancing Credit Committee Members Personal Liability"

Please note that Modification Proposal No 0668 was implemented with effect from 06:00 hours on 18/12/2003. The Final Modification Report, Version 1.0, was signed by Ofgem on 17/12/2003.

The new Network Code text resulting from this Modification follows.

Modified Text:

SECTION X: NETWORK CODE SUPPLEMENT: ENERGY BALANCING CREDIT MANAGEMENT

Add the following paragraphs at the end of paragraph 1.2.6

1.2.7 No member of the Energy Balancing Credit Committee shall be liable (whether in contract or tort including negligence or otherwise) to Transco or any of the Users for anything done when acting properly in or in connection with his office under the Code, or anything done in what such member in good faith believes to be the proper exercise and discharge of the powers, duties, functions and discretions of that office in accordance with the Code; and each User and Transco waives any such liability that any such member may have and any claim in respect thereof.

1.2.8 Nothing contained in paragraph 1.2.7 shall exercise or limit the liability of a member of the Energy Balancing Credit Committee:

(a) for death or personal injury resulting from the negligence of such member; or

(b) in any case where such member has in the exercise and discharge of its powers, duties, functions and discretions acted in bad faith or fraudulently.

Yours sincerely,

Julian Majdanski
Modification Panel Secretary