

### Legal Text Commentary:

The first part of the legal text has been developed for MOD566 using similar principles as previously applied to the Legal Text Guidance Document.

We commenced by setting out a definition of the Modification Proposal Guidance Document which will be a related UNC document amendable by UNC Panel. The text then goes on to add that parties shall take the guidance document into account when raising new UNC modifications.

As per the second point of the mod solution to allow the Joint Office further time for critical friend activities we have inserted a “for the avoidance of doubt” statement as the timescales suggested are already allowed for within other sections of the Modification Rules.

The final point sets out to allow Panel to refer modification back to the proposer for further development. The legal text here has been taken from the IGT UNC for best practice. It has then been clarified that this power may only be used once for each modification and that Panel will submit any questions along with their request.

### Draft Legal Text for UNC Modification Rules:

#### Section 2.1 – Defined Terms

“Modification Proposal Guidance Document”: the guidance document published by the Transporters which contains guidance in respect of the development of new Modification Proposals pursuant to these Rules.

#### Section 6.2 – Content of Modification Proposal

Each Modification Proposal made pursuant to paragraphs 6.1.1 or 6.1.2 shall set out the information and be in the form specified in the Code of Practice and:

- (q) shall have regard to the Modification Proposal Guidance Document which may be amended only by a determination of the Modification Panel in accordance with paragraph 5.1.2(a)

#### Section 7.1 – Circulation of Modification Proposals

7.1.2 For the avoidance of doubt, where a Modification Proposal is received 8 days prior to the date of the next meeting of the Modification Panel the secretary shall take the relevant action as per 7.1.1(b) by 5 days prior to the next meeting of the Modification Panel

#### Section 7.2 – Discussion of Modification Proposals

- (h) a Modification Proposal:
  - (i) subject to paragraph 7.2.3(d), should proceed to Consultation in accordance with paragraph 7.3; or
  - (ii) should be referred to a Workgroup for Workgroup Assessment in accordance with paragraph 7.5 (and the Modification Panel may determine the Terms of Reference for such work (including terms as to the identity of any third parties to be consulted) and the date upon which it requires the Workgroup to submit its Workgroup Report); ~~or~~
  - (iii) should be deferred to a subsequent meeting of the Modification Panel for further discussion; or
  - (iv) be implemented, subject to unanimous determination under 7.2.3(a)(ii) that Fast Track Self-Governance Criteria are satisfied and subject to Panel determining unanimously that the Modification Proposal be implemented; or

(v) be referred back to the Proposer for further development

7.2.10 Where the Modification Panel determines that 7.2.3(b)(v) applies they shall:

- (a) set out the questions to be answered and specify any areas for further development by the Proposer;
- (b) only be entitled to exercise this vote once per Modification Proposal