

Proposed code modification text

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A1. General

A1.1 This Section A sets out the process for the maintenance and modification of the Code, as specified in the Code Manager Standard Licence Condition 27: Code maintenance and modification (the Licence). To the extent that any conflict arises between the Code and the Licence, the Licence will prevail.

A1.2 The Code may only be modified in accordance with this Section A.

A1.3 Each modification to the Code must commence with either a proposal made in accordance with the provisions of this Section A (a Modification Proposal) or be an Authority-Led Modification Proposal as set out in A9.2 or an Authority-Directed Modification Proposal as set out in A9.3.

A2. Roles and responsibilities

The Code Manager

A2.1 The Code Manager must carry out its role in accordance with the Code Manager objectives as set out in Part A of the Code Manager Standard Licence Conditions.

A2.2 The Code Manager is responsible for the governance of the Code and must ensure that the process set out in this Section A is adhered to.

A2.3 The Code Manager must engage closely with the SAF during the progress of a Modification Proposal and share the views of the SAF with the Authority when making a recommendation or decision.

A2.4 The Code Manager is required to promptly update the Code following a decision and must ensure the Code and all supporting documentation remain accurate and up to date.

Advice and assistance

A2.5 The Code Manager must provide assistance, in so far as reasonably practical and on reasonable request:

- a) To all persons with an interest in the Modification Procedures, including in particular small participants and innovators; and,
- b) To the extent relevant, consumer representatives that request the Licensee's assistance in relation to the Code.

A2.6 This assistance shall include, but not be limited to, assistance with:

- a) Drafting a Modification Proposal
- b) Understanding the operation of the Code
- c) Involvement in and representation during the progress of a Modification Proposal through the Modification Procedures (including, but not limited to meetings of the SAF and any workgroup established under the Modification Procedures)

- d) Accessing information relating to Modification Proposals
- e) Acting as a 'critical friend' in the provision of support to any person with an interest in the Code, particularly with respect to under-represented parties, innovators, small market participants and consumer representatives; and,
- f) Publishing all documentation in relation to the Code in plain English and ensuring that all information in relation to the Code is promptly and publicly available to users.

The Proposer

A2.7 The Proposer is the owner of the relevant Issue or Modification Proposal throughout the process, and is responsible for attending relevant meetings, including SAF meetings, where the Issue or Modification Proposal will be discussed, and engaging promptly and constructively with the Code Manager, except in circumstances where another party has taken on ownership of the Issue or Modification Proposal as set out in A5.10.

A2.8 Should the Proposer of an Issue or Modification Proposal fail to engage with the Code Manager or acts in a manner which prevents the Code Manager from being able to ensure progress of the Issue or Modification Proposal, the Code Manager must make reasonable and proportionate efforts to contact the Proposer to find out the reasons for this.

A2.9 'Fail to engage' is defined as a lack of meaningful response from the Proposer to any contact from the Code Manager over a 2-month period.

A2.10 Where a Proposer is unable to engage due to a lack of resource or expertise, the Proposer may request that the Code Manager take ownership of an Issue or Modification Proposal as set out in A5.

A2.11 In instances where the Proposer fails to engage with the Code Manager or acts in a manner which prevents the Code Manager from being able to ensure progress of the Issue or Modification Proposal, the Code Manager can decide to withdraw the Issue or Modification Proposal as set out in A6.

A2.12 The Proposer will retain ownership of the legal text of the Modification Proposal, and no changes can be made to the legal text without the Proposer's approval.

A3. Code manager and SAF engagement

A3.1 There are three types of engagement between the Code Manager and the SAF.

A3.2 The Code Manager **informs** the SAF of a decision.

- a) Applies to the following decisions:
 - i) Decisions by the Code Manager to accept, or refuse to accept, an Issue on the basis that it meets or does not meet the pre-modification triage criteria as set out in A7.7

- ii) Decisions by the Code Manager to discard an Issue following a discussion of the Issue at the Pre-Modification Forum as it requires no further action as set out in A6.3b
 - iii) Decisions by the Code Manager or another Code Party to agree to take on ownership of an Issue or a Modification Proposal, and instances where no Code Party has agreed to take on ownership, following an ownership request by the Proposer as set out in A5; and,
 - iv) Decisions by the Code Manager to accept a Modification Proposal
- b) The Code Manager must ensure that:
- i) The written decision is circulated to the SAF members with a rationale within 14 working days of the decision being made; and,
 - ii) Any comments from the SAF members are recorded and published

A3.3 The Code Manager **consults** with the SAF on a decision.

- a) Applies to the following decisions:
 - i) An initial decision by the Code Manager to withdraw a Modification Proposal as set out in A6
 - ii) An initial decision by the Code Manager to designate, or refuse to designate a non-code party in order to raise a Modification Proposal as set out in A8.2
 - iii) An initial decision by the Code Manager to reject a Modification Proposal on the basis it does not meet the assessment criteria as set out in A8.12
 - iv) The initial plan produced by the Code Manager as set out in A11.2-A11.3; and,
 - v) The bi-annual and ad-hoc reviews of the Prioritisation Category of Modification Proposals as set out in A10.4
- b) The Code Manager must ensure that:
 - i) An initial decision is brought to a SAF meeting for discussion before a decision is made.
 - ii) The initial decision, with a rationale, is circulated in advance of the meeting; and,
 - iii) The discussion and final decision is minuted and published.

A3.4 The SAF provides its **assessment** on a proposal.

- a) Applies to the following decision:
 - i) The assessment of the Modification Proposal before the Final Modification Report is sent to Ofgem for decision for Authority-Consent Modification or the Code Manager makes a decision for Self-Governance Modifications as set out in A14.2g
- b) The SAF must assess a Modification Proposal and any Alternative Modification Proposals, against the existing provisions of the Code to determine whether:
 - i. the Modification Proposal would better facilitate achievement of the Relevant Code Objectives; and,

- ii. if any other proposed modification would better facilitate the Relevant Code Objectives
- c) The SAF must vote on whether the Modification Proposal better facilitates achievement of the Relevant Code Objectives; and,
- d) The Code Manager must ensure that the discussion and outcome of the vote is recorded in the Final Modification Report.

A4. Change register

A4.1 The Code Manager must establish and maintain a register of all current and past Issues and Modification Proposals (referred to as the Change Register).

A4.2 Where submission of an Issue or Modification Proposal is accepted the Code Manager must assign a unique identifier to the Issue or Modification Proposal and add it to the Change Register.

A4.3 The Code Manager must publish the Change Register on its website.

A4.4 The Code Manager must ensure that the Change Register is updated at regular intervals so that the information it contains in relation to each Issue and Modification Proposal is, so far as is reasonably practicable, accurate and up to date.

A4.5 The Change Register must include details of whether each Modification Proposal is urgent or not, as set out in A10.1.

A4.6 The Change Register must include details of:

- a) The Prioritisation Category of each Modification Proposal (if it is not an Urgent Modification Proposal), and the reasons for the Code Manager determining the Prioritisation Category of each Modification Proposal as set out in A10.3; and,
- b) Any changes to the Prioritisation Category of a Modification Proposal, alongside the reasons for its change.

A4.7 The Change Register must include details of any Direct Code Modifications that take place as set out in A19.

A5: Requesting ownership

A5.1 A Proposer of an Issue or Modification Proposal can request to the Code Manager that another party takes on ownership of the Issue or Modification Proposal.

A5.2 This request must be made in writing to the Code Manager and include an explanation from the Proposer as to its rationale for why another party should take on ownership.

A5.3 This request can be made at any stage of the modification process prior to the final decision on a Modification Proposal.

A5.4 Where a Proposer has made a request that another party takes on ownership the Code Manager can either accept ownership of the Issue or Modification Proposal or can offer the ownership request to another party, with a clear timescale for a response.

A5.5 Neither the Code Manager or any other party is required to accept ownership of an Issue or Modification Proposal.

A5.6 The party that accepts ownership of the Issue or Modification Proposal must declare in writing that it has no conflict of interest with the Issue or Modification Proposal and this must be recorded in the Change Register.

A5.7 If no party takes on ownership of the Issue or Modification Proposal, the original Proposer may choose to retain the Issue or Modification Proposal or withdraw it as set out in A6.1 and A6.2.

A5.8 Where no party takes on ownership of the Issue or Modification Proposal, and the Proposer chooses not to retain the Issue or Modification Proposal, the Code Manager can decide to withdraw the Issue or Modification Proposal, following the process set out in A6 and this must be recorded in the Change Register.

A5.9 Where an ownership request has been made by a Proposer, and:

- a) The Code Manager or another party has taken on ownership; or,
- b) No other party has taken on ownership and the Proposer has decided to retain ownership, the Code Manager must inform the SAF on this decision following the procedure set out in A3.2.

A5.10 Once a new party takes on ownership of an Issue or Modification Proposal, it is then the Proposer for the purposes of the modification process.

A6. Withdrawals

A6.1 A Proposer can withdraw an Issue at any time by notifying the Code Manager in writing.

A6.2 A Proposer can withdraw a Modification Proposal at any time prior to the final decision on a Modification Proposal by notifying the Code Manager in writing.

A6.3 An Issue or Modification Proposal can be withdrawn by the Code Manager only in the following circumstances:

- a) Where the Proposer has requested another party take on ownership, and neither the Code Manager nor any other party has accepted, and the Proposer does not wish to retain the Issue or Modification Proposal
- b) Following a discussion of the Issue at the Pre-Modification Forum the Code Manager decides the Issue requires no further action
- c) Where the Proposer fails to engage with the Code Manager or acts in a manner which prevents the Code Manager from being able to ensure progress of the Issue or Modification Proposal; or,

- d) Where the Code Manager becomes aware at a later date of information that would have meant that the Issue or Modification Proposal would not have been accepted initially or is now no longer needed.

A6.4 The decision to withdraw an Issue or Modification Proposal on the basis of any of the circumstances listed in A6.3 can only be made by the Code Manager after consultation with the SAF following the procedure set out in A3.3.

A6.5 Once a final decision to withdraw an Issue or Modification Proposal is made the Code Manager must write to the Proposer to set out its decision and rationale, including the view of the SAF. This decision and rationale must also be published.

A6.6 Authority-Led and Authority-Directed Modification Proposals cannot be withdrawn by the Code Manager, except at the written request of the Authority.

A7. Pre-modification process

A7.1 The Pre-Modification process is not a mandatory step for all Modification Proposals.

A7.2 Any interested person may submit an Issue, regardless of whether or not it is a Code Party.

Form of the Issue

A7.3 The Proposer must submit the Issue to the Code Manager.

A7.4 The Code Manager must prescribe the form in which Issues must be submitted and what supporting information will be required. The Code Manager must set out these requirements and publish accompanying guidance on the Code Manager's website.

A7.5 Each Proposer must use the prescribed form when submitting an Issue.

A7.6 Each Issue will be expected to focus on an issue that the Proposer seeks to address and/or an outcome it wishes to effect, rather than on the detail of a potential solution. Where an Issue does contain a proposed solution, that will not preclude the Code Manager from exploring and developing solutions which, in the Code Manager's view, may better fulfil the Proposer's intention and/or the Relevant Code Objectives more generally.

Pre-modification triage criteria

A7.7 The Code Manager may refuse to accept submission of an Issue if the Code Manager considers that one or more of the following apply:

- a) the Issue presented is incomplete or unclear
- b) the Issue could form part of a different Issue yet to be decided on; or
- c) the Issue is outside the scope of the Code.

A7.8 If the Code Manager refuses to accept submission of an Issue, the Code Manager must write to the Proposer and offer assistance (where reasonably practicable) to address the reasons for the refusal.

A7.9 The Code Manager must then inform the SAF of this decision following the procedure set out in A3.2.

A7.10 If the Code Manager accepts an Issue, the Code Manager will work with the Proposer to determine whether the Issue should be discussed at the Pre-Modification Forum.

A7.11 Discussion at a Pre-Modification Forum is not mandatory for an Issue to progress to a Modification Proposal.

Pre-Modification Forum

A7.12 Each session of the Pre-Modification Forum will be chaired by the Code Manager.

A7.13 The Code Manager will determine when sessions of the Pre-Modification Forum are required.

A7.14 The date and business of the Pre-Modification Forum must be published on the Code Manager's website at least 5 working days in advance, and the Code Manager must make reasonable efforts to publicise the meeting to relevant stakeholders.

A7.15 The purpose of a Pre-Modification Forum is, but not limited, to:

- a) Review and assess Issues accepted by the Code Manager into the process
- b) Identify any Issues that do not require any further action
- c) Propose and develop solutions
- d) Identify the impact of any solutions
- e) Provide the Code Manager with views on the impact of a proposed solution
- f) Assess proposed solutions against the Relevant Code Objectives; and,
- g) Request the Code Manager consults with stakeholders on an Issue and/or a proposed solution.

A7.16 The Proposer (or a designated representative) of the Issue must be in attendance at the relevant Pre-Modification Forum meeting to present its Issue.

A7.17 The Pre-Modification Forum is open to any stakeholder who would like to attend.

A7.18 The Code Manager must make every effort to ensure the Pre-Modification Forum is representative of all parties impacted by the Issue being discussed.

A7.19 The Code Manager must publish a summary of the discussion and outcomes of the Pre-Modification Forum.

A7.20 The Code Manager must circulate a summary of the discussion and outcomes of the Pre-Modification Forum to the SAF members, and the Pre-Modification Forum must feature as a standing item on the SAF agenda.

A7.21 There is no limit on the number of Pre-Modification Forums that can exist for each code. The Code Manager will work with stakeholders to identify the need for any other forums that are needed to deliver an effective pre-modification process. If any other stakeholder forums are created, the Code Manager must create terms of reference for each group.

A8. Raising modification proposals

A8.1 A Modification Proposal may be raised by any of the following persons (the Proposer):

- a) A Code Party (including the Code Manager)
- b) The Authority (for Authority-Led Modification Proposals)
- c) Statutory Consumer Advocates
- d) Other Code Managers, only for cross-code change
- e) Sub-committees listed in the Code
- f) Non-code parties designated by the Code Manager for the purpose of raising a single modification proposal; or,
- g) Any other person listed in the relevant licence or code.

Designation of non-code parties

A8.2 The Code Manager must consider all of the following when determining if a non-code party should be designated and therefore permitted to raise a modification proposal:

- a) An explanation of why the non-code party has an interest in the Code and why they want to raise a Modification Proposal; and,
- b) Whether the Modification Proposal is being raised as a result of an Issue that has gone through the Pre-Modification stage

A8.3 The Code Manager must consult with the SAF following the procedure set out in A3.3 and take into account its view on whether the Code Manager should designate a non-code party for the purpose of raising a Modification Proposal.

A8.4 Following the decision by the Code Manager to designate a non-code party, or to refuse designation to a non-code party for the purpose of raising a Modification Proposal, the Code Manager must write to the party setting out its decision, the views of the SAF, and the rationale for the decision and relevant details including guidance on how to appeal such decision.

A8.5 Where a non-code party disagrees with a decision of the Code Manager not to designate them for the purpose of raising a modification proposal then such party may appeal the decision of the Code Manager to the Authority and the Code Manager must give effect to any direction of the Authority arising from such appeal.

Content of the Modification Proposal

A8.6 The Proposer must submit the Modification Proposal to the Code Manager.

A8.7 The Code Manager must prescribe the form Modification Proposals must be submitted in and what information will be required to support the Modification Proposal. The Code Manager must set out these requirements, and publish accompanying guidance, on the submission of Modification Proposals, on the Code Manager's website.

A8.8 Each Proposer must use the prescribed form when submitting a Modification Proposal.

A8.9 A Modification Proposal must contain the following information:

- a) The problem and the proposed solution
- b) An assessment of the Modification Proposal against the Relevant Code Objectives
- c) An assessment of the Modification Proposal's modification path
- d) An assessment of impacted stakeholders
- e) Any cross-code impacts that the Modification Proposal may have
- f) An assessment by the Proposer as to whether the Modification Proposal is Urgent or not; and,
- g) An assessment by the Proposer of the Modification Proposal against the Prioritisation Criteria.

Assessment Criteria

A8.10 Except in the case of an Authority-Led Modification Proposal or Authority-Directed Modification Proposal, the Code Manager may reject a Modification Proposal if the Code Manager considers that one or more of the following apply:

- a) The Modification Proposal has been submitted by a person not listed in or designated under A8.1
- b) The Modification Proposal does not contain the information specified in A8.9
- c) The Modification Proposal does not have a reasonable prospect of being approved; or,
- d) The Modification Proposal has substantially the same effect as a Modification Proposal the Code Manager or Authority has rejected within the last six months (except in cases where a Modification Proposal is being raised to directly address issues identified in a previously rejected Modification Proposal).

A8.11 Where the Proposer has not submitted all the information required as set out in A8.9 the Code Manager must write to the Proposer, setting out the missing information and ask the Proposer to resubmit its proposal within a reasonable timeframe. If the Proposer does not submit the correct information after two further attempts following the original submission, the Code Manager may proceed to a decision to reject the Modification Proposal.

A8.12 Where the Code Manager is minded to reject a Modification Proposal, the Code Manager must consult with the SAF following the procedure set out in A3.3 and consider its views.

A8.13 Following the decision by the Code Manager to reject a Modification Proposal, the Code Manager must write to the Proposer setting out its decision, the views of the SAF, and the rationale for the decision and relevant details including guidance on how to appeal such decision.

A8.14 The Code Manager must publish its decision, with reasons for rejecting the Modification Proposal, together with any view from the SAF.

A8.15 Where a Proposer disagrees with a decision of the Code Manager to reject its Modification Proposal then the person may appeal the decision of the Code Manager to the Authority, and the Code Manager must give effect to any direction of the Authority arising from such appeal.

A9. Modification Path

A9.1 Each Modification Proposal will follow one of five modification paths, which are:

- a) An Authority-Led Modification
- b) An Authority-Directed Modification
- c) An Authority-Consent Modification
- d) A Self-Governance Modification; or,
- e) A Fast-Track Self-Governance Modification.

Authority-Led Modification

A9.2 A Modification Proposal submitted by the Authority in accordance with A18.1 will have the status of an Authority-Led Modification.

Authority-Directed Modification

A9.3 A Modification Proposal raised by the Code Manager at the direction of the Authority will have the status of an Authority-Directed Modification.

A9.4 In its direction to the Code Manager, the Authority will specify whether the Authority-Directed Modification Proposal will:

- a) Follow the Modification Procedure; or,
- b) Follow the process for Authority-Led Modification Proposals as set out in A18

A9.5 For Authority-Directed Modification Proposals the Authority may issue a direction setting out and/or amending a timetable for:

- a) The Code Manager to raise the Modification Proposal; and/or,
- b) The completion of each of the procedural steps outlined in the direction (including any steps that differ from the Modification Procedures referred to in this Section A, to the extent that they are relevant).

A9.6 An Authority-Led Modification Proposal and Authority-Directed Modification Proposal must be accepted by the Code Manager into the modification process and will not be subject to the Assessment Criteria set out in A8.10.

Authority-Consent Modifications

A9.7 A Modification Proposal which satisfies one or more of the following criteria will be classified as an Authority-Consent modification:

- a) The proposal is likely to have a material impact on existing or future Energy Consumers
- b) The proposal is likely to cause undue discrimination in their effects between one Party (or class of Parties) and another Party (or class of Parties); or,
- c) The proposal is likely to have a material effect on the arrangements set out in this Section A and Section B.

Self-Governance Modification

A9.8 A Modification Proposal which does not satisfy the Authority-Consent criteria set out in A9.7 will be classified as a Self-Governance Modification.

A9.9 A Modification Proposal which meets the criteria of a Self-Governance Modification can be classified as Fast Track Self-Governance Modification if it is required as a result of some error or factual change, including but not limited to:

- a) Updating names or addresses listed in the Code
- b) Correcting minor typographical errors
- c) Correcting formatting and consistency errors, such as paragraph numbering; or,
- d) Updating out of date references to other documents or paragraphs.

A9.10 Fast-Track Self-Governance Modification Proposals are not required to go through the consultation stage and may proceed directly to the Final Modification Report stage.

Determination of Modification Path

A9.11 Unless it is an Authority-Led Modification Proposal or an Authority-Directed Modification Proposal the Code Manager will make the determination of which path each Modification Proposal will follow, being either, an Authority-Consent Modification or a Self-Governance Modification, including Fast-Track Self-Governance Modifications.

A9.12 The Code Manager must consult with the SAF on which Modification Path a Modification Proposal should follow, in line with the procedure set out in A3.3 and consider its views.

A9.13 Where a Code Party disagrees with a decision of the Code Manager that a Modification Proposal is a Self-Governance Modification then the Code Party may appeal the decision of the Code Manager to the Authority and the Code Manager must give effect to any direction of the Authority arising from such appeal.

A9.14 The Authority may determine that a Modification Path should be reconsidered, and can instruct the Code Manager to change the Modification Path of any Modification Proposal, The Authority must:

- a) Provide written instruction to the Code Manager to change the Modification Path alongside a rationale; and,
- b) Send this written instruction before the Code Manager makes a final decision on the Modification Proposal.

Any such determination will be final and binding for the purposes of the Code.

Objections to Self-Governance Fast-Track Modifications

A9.15 The Code Manager's decision that a Modification Proposal is a Self-Governance Fast-Track Modification must be implemented unless an objection is raised in accordance with A9.17.

A9.16 Any Code Party may raise an objection to the Code Manager's decision that a Modification Proposal is a Self-Governance Fast-Track Modification Proposal.

A9.17 The objection must include an explanation of why the objecting person objects to the decision that the Modification Proposal is a Self-Governance Fast-Track Modification Proposal, including, where applicable, a rationale for why the Modification Proposal does not satisfy all of the Self-Governance Fast-Track criteria, using the criteria set out in A9.9.

A9.18 If the Code Manager accepts the objection the decision that a Modification Proposal is a Self-Governance Fast-Track Modification Proposal will not be implemented and the Code Manager must reclassify the Self-Governance Fast-Track Modification Proposal as a Self-Governance Modification Proposal or an Authority Consent Modification Proposal, using the criteria as set out in A9.7.

A9.19 If the Code Manager does not accept the objection, the Code Manager must submit the objection and its rationale for not accepting the objection to SAF for consultation following the process as set out in A3.3 and must consider its views.

A9.20 If the Code Manager makes a final decision to not accept an objection, it must write to the objecting person to set out its refusal decision including the reasoning for such refusal and accompanying SAF views.

A9.21 The Code Manager must publish its decision, with reasons for refusing to accept an objection, together with any view from the SAF.

A10. Urgency and prioritisation

Urgency of Modifications

A10.1 The Code Manager must make the initial determination of whether a Modification Proposal is to be an Urgent Modification Proposal, based on the criteria for urgency published by the Authority from time to time.

A10.2 The Code Manager's initial determination under A10.1 will apply unless and until over-turned by the Authority. Where, following discussion with the Code Manager, the

Authority issues a notice to them requesting them to amend its urgency determination, the Code Manager must comply with such notice.

Prioritisation

A10.3 Where the Code Manager has determined that a Modification Proposal is not an Urgent Modification Proposal, the Code Manager must, with the exception of Self-Governance Fast-Track Modification Proposals, make an initial determination of the Prioritisation Category of the Modification Proposal, based on the criteria for prioritisation published by the Authority from time to time.

Review of the Prioritisation Category of Modification Proposals

A10.4 The Code Manager must, in consultation with SAF, review the Prioritisation Category of Modification Proposals on a bi-annual basis and adjust the relevant modification timetable for each Modification Proposal accordingly.

A10.5 The Code Manager must consult with the SAF on the review of the Prioritisation Category of Modification Proposals, in line with the procedure set out in A3.3 and consider its views.

A11. Assessment of Modification Proposals

A11.1 The Code Manager must produce an initial Modification Plan for each Modification Proposal.

A11.2 The Modification Plan will set out proposals for:

- a) The Modification Path as described in A9
- b) Whether the Modification Proposal is Urgent or not as described in A10.1
- c) Where the Modification Proposal is not an Urgent Modification Proposal, the Prioritisation Category of the Modification Proposal, as described in A10.3
- d) The timeframe for progressing the Modification Proposal; and,
- e) Whether the Modification Proposal:
 - i) needs further development or assessment through the Workgroup Process
 - ii) is sufficiently clear and complete to enter the consultation process and the rationale for this proposal; or
 - iii) is a Self-Governance Fast-Track Modification Proposal and can proceed directly to the final Modification Report as set out in A9.10.

A11.3 Where the Code Manager has made an initial decision that the Modification Proposal will proceed to a Workgroup, the initial plan will also set out the:

- a) Proposed terms of reference for the Workgroup
- b) Proposed number and frequency of Workgroup meetings; and,
- c) Proposed membership of the Workgroup

A11.4 Where the Code Manager has decided that a Modification Proposal should enter the Workgroup Process the Code Manager must support the Proposer to develop the Modification Proposal ahead of the Workgroup.

A11.5 Once the Code Manager has produced an initial plan for a Modification Proposal it must then consult with the SAF on the proposals outlined in the Modification Plan, following the process as set out in A3.3 before making a final decision on these proposals.

A11.6 At any time during the modification process the Code Manager may make a change to any element of the Modification Plan, as set out in A11.2, in consultation with SAF, following the process as set out in A3.3.

A12. Workgroup

A12.1 This Section A12 only applies in respect of a Modification Proposal where it is determined by the Code Manager that the Modification Proposal is to be subject to the Workgroup Process.

Establishment of a Workgroup

A12.2 There is no restriction on the type and number of Workgroups the Code Manager may set up.

A12.3 Any Workgroups that are established must follow the procedure set out in A11.3 to establish its:

- a) Terms of reference
- b) Number and frequency; and,
- c) Membership

A12.4 Once established Code Managers may change the number or frequency of Workgroup meetings to aid in the efficiency of the code modification process.

A12.5 The Code Manager must publish a summary of the discussion and outcomes of all Workgroups on its website.

Role of Code Manager

A12.6 All Workgroup meetings will be chaired by the Code Manager.

A12.7 The Code Manager will also be responsible for:

- a) Facilitating and coordinating input from Workgroup members or other interested stakeholders
- b) Procuring additional analysis, where this is required
- c) Ensuring that the views of the under-represented participants are recorded and considered as part of the Workgroup discussion; and,
- d) Drafting the Workgroup report, or ensuring a suitable party is responsible for drafting the Workgroup report

Workgroup members

A12.8 The Code Manager, in consultation with SAF as set out in A11.3, should ensure that the membership of the Workgroup has sufficient expertise and representation in order to fulfil the purpose of the Workgroup.

A12.9 Workgroup members must agree the Workgroup report as set out in A13.9g.

A12.10 Any individual or organisation can request to join a Workgroup but need to provide justification for its inclusion.

A12.11 Any requests to join a Workgroup would need to be made to the Code Manager in writing who must then consider the request. The Code Manager must consider whether the individual requesting membership will be impacted by the Modification Proposal or has expertise on the topic. If the Code Manager decides that an individual does not qualify for joining the Workgroup as a member, it can offer for the individual to attend as an observer.

Observers

A12.12 Observers may attend Workgroup meetings and input into discussions but are not required to sign off the Workgroup report as set out in A13.9g.

A12.13 The Code Manager must ensure that Workgroup observers do not negatively impact on the business of the Workgroup.

A12.14 The Code Manager may remove an observer from a Workgroup if it considers an observer is negatively impacting on the business of the Workgroup.

Purpose of the Workgroup

A12.15 The purpose of a Workgroup Process is to:

- a) Evaluate, develop and refine the content of the Modification Proposal
- b) Consider and clarify the likely effects of the Modification Proposal, including identifying the Parties, Energy Consumers and other persons likely to be affected by the Modification Proposal.
- c) Consider any Alternative Modification Proposals that would also address the same problem; and,
- d) Prepare a report which sets out a summary of the work and views of the Workgroup, covering A12.15a-c and any other relevant information and/or views of the Workgroup.

A13: Consultation

A13.1 All Modification Proposals must go through the consultation stage, apart from Self-Governance Fast-Track Modification Proposals, as set out in A9.10, which may proceed directly to the Final Modification Report stage.

Draft Modification Report

A13.2 The Code Manager must, for each Modification Proposal, apart from Self-Governance Fast-Track Modification Proposals, prepare a written report on the proposal for consultation (the Draft Modification Report).

A13.3 The Code Manager must complete the Draft Modification Report as specified below in A13.9, with the exception of sections k(iii) and l.

A13.4 The SAF Secretary will arrange for the Draft Modification Report to be circulated to SAF members for discussion at the next available SAF meeting.

A13.5 The Proposer (or a designated representative) of the Modification Proposal is entitled to be in attendance at the relevant SAF to present its Modification Proposal.

A13.6 Following discussion at the SAF meeting the SAF Chair, or a nominated representative, will ensure that the SAF's assessment of the Modification Proposal (section k(iii) of the Draft Modification Report) is circulated to all SAF members for comment and approval.

A13.7 Once approved by the SAF members, the SAF Chair, or a nominated representative, will confirm the SAF's assessment of the Modification Proposal (section k(iii)) to the Code Manager.

A13.8 The Code Manager must include the SAF assessment as confirmed to it by the SAF Chair and add section l and make any relevant changes to the Draft Modification Report before proceeding to consultation.

A13.9 The Draft Modification Report for each Modification Proposal must include the following:

- a) The Modification Path of the Modification Proposal
- b) Whether the Modification Proposal has been determined to be urgent and the reasons for this determination
- c) Where the Modification Proposal is not an Urgent Modification Proposal, detail of the Prioritisation Category, and the reasons for this determination
- d) An explanation of the Modification Proposal and any Alternative Modification Proposals and how they address the problem
- e) Specify whether the approval of the Modification Proposal will require changes to other Industry Codes, and confirm that Modification Proposals have been raised in respect of the affected Industry Codes
- f) Where the Modification Proposal was subject to the Pre-Modification process specify how the Modification Proposal developed from the initial Issue raised
- g) Where the Modification Proposal was subject to the Workgroup Process a report from the Workgroup as set out in A12.15d

- h) Any analysis, including any impact assessment or cost benefit analysis, commissioned by the Code Manager as part of the development of the Modification Proposal
- i) An assessment of how the Modification Proposal and any Alternative Modification Proposals would impact all affected parties, including consumers. Where the impact is significant for any party, the Code Manager must provide a full evaluation that considers the full range of advantages and disadvantages on consumers, code parties, and any affected non-code parties
- j) An estimate of the costs associated with making and delivering the changes and / or developments which would be required to services, processes, people and central computer systems, if the Modification Proposal or any of the alternatives were to be approved, for both implementation and on an ongoing basis.
- k) An assessment, and a detailed explanation of the reasons for that assessment, from the following parties whether, the Modification Proposal or any of the Alternative Modification Proposals would, as compared with the existing provisions of the Code, better facilitate the achievement of the Relevant Code Objectives, and no other proposed modification would better facilitate achieving the Relevant Code Objectives:
 - i. The Proposer
 - ii. The Code Manager
 - iii. The SAF
- l) An explanation from the Code Manager about how it has taken the view of the SAF into account in its assessment. Where the assessment of the Code Manager differs from that of the SAF, the Code Manager must explain the reasons for this difference.
- m) The legal text of the Modification Proposal and where applicable the alternative legal text of any Alternative Modification Proposals; and,
- n) Specify the proposed implementation timetable (including the proposed implementation date).

Consultation

A13.10 The Code Manager must arrange for a consultation seeking the views of all relevant parties on the Modification Report (the Modification Report Consultation). The Code Manager must:

- a) determine the form of consultation
- b) determine the timetable for consultation responses; and,
- c) collate the responses received during the consultation and publish the collated responses on its website (unless the respondent has requested that its response be treated confidentially)

A13.11 The Code Manager has the discretion to hold any additional consultations if it deems this necessary.

A13.12 The Code Manager must make every effort to ensure that all Code Parties are informed about all consultations and are able to make their views known.

Post consultation

A13.13 The Code Manager must share with the SAF the views of stakeholders in response to its consultation. The Code Manager and the SAF must consider stakeholder responses prior to finalising its view on whether the Modification Proposal better facilitates the Relevant Code Objectives.

A13.14 If the Code Manager deems necessary, additional meetings of the Workgroup may be held to consider issues raised in the consultation, prior to the Final Modification Report being drafted.

A13.15 The Code Manager must complete a draft of the Final Modification Report as specified below in A14.2, with the exception of sections g, h and i.

A13.16 The SAF Secretary will arrange for the draft of the Final Modification Report to be circulated to SAF members for assessment at the next available SAF meeting.

A13.17 Following the SAF meeting, the SAF chair will ensure that the SAF's assessment of the Modification Proposal (section g) of the Final Modification Report) is circulated to all SAF members for comment and approval.

A13.18 Once approved by SAF, the SAF Chair will confirm the SAF's assessment (including the outcome of the vote) of the Modification Proposal to the Code Manager.

A13.19 The Code Manager must include the SAF assessment as confirmed by the SAF Chair and add section g, h and i to the Final Modification Report.

A14. Final Modification Report

A14.1 The Code Manager must produce a final report for submission to the Authority (Final Modification Report). This report will set out the Modification Proposal and either (i) seek the Authority's determination to the Modification Proposal in respect of an Authority-Consent Modification Proposal; or (ii) inform the Authority of the Code Manager's decision in respect of a Self-Governance Modification Proposal.

A14.2 The Final Modification Report for each Modification Proposal must set out the following:

- a) The information specified in A13.9 a-n, excluding 13.9k (ii) and (iii) and l
- b) A summary of the views expressed by respondents through consultation on the Modification Proposal, including views on any Alternative Modification Proposals
- c) Any changes that have been made to the Modification Proposal as a result of the consultation process

- d) Links to all copies of all representations made by respondents to the consultation on the Draft Modification Report (unless the respondent has requested that its response be treated confidentially)
- e) A statement of how the Modification Procedures have operated in relation to the Modification Proposal and any Alternative Modification Proposals
- f) Specify a timetable for the implementation of the Modification Proposal, including the date from which such modification could take effect (implementation date).
- g) The assessment from the SAF including the vote outcome as set out in B12
- h) An explanation from the Code Manager about how it has taken the view of the SAF into account in its assessment. Where the assessment of the Code Manager differs from that of the SAF, the Code Manager must explain the reasons for this difference; and,
- i) The final assessment of the Code Manager. The Code Manager must assess the Modification Proposal, and any Alternative Modification Proposals, as to whether it meets the following requirement:
 - i) the Modification Proposal would, as compared with the existing provisions of the Code, better facilitate achieving Relevant Code Objectives
 - ii) no other proposed modification under consideration would better facilitate achieving the Relevant Code Objectives than the relevant proposed modification.

A14.3 All assessments of the SAF and the Code Manager are to be made without regard to whether the Modification Proposal was raised in consequence of a Strategic Direction Statement.

A15. Alternative Modification Proposals

A15.1 An Alternative Modification Proposal is an alternative solution to the Issue identified by a Modification Proposal.

A15.2 An Alternative Modification Proposal can only be raised by either the Code Manager or by the Workgroup.

A15.3 The provisions set out in A2.7-A2.12 apply to the Proposer of an Alternative Modification Proposal.

A15.4 An Alternative Modification Proposal must meet the Assessment Criteria set out in A8.10 in order to be accepted into the process.

A15.5 An Alternative Modification Proposal must meet the following criteria in order to be accepted into the process. An Alternative Modification Proposal must:

- a) address the original issue
- b) have a clear rationale as to why they have been raised; and,

- c) be sufficiently different in outcome from the original Modification Proposal and from each other Alternative Modification.

The Code Manager will decline to accept any proposal that does not meet the criteria.

A15.6. Notwithstanding whether an Alternative Modification Proposal meets the criteria in 15.5, the Code Manager will decline to accept it if, in its view, the overall number of Alternative Modification Proposals that have been put forward is disproportionate to the materiality of the issue sought to be addressed.

A15.7 In considering whether to decline an Alternative Modification Proposal under A15.6, the Code Manager must have regard to

- a) Efficient progression: Whether the volume of Alternative Modification Proposals would materially impede timely assessment and progression of the Modification Proposal; and/or,
- b) Proportionality: Whether additional alternatives would provide meaningful incremental value compared with the resource and stakeholder burden required to assess them.

A15.8 The Code Manager can combine suggested Alternative Modification Proposals if it determines that they are sufficiently similar or produce a better proposal once combined.

A15.9 The Code Manager can instruct the workgroup, other code parties and/or the Proposer of the Modification Proposal to work together to develop or combine one or more Alternative Modification Proposals.

A16. Decision

A16.1 The final decision as to whether or not to approve a Modification Proposal will depend upon whether the Modification Proposal is:

- a) An Authority-Led Modification (see A18)
- b) An Authority-Direct or Authority-Consent Modification; or
- c) A Self-Governance Modification, including Self-Governance Fast-Track modifications.

Authority-Directed and Authority-Consent Modification Proposals

A16.2 An Authority-Directed or Authority-Consent Modification Proposal shall only be approved where the Authority determines that the Modification Proposal shall be approved.

A16.3 The Authority may consent to the approval of the Modification Proposal where, in the opinion of the Authority, that Modification Proposal facilitates achieving the Relevant Code Objectives (taken as a whole and without priority as between them):

- a) better than the existing provisions of the Code; and

- b) as well as, or better than, any other proposed modification specified in the report.

Send-Back Process

A16.4 The Authority may send-back a Modification Proposal if it:

- a) Is not satisfied the Code Manager has demonstrated in the Final Modification Report that it has taken into account the views of the SAF in forming its recommendation on the Modification Proposal; or,
- b) Is not satisfied that the Code Manager has sufficiently assessed whether one of the Modification Proposals would better facilitate achieving the Relevant Code Objectives than the other(s); or,
- c) Otherwise considers that it cannot form an opinion on consenting or refusing consent to the Modification Proposal.

A16.5 In these circumstances the Authority may issue a direction to the Code Manager specifying any additional steps that the Authority requires and a timeline for resubmission (including drafting or amending the proposed legal text, revising the proposed implementation timetable, and/or revising or providing additional analysis and/or information).

A16.6 The direction may specify a timeframe for the Modification Report to be submitted or, if the Authority decides to publish a notice under s.193(1) of the Energy Act 2023 of a Proposed Direct Modification in respect of any of the matters addressed by the Final Modification Report, suspend a decision about the Modification Proposal specified in the Final Modification Report for the duration of the Consultation Phase.

A16.7 Where the Authority issues a direction to the Code Manager in accordance with A16.4:

- a) The recommendation of the Code Manager in respect of the Modification Proposal will be null and void
- b) The Code Manager may send the Modification Proposal back to the relevant Workgroup (or may establish a Workgroup) to consider the matters raised by the Authority
- c) The Code Manager must revise the implementation timetable applying to the Modification Proposal
- d) The Code Manager must prepare a revised Final Modification Report
- e) The Code Manager must submit the revised Final Modification Report to the SAF for its assessment; and,
- f) The Code Manager must update the Change Register to record the status of the Modification Proposal.

Self-Governance Modification Proposals, including Self-Governance Fast-Track Modification Proposals

A16.8 A Self-Governance Modification will only be approved where the Code Manager makes the decision to approve the Modification Proposal. In making such a determination the Code Manager must have regard to the following:

- a) Whether or not the approval of the Modification Proposal would, as compared with the existing provisions of the Code, better facilitate the achievement of the Relevant Code Objectives than if the Modification Proposal was rejected
- b) Whether any other proposed modification would better facilitate achieving the Relevant Code Objectives than the relevant proposed modification; and,
- c) The assessment of the SAF as to whether or not to approve the Modification Proposal.

A16.9 Any decision of the Code Manager in accordance with A16.8 is final, subject to the following:

- (a) Any Party that disagrees with the decision of the Code Manager in accordance with A16.8 may (within 10 working days following the publication of that decision) refer the matter to the Authority, and the Authority shall determine whether the Modification Proposal should be rejected or approved in accordance with A16.8; and,
- (b) Accordingly, where the consequence of the Authority's determination is that the Modification Proposal is to be rejected (where it has previously been approved) the Modification Proposal will be cancelled and not implemented (or, if already implemented, will be reversed).

A16.10 An appeal will only be considered by the Authority where it meets the following conditions:

- a) The appellant considers that the Code Manager has wrongly assessed the Modification Proposal against A16.8a-b; and,
- b) The Authority considers that the appeal has been raised for reasons that are trivial or vexatious, or has no reasonable prospect of success.

A17. Significant code review

A17.1 The Authority may, at any time, notify affected Parties of a Significant Code Review.

A17.2 The notice referred to in A17.1 will include:

- a) A statement that the Authority's review will constitute a Significant Code Review
- b) The start date of the Significant Code Review
- c) A description of the matters for consideration within the scope of the Significant Code Review; and,

- d) Confirmation that a Modification Suspense Period has begun as a result of the Significant Code Review.

A17.3 The Authority may direct the Code Manager to provide assistance during a Significant Code Review. This assistance may include:

- a) Collating and canvassing views from Code Parties and the Stakeholder Advisory Forum, including less well-resourced Code Parties, on the proposal; and,
- b) Proving advice on the proposal

A17.4 A Modification Suspense Period will commence on the date specified by the Authority as set out in A17.2d and ends for the purposes of the Code on the date that:

- a) where the Authority has issued a direction to raise an Authority-Directed Modification Proposal(s) or, or itself has raised, an Authority-Led Modification Proposal(s), on the date on which the Authority either:
 - i) consents to the modifying of the Code in accordance with that Modification Proposal(s), or,
 - ii) refuses such consent
- b) on the date on which the Authority publishes a statement that it will not issue a direction to raise an Authority-Directed Modification Proposal(s), or itself raise an Authority-Led Modification Proposal(s)
- c) if by the end of 28 working days the Authority publishing any of its Significant Code Review conclusions it has taken none of the actions specified in that condition; or,
- d) if the Authority issues a statement that it will continue work on the Significant Code Review in respect of the matters included in its published conclusions, on the date
 - i) the Authority issues a statement confirming that the Modification Suspense Period has ended; or,
 - ii) where the Authority has issued a direction to raise an Authority-Directed Modification Proposal(s) or, or itself has raised, an Authority-Led Modification Proposal(s) (irrespective of whether such circumstance occurs within 28 working days after the Authority has published any of its Significant Code Review conclusions), whichever is earlier.

A17.5 A Significant Code Review ends in respect of each matter within its scope, on the date the Modification Suspense Period ends in respect of that matter.

A17.6 Where the Authority publishes its Significant Code Review conclusions in parts, the 28-day period referred to in A17.4c will run from the date of each respective published conclusion.

A17.7 If the Authority issues a statement that it will continue work and/or issue a direction in accordance with A17.4d, the Significant Code Review phase will be deemed to have ended when:

- a) The Authority issues a statement that the Significant Code Review phase has ended
- b) One of the circumstances in paragraphs A17.4a or c occurs (irrespective of whether such circumstance occurs within 28 working days after the Authority has published its Significant Code Review conclusions); or,
- c) The Authority makes a decision consenting or otherwise to the modification of the Code following the Code Manager's submission of its report in accordance with A18.2, where this related to an Authority-Led Modification Proposal.

A17.8 The Authority's Significant Code Review conclusions will not fetter the assessment of the SAF procedures or voting rights of the SAF referred to in B12 or the assessment of the Code Manager.

Backstop Direction

A17.9 Where an Authority-Led Modification Proposal or an Authority-Directed Modification Proposal has been raised the Authority may issue a direction (a "backstop direction"), which requires such proposal(s) and any alternatives to be withdrawn, and which causes the Significant Code Review phase to recommence.

Modifications raised before or during the modification suspense period

A17.10 The Code Manager must report to the Authority on whether or not the Code Manager considers that any Modification Proposals on which the Code Manager has not yet made a decision (for Self-Governance Modification Proposals) or sent the Final Modification Report to the Authority (for Authority-Consent Modification Proposals) (whether submitted before or after the commencement of the Significant Code Review) falls within the scope of the Significant Code Review.

A17.11 The Authority may direct the Code Manager to suspend the progress of any Modification Proposal that the Authority considers to fall within the scope of that Significant Code Review (and the Code Manager must comply with such directions).

A17.12 The Code Manager must regularly update the Change Register to reflect any suspension or resumption of Modification Proposals during a Significant Code Review.

A17.13 Any and all suspensions as set out in A17.10 and A17.11 will automatically cease at the end of any Significant Code Review phase.

A17.14 The commencement and cessation of suspensions in respect of a Modification Proposal as set out in A17.10 and A17.11 will have the effect of modifying the timetable applying to the Modification Proposal.

A18. Authority-Led Modification

A18.1 The Authority may submit an Authority-Led Modification Proposal to the Code Manager, together with such supplemental information as the Authority considers appropriate.

A18.2 In response to an Authority-Led Modification Proposal the Code Manager must prepare a written report on the proposal (the 'Authority-Led Modification Report'). The Authority-Led Modification Report must be consistent with the information provided by the Authority under A18.1 and must:

- a) Set out the legal text of the Modification Proposal
- b) Specify the likely effects of the Modification Proposal if it is implemented
- c) Specify which party categories are likely to be affected by the Modification Proposal
- d) Specify whether or not the approval of the Modification Proposal would better facilitate the achievement of the Relevant Code Objectives than if the Modification Proposal was rejected
- e) Specify whether approval of the Modification Proposal will have a material impact on Greenhouse Gas Emissions, and if so, assess the effect in accordance with guidance issued by the Authority from time to time.
- f) Specify a timetable for the implementation of the Authority-Led Modification, including the date from which such modification could take effect (implementation date); and,
- g) Specify whether approval of the Modification Proposal is likely, as far as is reasonable for the Code Manager to anticipate, to lead to changes to other Industry Codes and if Modification Proposals have been raised for those effected.

SAF

A18.3 Upon completion of the Authority-Led Modification Report the Code Manager must schedule the report as an agenda item for the next meeting of the SAF for its consideration.

A18.4 The SAF, upon receiving an Authority-Led Modification Report must assess it following the procedures set out in B12.

A18.5 The Authority's Significant Code Review conclusions document will not fetter the assessment of the SAF under B12.

A18.6 The Code Manager must communicate the outcome of the SAF assessment to the Authority including the reasons given by the SAF members.

A18.7 As soon as appropriate, the Authority-Led Modification Report must be submitted by the Code Manager to the Authority.

A18.8 The Authority-Led Modification Report should set out whether the Authority-Led Modification Proposal has been determined to be an Urgent Modification Proposal or

not, and where it has been determined to not be an Urgent Modification Proposal, the Prioritisation Category.

Authority Decision

A18.9 An Authority-Led Modification Proposal shall only be approved where the Authority determines that the Modification Proposal shall be approved.

A18.10 The Authority may consent to the approval of the Modification Proposal where, in the opinion of the Authority, that proposed modification facilitates achieving the Relevant Code Objectives (taken as a whole and without priority as between them):

- a) better than the existing provisions of the Code; and,
- b) as well as, or better than any other proposed modification specified in the report.

Send-Back Process

A18.11 Where the Authority considers that it is unable to form an opinion in relation to a proposed Authority-Led Modification, then it may issue a direction to the Code Manager specifying any additional steps that the Authority requires in order to form such an opinion.

A18.12 Where the Authority issues a direction to the Code Manager in accordance with A18.11 the Code Manager must address the matters raised by the Authority and must (where necessary) produce an updated Authority-Led Modification Report.

A19. Direct Code Modifications

A19.1 A Proposed Direct Modification means a proposal by the Authority to modify an Industry Code pursuant to s.192 of the Energy Act 2023.

A19.2 The Authority may at any time notify Parties of a Proposed Direct Code Modification.

A19.3 The notice referred to in paragraph A19.1 will include:

- a) A description of the matters within scope of the Proposed Direct Code Modification; and,
- b) Confirmation that a Modification Suspense Period has begun, or will commence on a specific date, as a result of the Proposed Direct Code Modification.

A19.4 The Modification Suspense Period in relation to a Proposed Direct Code Modification ends:

- a) on the date the Authority publishes a notice of decision under s. 193(5) of the Energy Act 2023; or,

- b) if the Secretary of State directs the Authority not to make the Proposed Direct Code Modification pursuant to s.193(4) of the Energy Act 2023, on the date the Authority publishes that it has received the direction.

Modifications raised before or during the modification suspense period

A19.5 The Code Manager must report to the Authority on whether or not the Code Manager considers that any Modification Proposals on which the Code Manager has not yet made a decision (for a Self-Governance Modification Proposal) or sent the Final Modification Report to the Authority for a decision (in the case of a Authority-Consent Modification Proposal) (whether submitted before or after the commencement of the Proposed Direct Modification) falls within the scope of the Proposed Direct Modification

A19.6 The Authority may direct the Code Manager to suspend the progress of any Modification Proposal that the Authority considers to fall within the scope of that Proposed Direct Modification (and the Code Manager must comply with such directions).

A19.7 The Authority may direct the Code Manager to cease the suspension of any Modification Proposal that has been suspended in accordance with A19.5 (and the Code Manager must comply with such directions).

A19.8 Any and all suspensions in accordance with A19.5 and A19.6 will automatically cease at the end of any Modification Suspense Period.

A19.9 The commencement and cessation of suspensions in respect of a Modification Proposal as set out in A19.5 and A19.6 will have the effect of modifying the timetable applying to the Modification Proposal.

A19.10 The Code Manager must regularly update the Change Register to reflect any suspension or resumption of Modification Proposals during a Modification Suspense Period.

A20. Implementation

General

A20.1 Once a Modification Proposal has been approved in accordance with A16 or an Authority-Led Modification has been approved in accordance with A18, the Code Manager must modify the Code in accordance with the Modification Proposal or Authority-Led Modification.

Implementation

A20.2 The Code Manager must, after a Modification Proposal has been approved:

- a) Determine what actions are required in order to ensure that the approved modification to the Code is made in accordance with the approved implementation timetable; and,
- b) Set a timetable for the completion of each of those actions.

A20.3 The Code Manager must ensure that the required actions in the approved implementation timetable are carried out so that the approved Modification Proposal is fulfilled.

A20.4 Each Party will co-operate with the Code Manager to the extent required to ensure that such modification is implemented with effect from the approved date.

Subsequent Amendment to the Implementation Timetable

A20.5 For Authority-Consent, Authority-Directed and Authority-Led Modification Proposals where the Code Manager considers that it is not reasonably practicable to make the approved modification to the Code in accordance with the approved implementation timetable:

- a) The Code Manager may request the Authority to direct that a new implementation timetable be substituted for the original timetable; and,
- b) Where the Authority makes such a direction following a request by the Code Manager, the new implementation timetable replaces the original implementation, and the requirements set out in A20.2 will be defined in relation to that later date.

A20.6 Where the Authority declines the Code Manager's request as set out in A20.5a the Code Manager must adhere to the original timetable.

A21. Cross-code working

Cross Code Steering Group

A21.1 The Code Manager must:

- (a) in accordance with A2.5, help Proposers to identify potential cross-code impacts
- (b) communicate, coordinate and work with other code managers, code administrators, and the Cross Code Steering Group (CCSG) on modifications that impact multiple Codes to ensure changes are progressed efficiently
- (c) attend meetings of the CCSG and update any documentation that is required after meetings of the CCSG
- (d) inform the SAF of any cross-code impacts that affect the code that are identified at meetings of the CCSG; and,
- (e) identify when it would be useful for the Central System Delivery Body to attend a meeting of the CCSG.

Lead Code

A21.2 Where the Cross Code Steering Group determines that the Code is to be used as the Lead Code, the Code Manager must:

- a) progress the Lead Code Modification in accordance with the Code

- b) coordinate with the other affected Industry Codes so that it can progress a Consequential Change under its Energy Code in parallel with the process under the Code
- c) publish a timetable setting out the proposed progression of the Lead Code Modification and any associated Consequential Changes; and
- d) notwithstanding Section A16 (Decision), the Modification Proposal under the Code will only be approved if both:
 - (i) the Modification Proposal is approved in accordance with the Code; and,
 - (ii) the associated Consequential Changes under the other Industry Codes are all approved in accordance with those other Industry Codes.

Consequential Change

A21.3 Where the Cross Code Steering Group determines that another Energy Code is the Lead Code for a Modification Proposal, then the Code Manager must progress the relevant Consequential Change to the Code in accordance with this section, but subject to the following:

- a) the Code Manager must progress the Modification to the timetable determined under the Lead Code
- b) if the Lead Code Modification under the Lead Code is withdrawn or rejected prior to a determination, the Code Manager must also withdraw the Consequential Change in accordance with Section A6 (Withdrawals)
- c) the Modification Proposal under this Code will only be approved if both:
 - i) the Modification Proposal is approved in accordance with the Code; and
 - ii) the Modification Proposal to the Lead Code is approved in accordance with the Lead Code.

Appeal to the Authority

A21.4 The Code Manager may appeal the determination of any associated consequential change to the Authority where:

- a) this Code is the Lead Code
- b) the Lead Code modification is approved; and
- c) One or more associated Consequential Changes are not approved.

A21.5 An appeal must be raised within 30 working days of a determination on the Lead Code Modification or relevant Consequential Modification.

A21.6 Where another Energy Code is the Lead Code, any determination under this Code on an associated Consequential Change may be sent to the Authority for appeal within 30 working days of such determination on request of the Lead Code.

A22 Reasonableness criteria

22.1 Where reasonably requested by a Code Manager, in relation to the Code, the Code Party must take reasonable steps to cooperate with the development of the Code by:

- a. providing the Code Manager with information relating to the Code Party which the Code Manager would reasonably require to plan, assess or implement code modifications related to the Strategic Direction Statement
- b. disclosing to the Code Manager, if it reasonably expects that proposed modifications related to the Strategic Direction Statement, may have a significant implication on its processes or systems.

22.2 Where the Code Manager is considering proposed modifications relating to the content of a Strategic Direction Statement, it may request co-operation from a Code Party. In doing so, the Code Manager must have regard to the following:

- a) Nature of cooperation: the code manager must review existing information and attempt to engage informally prior to issuing a formal request for information.
- b) Timing: the Code Manager must ensure that any request for cooperation is made at an appropriate stage in the process, considering whether early engagement could reduce the need for subsequent requests. The Code Manager must take into account other energy sector activities that may affect a Party's ability to cooperate and will provide sufficient notice of any request.
- c) Impact on code parties: the Code Manager must consider the resource implications for parties in responding to a request and the availability of the data requested. Requests must only be issued to relevant parties, and where possible, will include parties of varying sizes and sector.
- d) Volume: the Code Manager must take reasonable steps to avoid issuing duplicative requests, including consideration of requests made by other code managers. The Code Manager must identify similarities between requests and consolidate them where appropriate.
- e) Other impacts: the Code Manager must consider cross code or system interactions.

A22.3 Prior to issuing a request for cooperation, the code manager must:

- a) Assess the request against the criteria set out above; and
- b) Record the outcome of that assessment.

A22.4 The formal request will be in writing and contain the following:

- a) The outcome of the assessment; and
- b) Details of the informal engagement methods undertaken prior to issuing the request.

Definitions

Alternative Modification Proposal means an alternative solution to the issue identified by a Modification Proposal in accordance with standard condition 27 of the Code Modification and Maintenance SLC.

Authority means the Gas and Electricity Markets Authority that is established under section 1 of the Utilities Act 2000.

Authority-Consent Modification has the meaning given to it in the Code Modification and Maintenance SLC.

Authority-Directed Modification Proposal means a proposal for modification that is raised by the Code Manager at the direction of the Authority.

Authority Guidance on Code Modification Prioritisation means any guidance published by the Authority from time to time on code modification prioritisation.

Authority-Led Modification Proposal means a proposal for modification that is submitted by the Authority.

Authority-Led Modification Report has the meaning given to that term in section A.18.2.

Central System Delivery Body means the persons responsible for operating or procuring the operation of a Central System, where “Central System” has the meaning given to that term in Section 184 of the Energy Act 2023.

Change Register means the register established and maintained of all current and past Issues and Modification Proposals.

Code means [insert name of Code]

Code Maintenance and Modification SLC means standard condition 27 contained in the Licence.

Code Manager means the persons responsible for the governance of the [Relevant] Code in accordance with its Licence.

Consequential Change means, for any cross-code modifications, a modification to a code that is necessary to support or enable the lead Modification Proposal.

Code Party/ies means persons who are party to the Relevant Code (including the Code Manager).

Cross Code Steering Group, referred to in Section A21, means the group established under the REC to support the development of change proposals that impact multiple industry codes.

Designation Document means a document that is (i) maintained in accordance with the conditions of a licence granted for the purposes of s.4 of the Electricity Act 1989 and s.5 of the Gas Act 1986; and (ii) designated under either s.182 of the Energy Act 2023 or Schedule 12 to the Energy Act 2023.

Draft Modification Report has the meaning given to that term in section A13.2.

Energy means either or both of gas (as supplied to premises under or pursuant to the Gas Act 1986) and electricity (as supplied to premises under or pursuant to the Electricity Act 1989).

Energy Consumers means a person who is supplied or requires to be supplied with Energy at any premises in Great Britain.

Fast-Track Self-Governance Modification has the meaning given to it in the Code Modification and Maintenance SLC.

Final Modification Report means a report submitted to the Authority by the Code Manager, recommending a Modification Proposal and either: (i) seeking the Authority's determination where it is an Authority-Consent Modification Proposal or (ii) informing the Authority of the Code Manager's decision where it is a Self-Governance Modification.

Greenhouse Gas has the meaning given to that term in section 92 of the Climate Change Act 2008.

Greenhouse Gas Emissions means emissions of that Greenhouse Gas into the atmosphere that are attributable to human activity.

Industry Code means a multilateral code or agreement, whether or not it is at the relevant time a Designated Document, created and maintained pursuant to a licence granted by the Authority under section 6 of the Electricity Act 1989 or under sections 7, 7ZA or under sections 7, 7ZA, 7A, 7AA, 7AB, or 7AC of the Gas Act 1986

Issue means an issue arising in relation to the Relevant Code that may result in a Modification Proposal in accordance with the Modification Procedures.

Lead Code means, for any cross-code modifications, the code manager or code administrator with primary responsibility for developing and progressing the lead Modification Proposal.

Licence means a licence granted under section 6(1)(g) of the Electricity Act 1986 or Section 7AC of the Gas Act 1986.

Modification Path means the categories of Modification Proposals that may be raised, as outlined in A9.1.

Modification Procedures has the meaning given to it in the Code Modification and Maintenance SLC.

Modification Proposal has the meaning given to it in the Code Modification and Maintenance SLC.

Modification Suspense Period means:

a. in relation to a matter within the scope of a Significant Code Review, the period starting on the date the review starts, as specified by the Authority, and ending on the date determined under the Code Modification and Maintenance SLC;

b. in relation to a Proposed Direct Modification, the Consultation Phase.

Pre-Modification Forum means a forum chaired by the Code Manager to discuss Issues.

Prioritisation Category has the meaning given to that term by the Authority Guidance on Code Modification Prioritisation.

Prioritisation Criteria has the meaning given to that term by the Authority Guidance on Code Modification Prioritisation.

Proposer means the owner of an Issue or Modification Proposal throughout the modification process.

Proposed Direct Code Modification means a proposal by the Authority to modify an Industry Code pursuant to s.192 of the Energy Act 2023.

Relevant Code Objectives means the objectives set out in the Licence or [section x] of the Relevant Code.

SAF Secretary means the person nominated and appointed by the Code Manager for the purpose of providing secretariat support to the SAF.

Self-Governance Modification means a modification that does not satisfy the criteria to be an Authority Consent Modification.

Significant Code Review means a review of one or more matters which the Authority considers is likely to: (a) relate to the Relevant Code (either on its own or alongside other Industry Codes); and (b) be of particular significance in relation to its statutory duties; and for which the Authority has issued a notice specifying scope and start date of the review.

Stakeholder Advisory Forum means the body required by the Code Modification and Maintenance SLC.

Strategic Direction Statement means a statement prepared and published by the Authority under section 190 of the Energy Act 2023 setting out a strategic direction for Designated Documents.

Statutory Consumer Advocate means representatives appointed by Citizens Advice or Consumer Scotland.

Urgent Modification Proposal means a modification that the Code Manager has determined to be urgent, based on the criteria for urgency published by the Authority from time to time.

Workgroup means a group established by the Code Manager to carry out the functions set out in section A13.16.

Workgroup Process means the process set out in A12.