

Final code modification template text

Publication date:	07 August 2026
-------------------	----------------

Contact:	Kate Lloyd
----------	------------

Team:	Energy Code Governance Reform
-------	-------------------------------

Email:	industrycodes@ofgem.gov.uk
--------	--

On 6 March 2026, we published our draft template code text for the new code modification process and stakeholder advisory forums (SAFs) for consultation. We sought views on the template code text to ensure it was clear, workable and aligned with the wider aims of energy code reform. We received responses from organisations with an interest in energy code governance, including code administrators, suppliers, network operators and other stakeholders. This document sets out the final code modification text.

© Crown copyright 2026

The text of this document may be reproduced (excluding logos) under and in accordance with the terms of the Open Government Licence.

Without prejudice to the generality of the terms of the Open Government Licence, the material that is reproduced must be acknowledged as Crown copyright and the document title of this document must be specified in that acknowledgement. This publication is available at www.ofgem.gov.uk. Any enquiries regarding the use and re-use of this information resource should be sent to psi@nationalarchives.gsi.gov.uk.

Contents

Final code modification template text	1
A1. General	6
A2. Roles and responsibilities	6
The Code Manager	6
Advice and assistance	6
The Proposer	7
A3. Code manager and SAF engagement	7
A4. Change register	9
A5: Requesting ownership	10
A6. Withdrawals	11
A7. Pre-modification process	11
Form of the Issue	12
Issue triage criteria	12
Pre-Modification Forum	13
A8. Raising modification proposals	14
Designation of non-code parties	14
Content of the Modification Proposal	14
Assessment Criteria	15
A9. Modification Path	16
Authority-Led Modification	16
Authority-Directed Modification	16
Authority-Consent Modifications	17
Self-Governance Modification	17
Determination of Modification Path	17
Objections to Fast-Track Self-Governance Modifications	18
Amalgamated Modifications	19
A10. Urgency and prioritisation	20

Decision – Final code modification template text

Urgency of Modifications	20
Prioritisation	20
Review of the Prioritisation Category of Modification Proposals.....	20
A11. Assessment of Modification Proposals	20
A12. Workgroup	21
Establishment of a Workgroup	21
Role of Code Manager	22
Workgroup members	22
Observers.....	22
Purpose of the Workgroup	23
A13: Consultation	23
Draft Modification Report	23
Consultation	25
Post consultation.....	25
A14. Final Modification Report	25
A15. Alternative Modification Proposals	27
A16. Decision	28
Authority-Directed and Authority-Consent Modification Proposals	28
Send-Back Process	28
Self-Governance Modification Proposals, including Fast-Track Self-Governance Modification Proposals.....	29
A17. Authority-Led Modifications	30
SAF	31
Authority Decision	31
Send-Back Process	31
A18. Significant code review	32
Backstop Direction	33
Modifications Proposals raised before or during the Modification Suspense Period	33

A19. Direct Code Modifications.....	33
Modifications raised before or during the modification suspense period	34
A20. Implementation	35
General	35
Implementation	35
Subsequent Amendment to the Implementation Timetable	35
A21. Cross-code working	36
Cross Code Steering Group	36
Lead Code.....	36
Consequential Change.....	36
Appeal to the Authority	37
A22 Reasonableness criteria and SDS	37
Definitions	38

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. To the extent that any conflict arises between the Code and the Code Manager Licence, the Code Manager must comply with the Code Manager Licence.

A1.2 The Code may only be modified:

- a) In accordance with this Section A; or
- b) By the Secretary of State or the Authority pursuant to a power conferred in legislation.

A1.3 Each modification to the Code must commence with a Modification Proposal made in accordance with the provisions of this Section A.

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 Modification Procedures and other provisions set out in this Section A are adhered to.

A2.3 The Code Manager must engage closely with the SAF during the progress of a Modification Proposal in accordance with the provisions of this Section A 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 once a Modification Proposal has been approved in accordance with A16 or an Authority-Led Modification has been approved in accordance with A17 and must ensure that the Code and all supporting documentation remain accurate and up to date.

A2.5 The Code Manager is responsible for 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.

Advice and assistance

A2.6 The Code Manager must provide assistance, in so far as reasonably practicable and on reasonable request to all persons with an interest in the Modification Procedures. This includes, in particular, small participants, innovators and consumer

representatives; and, to the extent relevant, consumer representatives that request the Licensee's assistance in relation to the Code.

A2.7 This assistance shall include, but not be limited to, assistance with:

- a) drafting and submitting an Issue or Modification Proposal;
- b) understanding the operation of the Code;
- c) involvement in and representation 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 Issues and 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

The Proposer

A2.8 The Proposer is the owner of the relevant Issue or Modification Proposal, and is responsible for attending relevant meetings, including SAF meetings, where the Issue or Modification Proposal will be discussed. Where the Code Manager is not the Proposer, the Proposer is also responsible for engaging promptly and constructively with the Code Manager.

A2.9 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.

A2.10 'Fail(ure) to engage' means the failure of the Proposer to meaningfully engage within 2 months to any contact from the Code Manager.

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 of a Modification Proposal 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 must inform the SAF of the following:

Decision – Final code modification template text

- a) decisions by the Code Manager to accept, or to refuse to accept, an Issue on the basis that it meets or does not meet the Issue triage criteria as set out in A7.7;
- b) decisions by the Code Manager to withdraw an Issue following a discussion of the Issue at the Pre-Modification Forum as set out in A6.3b;
- c) decisions by the Code Manager or another person to accept ownership of an Issue or a Modification Proposal following an ownership request by the Proposer as set out in A5;
- d) where neither the Code Manager nor another person takes on ownership of the Issue or Modification Proposal, and the Proposer chooses not to retain the Issue or Modification Proposal, decisions by the Code Manager to withdraw the Issue or Modification Proposal, following the process set out in A6a; and
- e) decisions by the Code Manager to accept a Modification Proposal.

A3.3 The Code Manager must ensure that:

- a) notification of the decisions described in A3.2a-e are circulated in writing to the SAF members together with the Code Manager's rationale for any such decision(s), within 14 working days of the decision being made; and
- b) any comments relating to those decisions, from the SAF members are recorded and published.

A3.4 The Code Manager must consult with the SAF prior to finalising any decision, Modification Plan or review in respect of the following:

- a) withdrawing an Issue or Modification Proposal as set out in A6.3 a), c) and d);
- b) designation (or non-designation) of a non-code party in order to raise a Modification Proposal as set out in A8.2;
- c) rejection of a Modification Proposal on the basis of failure to meet the assessment criteria as set out in A8.12;
- d) the Modification Path of a Modification Proposal as set out in A9;
- e) the Modification Plan produced by the Code Manager as set out in A11.2-A11.3;
- f) the bi-annual review of the Prioritisation Category of Modification Proposals as set out in A10.5, as well as any ad hoc reviews carried out from time to time;
- g) the rejection of any objection to the Code Manager's decision that a Modification Proposal is a Fast-Track Self-Governance Modification Proposal as set out in A9.19; and
- h) the deviation of the procedure and timetable of an Urgent Modification Proposal from all or part of the Modification Procedures or for it to follow any other procedure or timetable, as set out in A10.3.

A3.5 The Code Manager must ensure that:

1. prior to finalising any decision, Modification Plan or review in respect of the matters in A3.4a-h above, that such matter is brought to a SAF meeting for discussion;

Decision – Final code modification template text

- a) the initial decision, Modification Plan or review, together with the Code Manager's rationale for it, is circulated as far in advance of the meeting as is reasonably practicable; and
- b) the discussion and final decision, Modification Plan or review is minuted and published.

A3.6 At the Final Modification Report stage (as set out in the Code Maintenance and Modification SLC), the SAF must provide its assessment and vote on whether the Modification Proposal would, as compared with the existing provisions of the Code, better facilitate achieving the Relevant Code Objectives, and no other proposed modification under consideration would better facilitate achieving the Relevant Code Objectives than the relevant proposed modification;

A3.7 The Code Manager must ensure that the assessment(s) and outcome of the corresponding vote(s) are recorded in the Final Modification Report (or any revised 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:

- a) assign a unique identifier to the Issue or Modification Proposal and add it to the Change Register as soon as is reasonably practicable; and
- b) inform the Proposer of its acceptance of the Issue or Modification Proposal within 5 working days for Urgent Modification Proposals or within 20 working days for an Issue or where the Modification Proposal is not an Urgent Modification Proposal.

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:

- a) the name of the Proposer;
- b) whether a Modification Proposal is an Urgent Modification Proposal as set out in A10.1;
- c) unless a Modification Proposal has been determined to be an Urgent Modification Proposal or a Fast Track Self Governance Modification Proposal, the Prioritisation Category of each Modification Proposal and reasons for such determination (or in the case of a revised Prioritisation Category, the date of and reasons for such revision as set out in A10.4 and 10.5;

- d) the stage of the Modification Process reached by the Issue or Modification Proposal (e.g. consultation, Final Modification Report);
- e) indication of any Issue or Modification Proposal that has been withdrawn;
- f) indication of any Modification Proposal suspended or resumed as a result of a Modification Suspense Period as set out in A18.12 and A19.11;
- g) any Direct Code Modifications that take place as set out in A19;
- h) whether each Modification Proposal has been amalgamated or not; and
- i) any such other detail or information the Code Manager deems necessary to include.

A5: Requesting ownership

A5.1 A Proposer of an Issue or Modification Proposal can request to the Code Manager that another person 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 of the Proposer's reason(s) for the request.

A5.3 This request can be made at any stage of the modification process prior to the final decision to approve a Modification Proposal as set out in A16.

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

A5.5 Neither the Code Manager nor any other person is required to accept ownership of an Issue or Modification Proposal.

A5.6 If any person that accepts ownership of an Issue or Modification is not a code party, then they will be subject to the designation process contained in A8.2-A8.5.

A5.7 If no person takes on ownership of the Issue or Modification Proposal, the original Proposer must choose to either retain the Issue or Modification Proposal or withdraw it as set out in A6.1 and A6.2. Where no person takes on ownership of the Issue or Modification Proposal, and the Proposer chooses not to retain the Issue or Modification Proposal and does not withdraw it themselves, the Code Manager must withdraw the Issue or Modification Proposal, following the process set out in A6a, and this must be recorded in the Change Register.

A5.8 Where an ownership request has been made by a Proposer, and:

- a) the Code Manager or another person has taken on ownership; or
- b) no other person 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.

A5.9 Once a new person 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 The Code Manager may only withdraw an Issue or Modification Proposal in the following circumstances:

- a) where the Proposer has requested another person take on ownership, and neither the Code Manager nor any other person has accepted, and the Proposer does not wish to retain the Issue or Modification Proposal;
- b) where the Code Manager decides the Issue requires no further action following discussion at the Pre-Modification Forum;
- c) where the Proposer fails to engage with the Code Manager, after the Code Manager's reasonable and proportionate efforts, as set out in A2.9, to contact the Proposer following an initial failure to engage, 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 of information meaning the Issue or Modification Proposal is no longer needed, or that in light of such information the Issue or Modification Proposal would not have been accepted initially.

A6.4 The decision to withdraw an Issue on the basis of A6.3b, or a Modification Proposal on the basis of A6.3a, must be notified by the Code Manager to the SAF as set out in A3.2. Decisions to withdraw an Issue or Modification Proposal on the basis of any of the other circumstances listed in A6.3 can only be made by the Code Manager after consultation with the SAF following the procedure set out in A3.4.

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

A6.6 Authority-Led Modification Proposals 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 any given Issue or Modification Proposal.

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 The Proposer must submit the Issue in accordance with the requirements as set out in A7.4.

A7.6 Each Issue will be expected to focus on a problem or other matter arising from the Code that the Proposer has identified and seeks to address. The Issue is not required to include any proposed solution, but where one is included, this will not preclude the Code Manager from exploring and developing other solutions at its discretion, which, in the Code Manager's view, may better fulfil the Proposer's intention or the Relevant Code Objectives more generally.

Issue 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 and then must inform the Proposer of this decision within 20 working days.

A7.10 If the Code Manager accepts an Issue, the Code Manager must work with the Proposer to determine whether the Issue should be discussed at the Pre-Modification Forum. Following this decision, the Code Manager must inform the Proposer of this decision within 20 working days:

- a) that the Issue has been accepted; and
- b) 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 stakeholders impacted by the business of the Forum.

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

- a) review and assess Issues accepted by the Code Manager into the modification 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 any proposed solution(s);
- f) assess any proposed solution(s) against the Relevant Code Objectives; and
- g) request that the Code Manager consults on an Issue and/or a proposed solution with those stakeholders who are likely to be impacted by the Issue and/or proposed solution.

A7.16 The Proposer of the Issue (or a designated representative) 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 all reasonable efforts to ensure the Pre-Modification Forum is representative of all Code 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 and circulate as soon as is reasonably practicable.

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's meeting 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 to the extent that this is required as a result of a change that impacts multiple codes;
- 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 in accordance with A8.2; or
- g) any other person listed in the relevant Licence or Code.

Designation of non-code parties

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

- a) the interest the non-code party has 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 A3.4 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 or refuse to designate a non-code party for the purpose of raising a Modification Proposal, the Code Manager must write to the non-code party setting out its decision, the views of the SAF, and the rationale for the decision and any other 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, within the relevant appeal window, appeal the decision of the Code Manager to the Authority. The Code Manager must, as soon as is reasonably practicable, 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 the 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 promptly, 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 within the requested timeframe(s) 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, it must consult with the SAF following the procedure set out in A3.4 and consider its view before reaching a final decision.

A8.13 Following a final decision by the Code Manager to reject a Modification Proposal, the Code Manager must write to the Proposer promptly, setting out its decision, the

views of the SAF, and the rationale for the decision and other 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 they 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

and must follow the relevant Modification Procedure corresponding with such path as set out in this Section A.

Authority-Led Modification

A9.2 A Modification Proposal submitted by the Authority pursuant to and in accordance with A17.1 will be an Authority-Led Modification.

Authority-Directed Modification

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

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

- a) the Modification Procedure for an Authority-Consent Modification; or
- b) the Modification Procedure for an Authority-Led Modification Proposal as set out in A17.

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 is neither an Authority-Led Modification Proposal nor an Authority-Directed Modification Proposal and satisfies one or more of the following criteria is 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 its effect between one Code Party (or class of Code Parties) and another Code Party (or class of Code Parties); or
- c) the proposal is likely to have a material effect on the arrangements set out in this Section A.

Self-Governance Modification

A9.8 A Modification Proposal which is neither an Authority-Led Modification Proposal nor an Authority-Directed Modification Proposal and does not satisfy the Authority-Consent criteria set out in A9.7 is 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 as set out in A13.1 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. The Code Manager must inform relevant parties of this determination as soon as is reasonably practicable.

A9.12 Prior to its determination in A9.11 above, 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 A3.4 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 within the relevant appeal window. The Code Manager must, as soon as is reasonably practicable, give effect to any direction of the Authority arising from such appeal. The progression of any Modification Proposal through the Modification Procedures must be paused pending the outcome of any such an 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 by

- 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 Fast-Track Self-Governance Modifications

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

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

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

A9.18 If the Code Manager accepts the objection raised, the Code Manager must reclassify the Fast-Track Self-Governance 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 the SAF for consultation following the process as set out in A3.4 and must consider its views.

A9.20 If the Code Manager, having considered the views of the SAF, makes a final decision not to accept an objection, it must:

- a) write to the Proposer raising the objection with its decision; and

- b) publish its decision, including a summary of the SAF views from the consultation in A9.19 and its rationale for such a decision.

A9.21 The Code Manager must publish its final decision pursuant to A9.20 as soon as is reasonably practicable, with reasons for refusing to accept an objection, together with any view from the SAF.

Amalgamated Modifications

A9.22 The Code Manager may decide at any time to amalgamate a Modification Proposal with one or more other Modification Proposals where:

- a) the subject-matter of such Modification Proposals is sufficiently proximate to justify amalgamation on the grounds of efficiency; and/or
- b) such Modification Proposals are logically dependent on each other.

A9.23 Where Modification Proposals are amalgamated:

- a) such Modification Proposals shall be treated as a single Modification Proposal;
- b) without prejudice to each Proposer's right to withdraw their Modification Proposal prior to the amalgamation of their Modification Proposal, the Proposers of each such Modification Proposal shall co-operate in deciding which of them is to be the Proposer of the amalgamated Modification Proposal and, in default of agreement, the Code Manager shall nominate one of the Proposers for that purpose;
- c) the Code Manager shall determine which Modification Path the amalgamated Modification Proposal shall follow;
- d) the Code Manager shall determine which stage in the Modification Process the amalgamated Modification Proposal shall continue from;
- e) using the process set out in A11, the Code Manager shall create a new Modification Plan for the amalgamated Modification Proposal; and
- f) where Modification Proposals are amalgamated and the resultant amalgamated Modification Proposal is not an Urgent Modification Proposal or Fast Track Self-Governance Modification Proposal, the Code Manager shall determine the amalgamated Modification Proposal to have a single Prioritisation Category. When determining a Prioritisation Category for an amalgamated Modification Proposal, the Code Manager shall consider the Prioritisation Categories, and the relevant assessments undertaken in determining these Prioritisation Categories, accorded to the original Modification Proposals that have been amalgamated.

A9.24 Authority-Led Modification Proposals and Authority-Directed Modification Proposals, whether in relation to a Significant Code Review or not, shall not be amalgamated with any other Modification Proposal without the prior consent of the Authority.

A9.25 If the Authority provides a notice requesting the Code Manager not to amalgamate Modification Proposals, the Code Manager must comply with such notice.

A10. Urgency and prioritisation

Urgency of Modifications

A10.1 The Code Manager must make the 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 determination under A10.1 will apply unless and until overturned by the Authority. Where, following discussion with the Code Manager, the Authority issues a notice requesting the Code Manager to amend its urgency determination, the Code Manager must comply with any such notice.

A10.3 The determination that a Modification Proposal is an Urgent Modification Proposal shall mean that the procedure and timetable in respect of such Modification Proposal may, subject to consultation with SAF, deviate from all or part of the Modification Procedures or follow any other procedure or timetable. Should such deviations occur, the Code Manager must promptly notify relevant stakeholders of this.

Prioritisation

A10.4 Where the Code Manager has determined that a Modification Proposal is not an Urgent Modification Proposal, or the Modification Proposal is not a Fast Track Self-Governance Modification Proposal, the Code Manager must make a 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

A10.5 The Code Manager must, in consultation with SAF and in line with the procedure set out in A3.4, review the Prioritisation Category of Modification Proposals on a bi-annual basis. Where relevant the Prioritisation Category and modification timetable for each affected Modification Proposal will be revised accordingly.

A11. Assessment of Modification Proposals

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

A11.2 The Modification Plan must set out:

- a) the Modification Path;
- b) whether the Modification Proposal is an Urgent Modification Proposal or not as described in A10.1, and, in the case of an Urgent Modification Proposal any deviations to the Modification Procedures as described in A10.3;
- c) where the Modification Proposal is not an Urgent Modification Proposal or a Self-Governance Fast Track Modification Proposal, the Prioritisation Category of the Modification Proposal, as described in A10.4;
- d) the timeframe for progressing the Modification Proposal;
- e) the rationale for the Modification Path selected;
- f) whether an Authority-Consent or Self-Governance Modification Proposal;
 - i) needs further development or assessment through the Workgroup Process; or
 - ii) is sufficiently clear and complete to enter the consultation stage and the rationale for this proposal; and
- g) whether a Modification Proposal 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 proposes that the Modification Proposal will proceed to a Workgroup, the Modification Plan must 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 Before finalising the Modification Plan for a Modification Proposal, the Code Manager must consult with the SAF on the proposals outlined in the Modification Plan, following the process as set out in A3.4, before making a final decision on these proposals.

A11.5 At any time during the Modification Procedure, the Code Manager may, having consulted with the SAF following the process as set out in A3.4, change any element of the Modification Plan, as set out in A11.2.

A12. Workgroup

A12.1 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.

A12.2 Code Managers must support the Proposer to develop the Modification Proposal ahead of the Workgroup.

Establishment of a Workgroup

A12.3 There is no restriction on the type and number of Workgroups the Code Manager may establish.

A12.4 Any Workgroups that are established must follow the procedure set out in A11.3 to establish the:

- a) terms of reference;
- b) number and frequency of meetings; and
- c) membership.

A12.5 Once established, the Code Manager may change the number or frequency of Workgroup meetings to aid in the efficiency of the Code Modification Process.

A12.6 The Code Manager must publish a summary of the discussion and outcomes of all Workgroup meetings on its website as soon as reasonably practicable following the meeting.

Role of Code Manager

A12.7 All Workgroup meetings will be chaired by the Code Manager.

A12.8 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 Code Party is responsible for drafting the Workgroup report.

Workgroup members

A12.9 The Code Manager must ensure that the membership of the Workgroup has sufficient expertise and representation in order to fulfil the purpose of the Workgroup.

A12.10 Any person (whether as an individual or representative of an organisation) can request to join a Workgroup.

A12.11 Any requests to join a Workgroup must be made to the Code Manager in writing who must then consider the request, with particular reference to its obligation in A12.9, including whether the person requesting membership will be impacted by the Modification Proposal or has expertise on the topic. If the Code Manager decides that a person does not qualify for joining the Workgroup as a member, it can invite such person to attend as an observer.

Observers

A12.12 Observers may attend Workgroup meetings and input into discussions but are not required to agree the Workgroup report.

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 that an observer is negatively impacting 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 Code Parties, Energy Consumers and other stakeholders 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 complete views of the Workgroup, including any minority or contested views, covering A12.15a-c and any other relevant information.

A12.16 The Workgroup report must be reviewed by all Workgroup members and agreed as an accurate record of the Workgroup discussions.

A13: Consultation

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

Draft Modification Report

A13.2 With the exception of Self-Governance Fast-Track Modification Proposals, the Code Manager must, for each Modification Proposal, 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 A13.4.

A13.4 The Draft Modification Report for each Modification Proposal must include the following:

- a) the Modification Path of the Modification Proposal;
- b) where the Modification Proposal has been determined to be an Urgent Modification Proposal, a statement, provided by the Authority as to why it believes that such Modification Proposal should be treated as an Urgent Modification Proposal and the extent to which the procedure followed deviated from the Modification Procedures;
- c) where the Modification Proposal has been amalgamated pursuant to section A9.22, confirmation of such amalgamation;

Decision – Final code modification template text

- d) where the Modification Proposal is not an Urgent Modification Proposal or a Self-Governance Fast Track Modification Proposal, details of the Prioritisation Category, and the reasons for this determination;
- e) an explanation of the Modification Proposal and any Alternative Modification Proposals and how they address the problem with the Code identified in the Modification Proposal;
- f) whether the approval of the Modification Proposal or Alternative Modification Proposals will require changes to other Energy Codes, and confirmation that Modification Proposals will be or have been raised in respect of the affected Energy Codes;
- g) where the Modification Proposal was subject to the Pre-Modification process, a description of how the Modification Proposal developed from the original Issue raised;
- h) where the Modification Proposal was subject to the Workgroup Process, a report from the Workgroup as set out in A12.15;
- i) any analysis, including any impact assessment or cost benefit analysis, undertaken or commissioned by the Code Manager as part of the development of the Modification Proposal;
- j) an assessment identifying the stakeholders (including Energy Consumers) likely to be affected by the Modification Proposal, and any Alternative Modification Proposals, and likely impact on each of the same. Where the Code Manager considers the impact is significant for any such stakeholder, the Code Manager must provide an overall evaluation of the advantages and disadvantages of the Modification Proposal and any Alternative Modification Proposals across all affected stakeholders.
- k) an estimate of the costs associated with making and delivering the changes and developments which would be required to services, processes, people and Central Systems, if the Modification Proposal or Alternative Modification Proposal were to be approved, for both implementation and on an ongoing basis.
- l) 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; and
 - ii.) The Code Manager;
- m) the legal text of the Modification Proposal and, where applicable, the alternative legal text of any Alternative Modification Proposals; and
- n) the proposed timetable for progressing the Modification Proposal to implementation (including the proposed implementation date).

A13.5 The Code Manager, if it deems necessary, can bring a Draft Modification Report to a SAF meeting for discussion before the consultation stage. If a Draft Modification

Report is brought to a SAF meeting for discussion then this should be included in the Draft Modification Report, alongside a summary of the discussion.

Consultation

A13.6 The Code Manager must arrange for a consultation seeking the views of all Code Parties on the Draft 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).

A13.7 The Code Manager has the discretion to hold any additional consultations it deems necessary.

A13.8 The Code Manager must make all reasonable efforts to ensure that all Code Parties are informed about consultations and able to make their views known.

Post consultation

A13.9 The Code Manager must share responses to the consultation with the SAF. The Code Manager and the SAF must consider such responses prior to finalising their respective views in the Final Modification Report.

A13.10 If the Code Manager deems necessary, additional meetings of the Workgroup may be held to consider matters raised as a result of the consultation, prior to the Final Modification Report being drafted.

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:

- a) seek the Authority's determination to the Modification Proposal (or identified Alternative Modification Proposal) in respect of an Authority-Consent Modification Proposal; or
- b) inform the Authority of the Code Manager's decision in respect of a Self-Governance Modification Proposals (including Fast-Track 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 A13.4l;

Decision – Final code modification template text

- 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 stage;
- 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) the SAF's assessment, including its corresponding vote on the same matter to be assessed by the Code Manager under A14.2h;
- g) an explanation from the Code Manager about how it has taken the view of the SAF into account in its final assessment in A14.2h and, where its assessment differs from that of the SAF, the reasons for this difference; and
- h) 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; and
 - ii) no other proposed modification under consideration would better facilitate achieving the Relevant Code Objectives than the relevant proposed modification.

A14.3 The Code Manager must complete a draft of the Final Modification Report as specified above in A14.2, with the exception of sections A14.2f, A14.2g and A14.2h.

A14.4 The SAF Secretary will arrange for the draft of the Final Modification Report and any supporting documents to be circulated to SAF members for assessment and corresponding vote at the next available SAF meeting.

A14.5 Following the SAF meeting, the SAF chair will ensure that the SAF's written assessment of the Modification Proposal and outcome of the vote is circulated to all SAF members for comment and approval.

A14.6 The SAF's assessment of the Modification Proposal must clearly set out the complete views of the SAF, including any minority or contested views, and the reasons underpinning these views.

A14.7 Once approved by SAF, the SAF Chair will confirm the SAF's assessment (including the outcome of the vote) to the Code Manager.

A14.8 The Code Manager must include the SAF assessment as confirmed by the SAF Chair and add section A14.2f, A14.2g and A14.2h to the Final Modification Report.

A14.9 The 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 members of the Workgroup.

A15.3 The provisions set out in A2.8-A2.12 apply to the Proposer of an Alternative Modification Proposal.

A15.4 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 it has been raised; and
- c) be sufficiently different in outcome and impact from the original Modification Proposal and any other Alternative Modification Proposal.

A15.5 The Code Manager will decline to accept any Alternative Modification Proposal that does not meet the criteria in A15.4.

A15.6. Whether or not an Alternative Modification Proposal meets the criteria in A15.4, the Code Manager must 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
- b) proportionality: Whether additional alternatives would provide meaningful incremental value compared with the resource and stakeholder burden required to assess them.

A15.8 Where the Code Manager has decided to decline an Alternative Modification Proposal on the basis of A15.4 or A15.6 they must write to the Proposer of the Alternative Modification Proposal setting out the decision and the reasons why.

A15.9 The Code Manager can combine suggested Alternative Modification Proposals if it determines that they are sufficiently similar or if, in the opinion of the Code Manager, they produce a better proposal once combined.

A15.10 The Code Manager can instruct the Workgroup, other Code Parties or the Proposer of the Modification Proposal to work together to develop or combine one or more Alternative Modification Proposals.

A15.11 Where Alternative Modification Proposals have been combined the Code Manager can decide who the Proposer of the combined Alternative Modification Proposal will be.

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 A17);
- b) an Authority-Directed 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 will only be approved where the Authority makes the decision to approve the Modification Proposal.

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 this 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;
- 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 others; 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 relevant 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 revised Final 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 Proposed Direct Modification consultation phase.

A16.7 Where the Authority issues a direction to the Code Manager in accordance with A16.5:

- 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 vote in respect of the revised Report as set out in A14.2; and
- f) the Code Manager must update the Change Register to record the status of the Modification Proposal.

Self-Governance Modification Proposals, including Fast-Track Self-Governance 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 Code 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 or Alternative Modification Proposal as set out in A16.8a-b; and
- b) the Authority considers that the appeal has not been raised for reasons that are trivial or vexatious, or has a reasonable prospect of success.

A17. Authority-Led Modifications

A17.1 The Authority may submit an Authority-Led Modification Proposal to the Code Manager, together with such supplemental information as the Authority considers appropriate.

A17.2 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 A17.1 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 stakeholder 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) suggest any Alternative Code Modifications that, in the Code Manager's opinion, could also address the problem, ensuring that any Alternative Modification Proposals meet the criteria set out in A15.4;
- g) specify a timetable for the implementation of the Authority-Led Modification, including the date from which such modification could take effect; (implementation date); and

- h) 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 Energy Codes and if Modification Proposals have been raised for those effected.

SAF

A17.3 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.

A17.4 The SAF, upon receiving an Authority-Led Modification Report must assess it following the procedures set out in B12.

A17.5 The Authority's Significant Code Review conclusions document will not fetter the assessment of the SAF under B12.

A17.6 The Code Manager must communicate the outcome of the SAF assessment to the Authority including the reasons given by the SAF members.

A17.7 As soon as appropriate, the Authority-Led Modification Report must be submitted by the Code Manager to the Authority.

A17.8 The Authority-Led Modification Report must 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, or is not a Self-Governance Fast Track Modification Proposal, the Prioritisation Category.

Authority Decision

A17.9 An Authority-Led Modification Proposal will only be approved where the Authority makes the decision to approve the Modification Proposal.

A17.10 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

A17.11 Where the Authority considers that it is unable to form an opinion in relation to a proposed Authority-Led Modification, it may issue a direction to the Code Manager specifying any additional steps that the Authority requires in order to form such an opinion.

A17.12 Where the Authority issues a direction to the Code Manager in accordance with A17.11 the Code Manager must address the matters raised by the Authority and must, where necessary, produce an updated Authority-Led Modification Report.

A18. Significant code review

A18.1 The Authority may, at any time, notify affected parties of a Significant Code Review.

A18.2 The notice referred to in A18.1 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 within the scope of the Significant Code Review; and
- d) confirmation that a Modification Suspense Period has begun or will commence on a specific date as a result of the Significant Code Review.

A18.3 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) providing advice on the proposal.

A18.4 A Modification Suspense Period in relation to a matter within the scope of the Significant Code Review will commence on the date specified by the Authority as set out in A18.2d, and ends for the purposes of the Code:

- a) where the Authority has issued a direction to the Code Manager to raise an Authority-Directed Modification Proposal(s) 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, or itself raise an Authority-Led Modification Proposal;
- c) if by the end of 28 working days from the Authority publishing any of its Significant Code Review conclusions it has taken none of the actions specified in that conclusion; 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, 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.

A18.5 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.

A18.6 Where the Authority publishes its Significant Code Review conclusions in parts, the 28-day period referred to in A18.4c will run from the date of each respective published conclusion.

A18.7 The Authority's published conclusions in relation to a Significant Code Review will not fetter the assessment nor voting rights of the SAF referred to in B12 nor the assessment of the Code Manager.

Backstop Direction

A18.8 Where an Authority-Led Modification Proposal or an Authority-Directed Modification Proposal has been raised in respect of the Significant Code Review the Authority may issue a direction (a "backstop direction"), which requires such proposal(s) and any alternatives to be withdrawn, and which causes the Modification Suspense Period to recommence.

Modifications Proposals raised before or during the Modification Suspense Period

A18.9 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 Modification Suspense Period) falls within the scope of the Significant Code Review.

A18.10 The Authority may direct the Code Manager to suspend the progress of any Modification Proposal that the Authority considers falls within the scope of that Significant Code Review, and the Code Manager must comply with such directions.

A18.11 The Authority may direct the Code Manager to cease the suspension of any Modification Proposal that has been suspended in accordance with A18.10, and the Code Manager must comply with such directions.

A18.12 The Code Manager must regularly update the Change Register to reflect any suspension or resumption of Modification Proposals during a Significant Code Review.

A18.13 Any and all suspensions as set out in A18.10 will automatically cease at the end of any Modification Suspense Period.

A18.14 The commencement and cessation of suspensions in respect of a Modification Proposal as set out in A18.10 and A18.11 will have the effect of modifying the timetable applying to the Modification Proposal.

A19. Direct Code Modifications

Decision – Final code modification template text

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

A19.2 The Authority may at any time notify relevant stakeholders 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 such a 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 an Authority-Consent Modification Proposal) falls within the scope of the Proposed Direct Modification.

A19.6 A19.5 applies to any Modification Proposal whether submitted before or after the commencement of the Proposed Direct Modification.

A19.7 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).

A19.8 The Authority may direct the Code Manager to cease the suspension of any Modification Proposal that has been suspended in accordance with A19.6 (and the Code Manager must comply with such directions).

A19.9 Any and all suspensions in accordance with A19.6 will automatically cease at the end of any Modification Suspense Period.

A19.10 The commencement and cessation of suspensions in respect of a Modification Proposal as set out in A19.6 and A19.7 will have the effect of modifying the timetable applying to the Modification Proposal.

A19.11 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 A17, 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 Code 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 A2.6, 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 Modification Proposals that impact more than one Energy Code to ensure changes are progressed efficiently;
- c) ensure it is represented at meetings of the CCSG by individuals with sufficient expertise and authority, attends meetings of the CCSG and update any documentation that is required following each meeting;
- 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 Proposal in accordance with the Code;
- b) coordinate with the Code Managers of the other affected Energy Codes so that they can raise and progress a Consequential Change under their Energy Codes in parallel with the process under the Code; and
- c) consult with the other affected Energy Codes to agree upon and publish a timetable setting out the proposed progression of the Lead Code Modification Proposal and any associated Consequential Changes.

A21.3 Notwithstanding Section A16, the Modification Proposal under the Code will only be approved if both:

- a) the Modification Proposal is approved in accordance with the Code; and
- b) the associated Consequential Changes under the other Energy Codes are all approved in accordance with those other Energy Codes.

Consequential Change

A21.4 Where the CCSG 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 A21.4, but subject to the following:

Decision – Final code modification template text

- a) the Code Manager must progress the Modification to the timetable determined under the Lead Code;
- b) if the Lead Code Modification Proposal under the Lead Code is withdrawn or rejected prior to a decision, 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

A21.5 The Code Manager may appeal the decision of any associated Consequential Change to the Authority where:

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

A21.6 An appeal must be raised within 30 working days of a decision on the Lead Code Modification Proposal or relevant Consequential Change.

A21.7 Where another Energy Code is the Lead Code, any decision 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 Code Manager of the Lead Code.

A22 Reasonableness criteria and SDS

A22.1 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 a Strategic Direction Statement; and
- b) disclosing to the Code Manager, if it reasonably expects that proposed modifications related to the Strategic Direction Statement, may have a significant impact on its processes or systems.

A22.2 Where the Code Manager is considering proposed modifications relating to the content of a Strategic Direction Statement, it may request cooperation from a Code Party where it is proportionate and reasonable to do so. 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 with a Code Party prior to deciding to issue a formal request for cooperation;

- 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 Code Party's ability to cooperate, which may include price controls, calls for evidence and consultations. The Code Manager will also seek to provide sufficient notice of any request;
- c) impact on Code Parties: the Code Manager must consider the resource implications for Code Parties in responding to a request for cooperation and the availability of the data sought under a request for cooperation. Requests for cooperation must only be issued to relevant Code Parties, and where possible, will include Code Parties of varying sizes and role;
- d) volume: the Code Manager must take reasonable steps to avoid issuing duplicate requests for cooperation, including consideration of requests for cooperation made by other code managers. The Code Manager must identify similarities between requests for cooperation and consolidate them where appropriate; and
- e) other impacts: the Code Manager must consider cross code or system interactions.

A22.3 Prior to issuing a formal 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 for cooperation will be in writing and contain the following:

- a) the outcome of the Code Manager's assessment under Section A22.3; 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 pursuant to SLC 27.14a).

Decision – Final code modification template text

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/bodies 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.

Consultation Phase means the period starting on the date which the Authority publishes a notice under s 193(1) of the Energy Act 2023 and ending on the date on which the Authority publishes a notice of decision under s193(5) of the Energy Act 2023.

Code Party/parties means persons who are party to the relevant Code (including the Licensee).

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 Energy 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 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

Decision – Final code modification template text

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

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

Fail(ure) to engage means the failure of the Proposer to meaningfully engage within 2 months to any contact from the Code Manager.

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.

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 the Code Manager licence granted pursuant to section 6(1)(g) of the Electricity Act 1989 or section 7AC of the Gas Act 1986.

Modification Plan means a plan produced by the Code Manager that contains the information set out in A11.2.

Modification Path means the classification of Modification Proposals, as outlined in A9.1.

Modification Procedures has the meaning given to it in section 1 'Definitions' of the Code Manager SLCs.

Modification Proposal has the meaning given to it in section 1 'Definitions' of the Code Manager SLCs.

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 as set out in A17.4;

- b) in relation to a [matter within the scope of a] Proposed Direct Modification, the Consultation Phase [or] the period starting on the date which the Authority publishes a notice under s 193(1) of the Energy Act 2023 and ending on the date on which the Authority publishes a notice of decision under s193(5) of the Energy Act 2023.

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 Energy 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 Energy 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 means any individual, group, body, or institution with an interest in the code regardless of whether they are a party to the code or not.

Stakeholder Advisory Forum means the body required by standard condition 27 (Code maintenance and modification).

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.

Decision – Final code modification template text

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.