

Uniform Network Code Modification Panel,  
Uniform Network Code Committee (UNCC),  
Sub-Committees, and Data Services  
Contract (DSC) Committees

Guidelines for the User Representative  
Appointment Process

**Document Control**

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## 1. Definitions

In this document, the following words and expressions shall have the following meanings unless the context otherwise requires:

“**Appointment Process**” – refers to the overall process for appointing User Representatives for the Uniform Network Code (UNC) Modification Panel, UNC Committee, and UNC Sub-Committees

“**Designated Person**” - as defined in the UNC Modification Rules, section 2.1 (defined terms)

“**Joint Office**” - the Joint Office of Gas Transporters.

“**SPoC**” - Single Point of Contact for each Shipper User Group

## 2. Background and purpose of the document

The UNC Modification Rules detail the processes by which the UNC and each individual Network Code may be modified and/or reviewed. They also govern how the UNC Modification Panel will be established and operated, including the need for a “Designated Person” responsible for appointing User representatives to the UNC Modification Panel and UNC Committee.

Effective from March 2016, Ofgem has appointed the Joint Office to be the Designated Person, which, as is customary, includes appointments to the various UNC Sub-Committees and DSC Committees.

This document sets out the high-level procedure and timeline followed during the Appointment Process. The detailed rules governing the nomination and election process are contained in the Appendix. It should be viewed with the Appointment Process Timeline diagram published alongside it.

This document has been produced by the Joint Office to aid Users’ understanding of the Appointment Process and is for guidance only. In the event of a dispute, the Designated Person will have absolute discretion to resolve matters.

This document is available on the Joint Office website (<https://www.gasgovernance.co.uk/elections>).

## 3. Change Process

Any Licensed Shipper User that is eligible to vote in the nomination and election of the UNC Modification Panel, UNCC, Sub-Committee, and DSC Committee can propose changes to the processes described in this document by submitting the proposed changes to the Joint Office ([un elections@gasgovernance.co.uk](mailto:un elections@gasgovernance.co.uk)), along with supporting information if required.

In the first instance, the change will be circulated to all Shipper Users via the Joint Office UNC distribution list for information, and will be given 15 working days to comment on the change.

Comments will then be taken back to the Modification Panel for ratification. This decision will be published to all parties and any amendments adopted in time for the next Appointment Process.

## 4. Appointment Process

### 4.1. Appointment Period

New appointments or re-appointments will take effect from 01 October.

Unless agreed otherwise, appointments to the UNC Panel (including the UNCC) and Performance Assurance Committee (a subcommittee of the UNCC) are for a minimum 2-year period. Where Mid-Term Vacancies arise, appointments will be for the remainder of the 2-year Appointment Period.

Unless agreed otherwise, appointments to all other committees are for a minimum 1-year period. Where Mid-Term Vacancies arise, appointments will be for the remainder of the 1-year Appointment Period unless the UNC dictates otherwise.

Individuals currently serving on the UNC Modification Panel, UNC Committee, the various UNC Sub-Committees and DSC Committees are eligible for re-appointment.

Representatives appointed in the previous Appointment Period will be automatically nominated for the next Appointment Period unless the Joint Office are advised that the Representative wishes to cease being a Voting Member. If there are more nominations than Voting Member positions the Election process

will be enacted (see 4.4).

#### **4.2. Single Point of Contact (SPoC)**

To ensure that all communications between the Joint Office and Users in respect of the Appointment Process is duly authorised, communication during the Nomination and Election processes will only be accepted from one individual within each Shipper User Group (see definition in Appendix). This mitigates the possibility of errors resulting from the use of multiple points of contact within the same organisation. In the event that more than one individual submits communications from a Shipper User Group, these will be referred back for resolution.

A dedicated email address will be used to support the Appointment process: [unselections@gasgovernance.co.uk](mailto:unselections@gasgovernance.co.uk)

The Joint Office will remind organisations to coordinate all communications through one individual for communications relating to the Appointment Process.

#### **4.3. Nominations**

Organisations will be invited, by email no later than **01 July**<sup>1</sup>, to provide new nominations for Shipper User Representatives for the UNC Modification Panel (please note that representatives appointed to the Panel are automatically appointed as Voting Members of the UNCC) to represent Shipper Users for two years.

Organisations will also be invited, by email no later than the **01 July** on an annual basis, to provide new nominations for Shipper User Representatives for the various UNC Sub-Committees and DSC Committees.

The nomination window will be open for a minimum of 3 weeks (15 business days) and closes at 17.00hrs on the last day of this period. Nominations received by the Joint Office after the closure of the window will not be accepted.

An online form will need to be submitted to the Joint Office of Gas Transporters via the website <https://www.gasgovernance.co.uk/elections> and each nominee will need to indicate his or her willingness to serve on behalf of all Shipper Users or Suppliers (as appropriate) Where a group of companies holds more than one Shipper licence, the group will only be entitled to submit a single candidate for the UNC Panel Modification Panel (including the UNCC) and various Sub-Committees. In the event that more than one Representative is Nominated from a Shipper User Group, for the same Committee, these will be referred back for resolution.

If, at the end of the nomination period, the number of candidates is less than the number of Shipper User positions available on the Modification Panel or any UNC Sub-Committee, the Joint Office will appoint the candidates recorded at that time and seek further nominations for the vacant positions (“subsequent vacancies”). For the avoidance of doubt, if the additional nomination process for subsequent vacancies produces more candidates than available vacancies, an Election Process will apply for the subsequent vacancies only.

Please note that DSC Committees have an appointment process which includes the redistribution of votes. Where there is a shortfall in nominations for representation, further nominations for the vacancies will not be sought unless the relevant committee requests this option.

#### **4.4. Election Process**

An election process will be initiated if the number of candidates is greater than the number of Shipper User positions available on the Modification Panel, UNC Sub-Committee or DSC Committee.

Organisations will be invited, by email issued no later than the **01 August**, to participate in the election process.

The Election window will be open for a minimum of 3 weeks (15 business days) and closes at 17.00hrs on the last day of this period. Communication received after the closure of the window will not be accepted.

- Each Organisation will be emailed with details of the candidates, as well as ballot papers to be

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<sup>1</sup> Where specific dates are stated in this document and the date in question falls on either a weekend or public holiday then the first following working day will be used

used for casting their vote(s).

- Responses will only be accepted from one individual within a Shipper User Group.
- Completed forms are to be returned to the Joint Office of Gas Transporters ([unselections@gasgovernance.co.uk](mailto:unselections@gasgovernance.co.uk)).

## Voting

For the **UNC Modification Panel (inc. UNCC)**, each Shipper User Group is permitted to cast up to a maximum of 6 votes for the 6 places available to be filled<sup>2</sup>. There will be a single vote per candidate for the Independent Supplier position.

For the **Demand Estimation Sub-Committee** (DESC) each Shipper User Group is permitted to cast up to a maximum of 5 votes for the 5 places available to be filled.

For the **Energy Balancing Credit Committee** (EBCC) each Shipper User Group is permitted to cast up to a maximum of 9 votes for the 9 places available to be filled.

For the **Performance Assurance Committee** (PAC) each Shipper User Group is permitted to cast up to a maximum of 9 votes for the 9 places available to be filled. Note that the appointment periods will overlap for the 9 places to avoid loss of continuity. For more details please see the PAC Terms of Reference available here: <https://www.gasgovernance.co.uk/PAC>.

For the **DSC Contract Management Committee** (DSC-Contract) each Shipper Group is permitted to cast up to a maximum of 2 votes for the 2 places available to be filled in their **Shipper User Class**.

For the **DSC Change Management Committee** (DSC-Change) each Shipper Group is permitted to cast up to a maximum of 2 votes for the 2 places available to be filled in their Shipper User Class.

Note that the **DSC Credit Committee** (DSC-Credit) is a Sub-Committee established by the Contract Management Committee comprising of up to 12 industry representatives on such terms as the Contract Management Committee decides.

Parties seeking to be nominated as a Representative on the DSC Credit Committee should make a request to the DSC Contract Management Committee, please ask the Joint Office for advice.

A Shipper User Group casting more than the permitted number of votes for either of the Modification Panel, UNC Sub-Committee or DSC Committees elections will have its vote rejected for that election.

All votes will be counted by a member of the Joint Office with verification by an individual who has been nominated by the Joint Office, acting as the Designated Person<sup>3</sup>.

Candidate Appointments will "first past the post" based on the number of votes cast per candidate.

## Tied Vote

If upon completion of the voting process, two (or more) candidates have received the same number of votes, which would affect filling the last remaining vacancy the above process will be repeated<sup>4</sup>. A new ballot paper will be issued containing only the names of the candidates who received the same number of votes. In this instance, the Shipper User Group will only be able to vote for the number of vacancies left to fill (i.e. if there is one vacancy to fill with two candidates on the ballot, then only one vote will be allowed).

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<sup>3</sup> The alternate will be a member of the Joint Office senior management

<sup>4</sup> This will only occur where the final outcome is impacted, i.e. if the tied candidates receive less than the top five candidates this process will not be triggered

## 5. Elections Timescale

This section outlines the relevant timescale for the execution of all steps in the election process.

- **By 01 June<sup>5</sup>** – Organisations will be reminded to co-ordinate all communications through one individual relating to the Appointment Process.
- **By 01 July** – Organisations will be invited to nominate new Modification Panel/UNCC (where relevant), UNC Sub-Committee and DSC Committee representatives. The nomination process will last no longer than 3 weeks.
- **By 01 August** - If an election is required, details of candidates and ballot papers will be issued to Organisations. Elections will last no longer than 3 weeks.
- **By 01 September** – The Joint Office will issue notification of appointed candidates via its UNC distribution list.
- **From 01 October** – Shipper User Representatives will take up positions on the UNC Modification Panel, UNC Sub-Committees and DSC Committees.

## 6. Ceasing to be a Representative

Voting membership will cease where the Representative notifies the Joint Office that they wish to cease their membership, or they will cease to be employed or engaged by the entity which employed or engaged the Representative at the time of the appointment or re-appointment.

## 7. Mid-Term Vacancies

Should a vacancy arise for UNC Modification Panel/UNCC/PAC, or any of the other committees within the scope of this document, nominations for a replacement(s) will be sought. If more nominations than positions available are received, an election will be conducted.

The timescale in these circumstances (only) will be determined at the discretion of the Joint Office and will take into account the specific circumstances at the time (such as having a replacement elected for the next meeting).

## 8. Publication of results to the industry

- Names of elected candidates will be published at <http://www.gasgovernance.co.uk/elections> – and will be circulated by email.
- Number of votes cast for each candidate – will be provided by email on request.
- Names of Shippers Users who have voted - will be provided by email on request.

## 9. Disputes

Any queries or disputes arising from these Rules will be determined by the Designated Person.

## 10. Appendices

The Appointment Process for Shipper User Representatives of the Uniform Network Code Modification Panel, UNC Committee, associated Sub-Committees and DSC Committees

The following rules describe the process for appointing:

- Rules for appointing User Representatives to the UNC Modification Panel and UNC Committee; the various UNC Sub-Committees and the DSC Committees;
- Definition of a “Shipper User Group”.

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<sup>5</sup> Where specific dates are stated and the date in question falls on either a weekend or public holiday then the first following working day will be used

**Rules for appointing User Representatives to the Uniform Network Code (UNC) Modification Panel, the UNC Committee (UNCC), the various UNC Sub-Committees and the DSC Committees**

**Objective:** Nominations will be invited from:

- (a) Relevant licensees who are holders of a gas shipping licence and who are bound under the terms of the UNC framework to enable up to:
  - i. Six (6) User Representatives to sit on the UNC Modification Panel (including UNCC) in accordance with the rules outlined in paragraphs 3 and 4 of the UNC Modification Rules.
  - ii. Nine (9) Shipper User Representatives to sit on the Energy Balancing Credit Committee (EBCC).
  - iii. Five (5) Shipper Users' Representatives to sit on the Demand Estimation Sub-Committee (DESC).
  - iv. Nine (9) Shipper Users' Representatives to sit on the Performance Assurance Committee (PAC).
  - v. to enable up to six (6) Shipper User Representatives to sit on the each of the DSC Committees: the DSC Change Management Committee (DSC-Change) and the DSC Contract Management Committee (DSC-Contract).
- (b) Holders of a Gas Supplier licence who are not affiliated to a Users' Representative and who supply customers connected to a pipeline system subject to the provisions of the UNC to enable:
  - i. One (1) Independent Suppliers' Representative to sit on the UNC Modification Panel

Terms of reference for Representatives will be available for UNC Modification Panel, UNC Committee, the various UNC Sub-Committees and DSC Committees, either within the UNC or within a separate published document.

Each nominee for the UNC Modification Panel, UNC Committee, the various UNC Sub-Committees and DSC Committees must be willing to stand and acknowledge that they are willing and able to represent the industry rather than just their employer, if selected. Candidates MUST satisfy themselves that they are familiar with the role and responsibilities.

- (a) UNC Modification Panel and UNCC nominees MUST satisfy themselves that they are familiar with the role and responsibilities and adhering to the Statement of Modification Panel Member Behaviour.
- (b) Performance Assurance Committee (PAC) nominees MUST satisfy themselves that they are familiar with the role and responsibilities, and more the requirements for confidentiality.

## **Other Sub-Committees**

Nominations are required in respect of each UNC Sub-Committee that an individual wishes to become a Voting Member of.

Each nominee must indicate they are willing and able to stand.

The number of Shipper Users' Representatives will not be limited and hence no voting process will be necessary.

## **Definition of a Shipper User Group**

This section provides Parties with an explanation of a Shipper User Group. It can assist Parties to determine if they are within a Shipper User Group so they can accurately inform the Joint Office of this status during the UNC election process. A Shipper's Company Secretary is in the best position to determine whether that Party belongs to a Shipper group.

Queries regarding your status as a trading party group should initially be directed to your Company Secretary. Further information is available from the Joint Office on +44 (0) 121 288 2107 or via email to [uncelections@gasgovernance.co.uk](mailto:uncelections@gasgovernance.co.uk).

During any election, each Shipper party can submit one vote. If a Shipper User is part of a Shipper User Group, only one party in that group can vote in the elections.

A Shipper User Group is a group comprised of Shipper Users and every affiliate of that Shipper. An "Affiliate" is any holding company of that Party, any subsidiary of that Party, or any subsidiary of a holding company of that Party, (within the meaning of the Companies Act 2006 - section 1159).

A Shipper User will be in a Shipper User Group with all other Shippers Users that are its Affiliates. This means all other Shippers who are:

- A subsidiary company of the Shipper User;
- The holding (parent) company of the Shipper User; or
- A company, which is a subsidiary of the same holding company as the Shipper User.