

Business Rules: MOD 394

To implement the changes described in this modification, it is proposed that the existing arrangements for providing legal text within the Modification Rules are replaced with a new approach as set out in the following business rules. These arrangements apply equally for changes to the UNC and to individual network codes, although in the latter case references to the Transporters should be treated as references to the relevant Transporter:

1. The Modification Panel may determine at any time prior to making its recommendation as to whether or not a modification should be implemented (or, in the case of a Self-Governance Modification, its decision) that legal text should be provided for a modification. For the avoidance of doubt, text may be requested on more than one occasion – for example, text may be requested, and a further request for text made following amendment of the modification.
2. Any Workgroup may, by consensus of those in attendance at a Workgroup meeting, request the provision of legal text. For the avoidance of doubt, text may be requested on more than one occasion – for example, text may be requested, and a further request for text made following amendment of the modification.
3. Where so determined by the Panel, or requested by a Workgroup, the Code Administrator will request that the Transporters provide legal text for the relevant modification.
4. The existing provision for the Authority to request that the Transporters provide text will continue.
5. The existing provision for any request for text in support of a User Pays Modification to be deemed to also be a request for an Agency Charging Statement amendment will continue.
6. When requested to provide legal text, the Transporters shall do so within 15 Business Days, or a longer timescale if agreed by the Panel or Workgroup at the time the request is made. If the Transporters are, for any reason, unable to provide the text in the required timescale, a written report setting out the reasons for this will be prepared by the Transporters and sent to the Code Administrator. If the Proposer of a modification has provided legal text as part of the modification, the Transporters shall either confirm that the Proposer's text is to be treated as the text of the modification, or provide reasons why the text is inappropriate and provide replacement text.
7. If at any time after providing text in response to a Panel or Workgroup request, and before the Modification Panel determines that the modification

should proceed to consultation, the Transporters wish to provide revised text, they may do so and should send this revised text to the Code Administrator.

8. The Code Administrator will include the latest version of text provided, or the reasons for not providing text, in all subsequently produced reports relating to the modification that require text in order to be complete – i.e. Workgroup Report, Draft Modification Report, Final Modification Report.
9. Workgroup Reports must include a recommendation to the Panel as to whether or not the Workgroup considers that the legal text accurately reflects the Modification.
10. Unless the Modification Panel unanimously agrees otherwise, only modifications for which legal text has been provided may proceed to consultation.
11. The Modification Panel shall consider whether the legal text provided for a modification accurately reflects that modification. Unless the Panel agrees otherwise, no modification shall proceed to consultation without the Panel having previously determined that the legal text accurately reflects the modification.
12. Where the Panel fails to determine that the legal text accurately reflects the modification, the Panel shall make a determination as to the most appropriate course of action, which may include (but not be limited to), referring to a Workgroup, issuing to consultation (for which a unanimous vote is required) or deferring consideration.
13. By notice to the Code Administrator, any Code or non-Code party may propose a change to the legal text after the modification has proceeded to consultation but before a decision, by either the Modification Panel in the case of Self-Governance modifications or the Authority otherwise, whether or not to implement the modification.
14. On receipt of a proposed change to the legal text, the Code Administrator shall prepare a legal text variation request for consideration by the Modification Panel. The legal text variation request shall follow the existing variation request process. However, in the case of a legal text variation request, the original modification will not be deemed to be withdrawn since only the legal text would be varied, not the modification proposal, and it is the Final Modification Report that will be amended and republished as a result of the variation.
15. If at any time Ofgem directs whether or not to implement a modification that is subject to a legal text variation request, that legal text variation request shall lapse and the text will remain unchanged.