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SECTION J: PARTY AGENTS AND QUALIFICATION UNDER THE CODE

1. GENERAL

1.1 Introduction

1.1.1 This Section J sets out or refers to:

(a) the types of obligations and activities under the Code which Parties are obliged to perform through the use of Party Agents;

(b) the duties of Parties to ensure that Party Agent functions are discharged in accordance with relevant performance levels;

(c) the Qualification Requirements which must be met and the Qualification Process which must be completed by certain Parties and Party Agents under the Code; and

(d) the obligation of Parties to register relevant Party Agents in CMRS, SMRS, AMRS, LPAMR and, where relevant, in accordance with the REC (in each case, as the case may be).

1.1.2 In this Section J, in relation to a SVA Metering System:

(a) references to a Data Collector are to a Half Hourly Data Collector or Non Half Hourly Data Collector; and

(b) references to a Data Aggregator are to a Half Hourly Data Aggregator or a Non Half Hourly Data Aggregator,

(c) references to a Data Service Agent are to an Advanced Data Service Agent, Smart Data Service Agent or an Unmetered Supplies Data Service Agent,

in each case as applicable depending on whether the relevant Metering System is a Half Hourly Metering System a Non Half Hourly Metering System or an MHHS Metering System, which can be an Advanced Segment Metering System, a Smart Segment Metering System or an Unmetered Supplies Segment Metering System.

1.2 Obligation to use Party Agents

1.2.1 Each Party shall secure that the following Party Agents are appointed and used, subject to and in accordance with the provisions of this Section J, to perform the obligations and carry out the activities of such Party described in paragraph 1.2.2:

(a) in relation to each Metering System for which such Party is or is to be the Registrant (other than a Metering System which relates to an Unmetered Supply):

(i) a CVA Meter Operator Agent; or

(ii) a SVA Meter Operator Agent provided that the Registrant shall ensure that such SVA Meter Operator Agent:

(A) is appointed in accordance with the provisions of the Retail Energy Code; and

(B) complies with the provisions of this Section J but only to the extent that such provisions are expressed to apply to

Party Agents generally and SVA Meter Operator Agents have not otherwise been excluded therefrom;

(b) in relation to each SVA Metering System for which such Party is or is to be the Registrant:

(i) a Data Collector; and

(ii) a Data Aggregator; or

(iii) a Data Service Agent;

(c) in relation to each SVA Metering System which relates to an Equivalent Unmetered Supply and for which such Party is or is to be the Registrant, a Meter Administrator.

(d) in relation to each Asset Metering System a Data Collector;

(e) in relation to each SVA Metering System for which the Supplier requires Eligible Exempt Supply Volumes to be calculated an Exempt Supply Notification Agent.

1.2.2 In respect of Metering Systems (or SVA Metering Systems, as the case may be) for which a Party is the Registrant, the principal obligations and activities which that Party is required to perform through the use of a Party Agent (and which represent the functions of such Party Agent) are as follows:

(a) in the case of a CVA Meter Operator Agent, to install, commission, test and maintain, rectify faults and provide a sealing service in respect of Metering Equipment (including, if applicable, associated Communications Equipment) in accordance with the provisions of Section L (except to the extent that Section L and the relevant Code of Practice requires the Equipment Owner to perform such activities);

(aa) in the case of a SVA Meter Operator Agent and in relation to Metering Equipment, the applicable obligations and activities specified in the Retail Energy Code in relation to Metering Equipment Managers;

(ab) in the case of a Meter Operator Agent and in relation to Asset Metering Equipment, to install, commission, test and maintain, rectify faults and provide a sealing service in respect of Asset Metering Equipment (including, if applicable, associated Communications Equipment) in accordance with the provisions of Section L (except to the extent that Section L and the relevant Code of Practice requires the Equipment Owner to perform such activities);

(b) in the case of a Half Hourly Data Collector, to retrieve, validate and process metering data from Half Hourly Meters and Equivalent Meters in respect of SVA Metering Equipment or Asset Metering Equipment in accordance with the provisions of Section S;

(c) in the case of a Non Half Hourly Data Collector, to retrieve, validate and process metering data from Non Half Hourly Meters in respect of SVA Metering Equipment in accordance with the provisions of Section S;

(d) in the case of a Half Hourly Data Aggregator, to aggregate metering data received from such Party's Half Hourly Data Collectors and provide such aggregated data and the Allocated Metering System Metered Consumption to the SVAA in accordance with the provisions of Section S;

(e) in the case of a Non Half Hourly Data Aggregator, to aggregate metering data received from such Party's Non Half Hourly Data Collectors and provide such aggregated data to the SVAA in accordance with the provisions of Section S;

(f) in the case of a Meter Administrator, to calculate estimated energy consumption for Equivalent Unmetered Supplies and to provide the relevant data to such Party's Half Hourly Data Collector in accordance with the provisions of Section S;

(g) in the case of an Exempt Supply Notification Agent (ESNA), to receive Half Hourly Metered volumes, apply losses caused by transmission and/or distribution, determine exempt supply volumes (using Half Hourly Metered Data and details provided by Suppliers from their arrangement with suppliers operating under an Exemption) and aggregate exempt supply volumes to BM Unit level and submit to BSC Systems for Settlement.

(h) in the case of an Advanced Data Service Agent, to retrieve, validate and process Metered Consumption data from each SVA Metering System that is an Advanced Segment Metering System, and to submit this data to the SVAA in accordance with the provisions of Section S;

(i) in the case of a Smart Data Service Agent, to retrieve, validate and process Metered Consumption data from each SVA Metering System that is a Smart Segment Metering System, and to submit this data to the SVAA in accordance with the provisions of Section S; and

(j) in the case of an Unmetered Supplies Data Service Agent, to calculate estimated energy consumption data for each SVA Metering System that is an Unmetered Supplies Segment Metering System, and to submit this data to the SVAA in accordance with the provisions of Section S.

1.2.3 In addition, where a Party wishes to make Energy Contract Volume Notifications or Metered Volume Reallocation Notifications (as the case may be) in accordance with Section P, it may only do so through the following Party Agents who satisfy the requirements of this Section J and are authorised in accordance with the provisions of Section P:

(a) in the case of Energy Contract Volume Notifications, through Energy Contract Volume Notification Agents, the principal functions of which shall be to make Energy Contract Volume Notifications in accordance with Section P and to discharge such other functions, in relation to such Party, as are attributed to an Energy Contract Volume Notification Agent in Section P;

(b) in the case of Metered Volume Reallocation Notifications, through Metered Volume Reallocation Notification Agents, the principal functions of which shall be to make Metered Volume Reallocation Notifications in accordance with Section P and to discharge such other functions, in relation to such Party, as are attributed to a Metered Volume Reallocation Notification Agent in Section P.

1.2.4 In satisfying the requirements of paragraphs 1.2.1 and 1.2.3, a Party may, instead of appointing another person (whether another Party or a third party) to fulfil the role of a Party Agent, discharge the relevant function or functions itself provided it is and remains Qualified to perform such role and, in that event:

(a) references to Party Agent, Meter Operator Agent, CVA Meter Operator Agent, SVA Meter Operator Agent (where, for the purposes of this paragraph 1.2.4, the

reference to a Party remaining Qualified to perform such role shall be a reference to the equivalent qualification requirements under the Retail Energy Code), Data Collector, Half Hourly Data Collector, Non Half Hourly Data Collector, Data Aggregator Half Hourly Data Aggregator, Non Half Hourly Data Aggregator, Meter Administrator, Advanced Data Service Agent, Smart Data Service Agent, Unmetered Supplies Data Service Agent, Energy Contract Volume Notification Agent, Exempt Supply Notification Agent and Metered Volume Reallocation Notification Agent (as the case may be) shall be construed as a reference to such Party (acting in its capacity as such Agent); and

(b) the provisions of the Code shall apply and be interpreted on the basis that such Party shall itself perform the obligations in respect of which it would otherwise be required to ensure compliance by another person.

1.2.5 In respect of Party Agents appointed under the Code:

(a) in the case of a Party Agent appointed by a Party pursuant to paragraph 1.2.1, that Party shall be responsible for every act, breach, omission, neglect and failure of such Party Agent (in relation to that Party) and shall itself comply, and shall procure compliance by such Party Agent, with the relevant provisions of the Code and of Code Subsidiary Documents;

(b) in the case of a Party Agent appointed by Contract Trading Parties pursuant to Section P, those Contracting Trading Parties shall be responsible jointly and severally for every act, breach, omission, neglect and failure of such Party Agent (in relation to those Contracting Trading Parties jointly) and shall themselves comply, and shall procure compliance by such Party Agent, with the relevant provisions of the Code and of Code Subsidiary Documents,

and, for the avoidance of doubt, the provisions of this paragraph 1.2.5 are without prejudice to and shall not affect the rights and obligations as between Parties or between Parties and Party Agents in respect of the appointment or performance of Party Agents (which shall be a matter outside the Code).

1.2.6 Each Party shall, in accordance with any relevant Party Service Lines and BSC Procedures, take such actions and provide such information as is reasonably necessary to enable each Party Agent for which it is responsible to discharge its functions in accordance with the relevant provisions of the Code, relevant Party Service Lines and relevant BSC Procedures.

1.2.7 For the avoidance of doubt, the requirement of a Party to perform certain obligations and to carry out certain activities of such Party through a Party Agent in accordance with this Section J is without prejudice to such Party's responsibility to perform those obligations and carry out those activities under the Code.

1.2.8 Each Party shall ensure that the Party Agents for which it is responsible comply with the relevant provisions of Section O.

1.3 Other Agents under the Code

1.3.1 In addition to the functions to be carried out by the Party Agents referred to in paragraph 1.2 or by the BSC Agents referred to in Section E, the Code requires certain functions to be carried out:

(a) in respect of its Distribution System(s) and Associated Distribution System(s), by the Supplier Meter Registration Agent responsible for such Distribution System(s);

(b) in respect of its Distribution System(s) and Associated Distribution System(s), by a Licensed Distribution System Operator when acting in its capacity as an Unmetered Supplies Operator; and

(c) by a Data Transfer Service Provider.

1.3.2 The principal functions of a Supplier Meter Registration Agent are as follows:

(a) to provide and operate a registration service in respect of those Boundary Points on the Distribution System(s) and Associated Distribution System(s) (if any) of such SMRA which are not registered in the Central Meter Registration Service, in each case in accordance with Section K and Section S and in accordance with the REC;

(b) to provide data from such registration system to Parties, Party Agents and BSC Agents for the purposes of Settlement in accordance with the requirements of the Code; and associated BSC Procedures BSCP501 and BSCP706 as appropriate.

(c) to provide BSCCo with data from such registration system for the purposes of monitoring in accordance with BSCP533.

1.3.2A In respect of a Supplier Meter Registration Agent, the Licensed Distribution System Operator that has appointed that Supplier Meter Registration Agent shall be responsible for every act, breach, omission, neglect and failure of such Supplier Meter Registration Agent (in relation to that Licensed Distribution System Operator) and shall itself comply, and shall procure compliance by such Supplier Meter Registration Agent, with the relevant provisions of the Code and of Code Subsidiary Documents. For the avoidance of doubt, the provisions of this paragraph 1.3.2A are without prejudice to and shall not affect the rights and obligations as between Licensed Distribution System Operators and Supplier Meter Registration Agents in respect of the appointment or performance of such Supplier Meter Registration Agents (which shall be a matter outside the Code).

1.3.3 The principal function of a Data Transfer Service Provider is to provide a Managed Data Network.

1.3.4 The functions of a Licensed Distribution System Operator when acting in its capacity as an Unmetered Supplies Operator are set out in Section S8.2.

2. QUALIFICATION REQUIREMENTS

2.1 Application

2.1.1 For those Party Agents referred to in paragraph 2.1.2, a Party shall only appoint and use persons who are Qualified (in respect of the functions to be carried out by that Party Agent) and each Party shall ensure that its Party Agents comply in full with the relevant Qualification Requirements and Qualification Process.

2.1.2 The following persons shall be subject to the Qualification Requirements of this Section J applicable to that type of person or to the functions of that type of person:

(a) CVA Meter Operator Agents;

(b) Data Collectors;

(c) Data Aggregators;

(d) Meter Administrators;

(e) Suppliers;

(f) Licensed Distribution System Operators when acting in their capacity as Unmetered Supplies Operators;

(g) Supplier Meter Registration Agents;

(h) Virtual Lead Parties;

(i) Virtual Trading Parties;

(j) Licensed Distribution System Operators;

(k) Meter Operator Agents for Asset Metering Systems;

(l) Exempt Supply Notification Agent; and

(m) Data Service Agents.

2.1.3 Each Supplier and each person carrying out any of the functions referred to in paragraphs 1.2.2 (other than each SVA Meter Operator Agent), 1.3.2 and 1.3.4 is required to be Qualified in accordance with this Section J (and in the case of Suppliers and CVA Meter Operator Agents who are responsible for CVA Metering Equipment they are also required to comply with the testing requirements set out in Section O) before it carries out any of its functions, duties, activities or responsibilities under the Code or any relevant BSCP.

2.2 Establishment of Requirements

2.2.1 The Qualification Requirements provide criteria for assessing:

(a) the ability of persons to discharge the functions in respect of which they are or wish to be appointed under the Code; and

(b) the ability of Suppliers to perform their activities and obligations under the Code; and

(c) the ability of systems and processes used by such persons to support such functions, activities and obligations.

2.2.2 The Qualification Requirements of those persons referred to in paragraph 2.1.2 shall be established by BSCCo~~the Panel~~ and recorded in this Section J and BSC Procedures, as modified from time to time in accordance with Section F3.

2.3 Reliance on Qualification

2.3.1 Each Party shall be required to satisfy itself as to the financial condition and prospects and the management and operational ability of any Qualified Person which it intends to appoint as its Party Agent (or as the person carrying out the functions referred to in paragraph 1.3.2 and 1.3.4) and shall not rely on the fact of Qualification (or the lack of Qualification) as, or infer therefrom, any representation, warranty or other statement or indication on the part of BSCCo~~the Panel,~~ the Performance Assurance Board, the Performance Assurance Administrator or~~,~~ any Code~~Panel~~ Committee ~~or BSCCo~~, that the Qualified Person has any or any particular financial condition or prospects or level of management or operational ability.

2.4 Additional functions

2.4.1 Where a Person is to carry out those functions referred to in paragraphs 1.2.2, 1.3.2 and 1.3.4 in respect of which it is not Qualified, the Party responsible for that person (if applicable) shall ensure that such person is Qualified in respect of those functions before such person starts to carry out those functions.

2.4.2 Without prejudice to the generality of paragraph 2.4.1:

(a) a Qualified Data Aggregator which is to start aggregating energy values per Supplier BM Unit in accordance with paragraph 3.6 of Annex S-2;

(b) a Qualified Data Collector which is to start collecting or aggregating data in the circumstances where paragraphs 3.3.4 and 3.5.5, respectively, of Annex S-2 apply,

(c) a Qualified Data Collector which is to start collecting data in the circumstances where there is a variable supplier as referred to in paragraph 3.5.5 of Annex S-2,

(d) a Qualified Data Service Agent which is to start collecting or aggregating data in the circumstances where paragraphs 3.4.5 and 3.6 respectively, of Annex S-3 apply, or

(e) a Qualified Data Service Agent which is to start collecting data in the circumstances where there is a variable supplier as referred to in paragraph 3.6 of Annex S-3,

shall be Qualified in respect of those functions before starting to do so.

3. QUALIFICATION PROCESS

3.1 Performance Assurance Board

3.1.1 The Performance Assurance Board shall be responsible, subject to and in accordance with this Section J and BSCP537, for the Qualification Process relating to those persons referred to in paragraph 2.1.2.

3.1.2 The Performance Assurance Board shall have the authority to allow Suppliers that do not have any Unmetered Supplies registered within their portfolio, and who do not intend to register any Unmetered Segment Metering Systems, to be exempt from the Unmetered Supplies Qualification obligations set out in this Section J and in BSCP537.

3.1.3 The Performance Assurance Board shall ensure that the necessary reporting is in place to monitor and mitigate any instances where Unmetered Segment Metering Systems are registered by Suppliers not qualified for Unmetered Segment Metering Systems.

3.1.4 The Performance Assurance Board shall notify BSCCo when a person becomes Qualified.

3.1.5 BSCCo shall maintain an up-to-date list of each person who is Qualified and shall make a copy of such list available to any person on request.

3.1.6 The Performance Assurance Board shall have the authority to exempt Suppliers from Qualification obligations in respect of the Smart Market Segment.

3.1.7 The Performance Assurance Board shall ensure that the necessary reporting mechanisms are in place to monitor and mitigate any instances where Metering Systems are registered by Suppliers that are not Qualified to perform their role in the relevant Market Segment.

3.1.8 Any reference in this paragraph 3.1 to an exemption from Qualification obligations shall mean an exemption from any or all of the Qualification Requirements that are applicable to the relevant Market Segment (as determined by the Performance Assurance Board).

3.1.9 Where the Performance Assurance Board has exempted a Supplier from Qualification obligations under this paragraph 3.1, that Supplier shall be bound by, and shall comply with, any criteria or conditions specified by the Performance Assurance Board relating to that exemption.

3.2 NOT USED

3.3 Qualification Process

3.3.1 The Qualification Process shall be conducted in accordance with this Section J and BSCP537.

3.3.1A Subject to paragraph 2.1B, any reference in this paragraph 3 to a Party Agent shall not include a reference to a SVA Meter Operator Agent.

3.3.2 Save where the person which a Party is wishing to or intending to appoint as its Party Agent is already Qualified, each Party shall:

(a) comply with and ensure that its Party Agents (and any person it appoints to perform the functions referred to in paragraphs 1.3.2 and 1.3.4) comply with the relevant Qualification Requirements and the relevant requirements of the

Qualification Process such that the Performance Assurance Board can properly determine whether the relevant person should be Qualified; and

(b) if applicable, co-operate with and ensure that its Party Agents (and any person it appoints to perform the functions referred to in paragraphs 1.3.2 and 1.3.4) co-operate with the Performance Assurance Board, the Performance Assurance Administrator, BSCCo~~, the Panel~~ and/or any Code~~Panel~~ Committee in the execution of their duties.

3.3.2A Each Licensed Distribution System Operator shall provide all reasonable assistance to each Supplier and its Supplier Agents in accordance with Section J and BSCP537 as may be required by the relevant Supplier and/or its Supplier Agents for it or them to satisfy the requirements of the Qualification Process.

3.3.3 Subject to paragraphs 3.3.4 and 3.3.5, when an Applicant wishes to Qualify under the Code it shall submit the appropriate application to BSCCo. For the avoidance of doubt no such application shall be considered necessary in relation to any testing processes or otherwise that a Supplier or a CVA Meter Operator Agent who is responsible for CVA Metering Equipment is required to complete under Section O.

3.3.4 In the case where an Applicant has applied to become a Party to the Framework Agreement (in accordance with Section A2.1) and intends to have the participation capacity of a Virtual Trading Party and/or Virtual Lead Party and/or Supplier and/or a Licensed Distribution System Operator under the Code, then BSCCo shall treat the Applicant's application under Section A2.2.1 as an appropriate application for the purposes of paragraph 3.3.3.

3.3.5 In the case where an Applicant has executed the letter agreement referred to in paragraph 3.3.6, then BSCCo shall treat the execution of such letter agreement as an appropriate application for the purposes of paragraph 3.3.3.

3.3.6 The Applicant's application to Qualify shall not be accepted or considered until the Applicant has agreed to be bound by and to comply with the Code and has executed, in the case of a Party, the Framework Agreement and, in the case of any other Applicant, a letter agreement in the form and content satisfactory to the Performance Assurance Board.

3.3.7 Following receipt of an Applicant's application for Qualification pursuant to paragraph 3.3.3 BSCCo shall:

(a) meet or communicate with the Applicant to explain the Qualification Process (including but not limited to the requirement for the Applicant to complete and submit a Qualification Document to BSCCo); and

(b) provide appropriate guidance and support to the Applicant (if requested) during the course of the progress of the application for Qualification, provided that notwithstanding any such guidance or support, the responsibility for the management, progression and completion of the application for Qualification and for establishing the Applicant's compliance with the Qualification Requirements is that of the Applicant. The amount of guidance and support provided to the Applicant (if any) shall be at the reasonable discretion of BSCCo or as set out in BSCP537.

3.3.8 When the Applicant has submitted its Qualification Document (whether as a fully completed document or in stages), BSCCo shall:

(a) carry out a review and assessment of the Qualification Document (at such level and in such detail as it considers appropriate where the Qualification Document

is submitted in stages) and in doing so shall (without limiting the generality of the foregoing) assess any relevant matters including the risk which the Applicant would, if Qualified, pose to Settlement and the operation of the Code and the arrangements described in it; and

(b) review any evidence and verification of the information contained in the Qualification Document (including any test results) and request any tests or further evidence and/or witness any tests which BSCCo may in its reasonable opinion consider it requires in order to assess some or all of the information provided in the Qualification Document.

3.3.9 Where the Applicant is also required to undertake the Entry Assessment under the REC (as defined in the REC):

(a) BSCCo will co-ordinate with the REC Code Manager, as appropriate, when an Applicant has applied to become Qualified under the Code; and

(b) BSCCo may, if it considers it appropriate, co-ordinate or combine the meeting referred to in paragraph 3.3.7 (in whole or in part) or any other meeting relating to the Applicant's application for Qualification with any similar meeting with the equivalent body responsible for explaining or providing guidance to or assessing the Applicant in relation to the Entry Assessment under the REC; and

(c) where BSCCo or the Performance Assurance Board have been provided, by or on behalf of the Applicant, with any information, self assessment document, documentation and/or evidence or verification relating thereto (including any test results) which the Applicant has produced for or in relation to its Entry Assessment under the REC (or for any other relevant industry body), BSCCo or the Performance Assurance Board may when considering:

(i) the Qualification Document submitted by the Applicant; or

(ii) whether any further information is required, and if so, the nature of such further information; or

(iii) whether any evidence or verification (or further evidence or verification) of information contained in the Qualification Document is required including, without limiting the generality of the foregoing, whether any testing or further testing (including systems and communications testing) is required and if so, the nature of such testing or further testing,

take into account such information, self assessment document, documentation and/or evidence or verification relating thereto (including any tests results).

3.3.10 When BSCCo is satisfied that the Applicant has fully completed the Qualification Document and provided all appropriate information, documentation, evidence and verification, BSCCo shall provide the Performance Assurance Board with a report in relation to the Applicant's application for Qualification and make a recommendation to the Performance Assurance Board in relation to the same. The report may include, where appropriate, a recommendation as to whether the Applicant has fully completed the Qualification Document.

3.3.11 BSCCo shall, at the same time as it provides the Performance Assurance Board with its report and recommendation referred to in paragraph 3.3.10, provide a copy of the same to the Applicant.

3.3.12 The Applicant shall be entitled to:

(a) request the Performance Assurance Board to provide advice or clarification or seek endorsement of the plans described in the Qualification Document; and/or

(b) in the circumstances described in BSCP537, request the Performance Assurance Board to determine its application for Qualification if the Applicant (acting reasonably) considers that it has satisfied the Qualification Requirements and has completed the Qualification Process.

3.3.13 Subject to paragraphs 3.3.6 and 3.3.14, upon receipt of the report and recommendation referred to in paragraph 3.3.10 or the request from the Applicant referred to in paragraph 3.3.12 (b) the Performance Assurance Board, in accordance with the relevant provisions of the Code and BSCP537, shall make a determination as to whether:

(a) the Applicant's application for Qualification shall be accepted; or

(b) the Applicant's application for Qualification shall be accepted, but shall also determine that certain matters are to be complied with or addressed including without limitation a requirement that the Applicant shall undergo a technical assurance check; or

(c) the Applicant's application for Qualification shall be deferred (including so that the Applicant can provide further information, documentation, evidence, verification and/or testing) until such time as the Applicant can establish that it has satisfactorily completed the Qualification Process and met the Qualification Requirements.

3.3.14 Without limiting the generality of paragraph 3.3.13(b), the Performance Assurance Board may, where it considers that the Applicant has sufficiently completed the Qualification Process and met the Qualification Requirements despite there being matters or requirements of an insignificant or non-material nature which may not have been fully completed or met by the Applicant, accept the Applicant's application for Qualification but shall also determine that the Applicant completes or meets such matters or requirements to the satisfaction of the Performance Assurance Board at a later date with such later date being mutually agreed between the Applicant and the Performance Assurance Board.

3.3.15 The Applicant may attend that part of a meeting convened by the Performance Assurance Board at which the Applicant's application for Qualification is being presented.

3.3.16 The Performance Assurance Board shall ensure that copies of the latest version of this Section J and BSCP537 are made available to the Applicants.

3.3.17 Without limiting the generality of paragraph 3.3.11, the Performance Assurance Board shall:

(a) (unless the Applicant has already been provided with such reports) provide each Applicant with, or arrange for each Applicant to be provided with, a copy of all reports submitted to it by BSCCo in relation to such Applicant's application for Qualification at the same time as the Performance Assurance Board notifies such Applicant whether its application for Qualification has been accepted; and

(b) be under no obligation to provide an Applicant with, or arrange for it to be provided with, a copy of any such report at any time before it gives such notification.

3.3.18 The Performance Assurance Board shall make available to the Authority all information held by the Performance Assurance Board which the Authority reasonably requires for the purposes of making any determination pursuant to paragraph 3.7.

3.3.19 The provisions of Section Z shall apply to proceedings of the Performance Assurance Board concerning Qualification pursuant to this Section J.

3.4 Removal of Qualification

3.4.1 The Performance Assurance Board shall have the right at any time and from time to time in accordance with and in the circumstances set out in this paragraph 3.4 and BSCP537 to remove the Qualification of any Qualified Person (other than a Party acting in its capacity as a Supplier, Virtual Lead Party, Virtual Trading Party, Licensed Distribution System Operator, SMRA or UMSO), whereupon such person shall cease to be Qualified.

3.4.2 The Performance Assurance Board may only remove a Qualified Person's Qualification when that Qualified Person has failed to comply with the requirements and/or standards for performance (as described in the Code or any relevant BSCP) relating to the activities or functions which that Qualified Person undertakes under the Code or any relevant BSCP (including any requirement for the Applicant to re-Qualify within a reasonable period of time).

3.4.3 The Performance Assurance Board shall notify (in accordance with BSCP537) the Qualified Person where it is satisfied that the Qualified Person is failing to comply with the requirements and/or standards for performance referred to in paragraph 3.4.2 such that consideration is being given or is likely to be given to the removal of the Qualification of the Qualified Person.

3.4.4 Upon receipt of the notice referred to in paragraph 3.4.3 the Qualified Person shall submit an appropriate rectification plan to the Performance Assurance Board. This rectification plan shall set out the steps which the Qualified Person shall take in order to ensure compliance with the requirements and/or standards for performance referred to in paragraph 3.4.2 and shall include an appropriate timetable for taking such steps.

3.4.5 If the Performance Assurance Board (acting reasonably) refuses to approve the rectification plan referred to in paragraph 3.4.4 (or any revision thereof by the Qualified Person) or considers that the Qualified Person is still failing to comply with the requirements and/or standards for performance referred to in paragraph 3.4.2 and/or has not complied with or adequately complied with the steps described in the rectification plan approved by the Performance Assurance Board, the Performance Assurance Board may notify any relevant Parties in accordance with BSCP537 that consideration is being given or is likely to be given to the removal of the Qualification of the Qualified Person.

3.4.6 Where the Performance Assurance Board (acting reasonably) remains of the opinion that it is still unable to approve the rectification plan referred to in paragraph 3.4.4 (or any revision thereof by the Qualified Person) or considers that the Qualified Person is still failing to comply with the requirements and/or standards for performance referred to in paragraph 3.4.2 and/or has not complied with or adequately complied with the steps described in the rectification plan approved by the Performance Assurance Board, the Performance Assurance Board may remove the Qualification of the Qualified Person.

3.4.7 Relevant parties shall be notified as set out in and in accordance with BSCP537 where the Qualification of a Qualified Person has been removed in accordance with this paragraph 3.4.

3.4.8 For the avoidance of doubt, if a Party ceases to be a Party to the Code for whatever reason (including but not limited to by reason of Section A5) then that Party's Qualification in

relation to its role or function as a Supplier, Licensed Distribution System Operator, SMRA or UMSO (as the case may be) shall automatically terminate.

3.4.9 Nothing in this Section J or BSCP537 shall prevent any person whose Qualification has been terminated, removed or surrendered from re-applying for Qualification at any time.

3.5 Re-Qualification

3.5.1 Each Qualified Person shall be required to re-Qualify prior to it being subject to a Material Change. BSCP537 may set out details or criteria as to what events may constitute a Material Change. These details or criteria may include but shall not be limited to.

(a) process, staff or system changes; or

(b) in the case of Party Agents (except Meter Administrators) and SMRAs a significant increase in the number of Metering Systems in relation to which that person performs or intends to perform the relevant functions described under the Code.

3.5.2 Not used.

3.5.3 When a Qualified Person is required to re-Qualify paragraphs 3.3.1 to 3.3.19 (inclusive) shall apply as if references therein to "Qualification", "Qualify" and "Qualified" were references to "re-Qualification", "re-Qualify" and "re-Qualified".

3.5.4 Where the Performance Assurance Board is of the opinion (acting reasonably) that a Qualified Person must re-Qualify for whatever reason (including but not being limited to that Qualified Person having a number of non compliances identified in relation to it) then such person must undertake re-Qualification in accordance with this paragraph 3.5.

3.5.5 If any such Qualified Person is not so re-Qualified in accordance with this Section J and/or BSCP537, such Qualified Person's Qualification shall automatically lapse to the extent that the Qualified Person is only allowed to operate and perform their functions, activities, responsibilities and obligations under the Code (as the case may be) in accordance with and to the level of their most recent previously approved Qualification.

3.6 Fees and expenses

3.6.1 The Performance Assurance Board shall determine and publish to Applicants, Qualified Persons (and such other persons who reasonably request the same) a Menu of Qualification Fees which may be charged by the Performance Assurance Board for the purposes of Qualification (or re-Qualification), and the Performance Assurance Board shall have the right to revise such fees from time to time.

3.6.2 Each Qualified Person shall pay its own costs and expenses incurred in connection with the Qualification Process or re-Qualification Process (as the case may be).

3.7 Referral to the Authority

3.7.1 The sole and exclusive remedy of an Applicant who is dissatisfied with any decision of the Performance Assurance Board in relation to Qualification, re-Qualification or removal of Qualification (as the case may be) (the "**Dissatisfied Person**") shall be to refer the matter to the Authority in accordance with this paragraph 3.7 for determination.

3.7.2 For a referral to be valid pursuant to paragraph 3.7.1, the Dissatisfied Person must:

(a) refer the matter for determination to the Authority in writing (with a copy to BSCCo~~the Panel~~ or the Performance Assurance Board in respect of a decision relating to removal of Qualification) no later than fourteen days after receipt by the Dissatisfied Person of the relevant decision of the Performance Assurance Board; and

(b) set out in its referral to the Authority (with reasons in support) the ground or grounds on which the Dissatisfied Person is making its application to the Authority which shall be one or more of the following (and no other):-

(i) that the Performance Assurance Board has not followed the procedures set out in Section J, Section Z and/or BSCP537; or

(ii) that the Performance Assurance Board has given undue weight to particular evidence submitted or to the lack of particular evidence; or

(iii) that the Performance Assurance Board has misinterpreted all or some of the evidence submitted in connection with such application; or

(iv) that, notwithstanding any restrictions that BSCCo~~the Panel~~ may place on the Performance Assurance Board in respect of any decision relating to the removal of Qualification as to how it is to assess and decide the matter, the Performance Assurance Board should not have taken into account the failure by the Dissatisfied Person to satisfy one or more specified requirements as set out in paragraph 3.4 or BSCP537.

3.7.3 On a valid referral pursuant to paragraph 3.7.1 the Authority may either determine the matter itself or, if it thinks fit, refer the matter for determination by an arbitrator appointed by it and, subject to paragraph 3.7.4, the practice and procedure to be followed in connection with any such determination shall be such as the Authority may consider appropriate.

3.7.4 In connection with any referral pursuant to paragraph 3.7.1 which the Authority determines itself, the Authority shall have:

(a) the right to engage an independent consultant selected by the Authority and to take and rely on the advice of such independent consultant; and

(b) the discretion to make a determination that the Dissatisfied Person should or should not be or remain Qualified notwithstanding that the ground on which the Dissatisfied Person has applied to the Authority is either the wrong ground or has not been proven.

3.7.5 The determination of the Authority or, as the case may be, the arbitrator pursuant to paragraph 3.7.3 shall be final, conclusive and binding on the Dissatisfied Person, the Performance Assurance Board, BSCCo~~the Panel~~ and all Parties, and may include a provision as to the payment in respect of the costs and expenses incurred by the person making the determination.

3.7.6 The Dissatisfied Person, BSCCo~~the Panel~~ or the Performance Assurance Board (as the case may be) and all Parties shall promptly give effect to any such determination.

3.7.7 For the avoidance of doubt, neither Section H7 nor Section H8 shall apply in the case where a Qualified Person is dissatisfied with any decision of the Performance Assurance Board referred to in paragraph 3.7.1.

3.8 Qualified Persons' Responsibilities

3.8.1 Applicants shall agree to be bound by the Qualification Process, the provisions of Section J, Section Z and/or BSCP537.

3.8.2 Each Applicant and each Qualified Person represents, warrants and undertakes to BSCCo (for itself and as trustee and agent for each other Party, ~~the Panel,~~ the Performance Assurance Board, any Code~~Panel~~ Committee and/or the Performance Assurance Administrator) that:

(a) all information supplied by or on behalf of the Applicant or Qualified Person to BSCCo~~the Panel~~, the Performance Assurance Board, any Code~~Panel~~ Committee~~,~~ ~~BSCCo~~ or the Performance Assurance Administrator in connection with the Qualification Process is true, complete and accurate and not misleading because of any omission or ambiguity or for any other reason, subject to disclosure, if any, acceptable to the Performance Assurance Board being made in advance of the provision of the relevant information to BSCCo~~the Panel~~, the Performance Assurance Board, any Code~~Panel~~ Committee~~,~~ ~~BSCCo~~ or the Performance Assurance Administrator;

(b) completion of all documentation by or on behalf of the Applicant or Qualified Person in connection with the Qualification Process is and will remain the sole responsibility of the Applicant or Qualified Person;

(c) the Applicant or Qualified Person will duly complete all such documentation and provide all the information required by the Qualification Process within the time periods prescribed by BSCP537; and

(d) the Qualified Person has had the opportunity to take its own legal and other professional advice regarding the Qualification Process.

3.8.3 Without prejudice to the generality of paragraph 3.8.2, each Applicant and each Qualified Person shall confirm in writing to BSCCo (for itself and on behalf of the each other Party, ~~the Panel,~~ the Performance Assurance Board, the Performance Assurance Administrator and/or any Code~~Panel~~ Committee,) in accordance with BSCP537 that each of the other representations, warranties and undertakings in this paragraph 3.8 are true and have been complied with as at the date on which it has been notified that its application(s) for Qualification will be considered by the Performance Assurance Board.

3.8.4 Each Applicant and each Qualified Person shall co-operate fully with ~~the Panel,~~ BSCCo, the Performance Assurance Board, the Performance Assurance Administrator and/or any Code~~Panel~~ Committee, in the Qualification Process and, without prejudice to the generality of the foregoing, shall permit each of them reasonable access to the Applicant's or Qualified Person's business records, working papers and employees for the purposes of the Qualification Process upon not less than three Business Days' advance notice.

3.8.5 Each Applicant and Qualified Person acknowledges and agrees that:

(a) it shall not, and shall not be entitled to, place any reliance on any working papers, opinion, statement, comment, report or other documentation prepared by or for (or any oral or written interpretation of, or any oral or written advice given in relation to, any such working papers, opinion, report or other documentation by or for) BSCCo~~, the Panel~~, the Performance Assurance Board, the Performance Assurance Administrator and/or any Code~~Panel~~ Committee in connection with the Qualification Process unless such working papers, opinion, statement, comment, report or other documentation is expressly addressed to such Applicant or Qualified Person; and

(b) it shall keep confidential on the terms set out in Section H4.2 any working papers, opinions, statements, reports or other documentation referred to in paragraph (a) unless such working papers, opinions, statements, reports or other documentation is expressly addressed to such Applicant or Qualified Person.

3.8.6 It shall be a condition of any Qualification that the Qualified Party complies with the provisions of this Section J and of BSCP537.

3.9 Derogations

3.9.1 BSCCo~~The Panel~~ may issue a derogation, in accordance with BSCP537, to any Qualified Person in respect of the Qualification of such Qualified Person.

3.9.2 A derogation issued pursuant to paragraph 3.9.1 may relieve such Qualified Person from its obligation to comply with one or more specified provisions (a "derogated provision") of the Code and/or of a Code Subsidiary Document on such terms as BSCCo~~the Panel~~ may determine and such Qualified Person shall not be in breach of the requirements of the Code insofar as it fails to comply with any such derogated provision provided such Qualified Person is otherwise in compliance with the Code and with the terms of any such derogation.

3.9.3 A Qualified Person shall use its best endeavours to comply with the terms and conditions of any applicable derogation for so long as it is in effect.

3.9.4 A Party appointing or using a Qualified Person in respect of whom a derogation has been issued pursuant to this paragraph 3.9 shall have the benefit of such derogation (subject to paragraph 3.9.3) and, accordingly, such Party shall not be in breach of the requirements of the Code insofar as it or its appointed Qualified Person fails to comply with any such derogated provision provided such Party (and such Party's appointed Qualified Person) is otherwise in compliance with the Code and with the terms of any such derogation.

3.9.5 The provisions of this paragraph 3.9 shall not apply to a Qualified Person who is also a Supplier in relation to its participation capacity of a Supplier, a Licensed Distribution System Operator in relation to its participation capacity as a Licensed Distribution System Operator and/or an Unmetered Supplies Operator and/or a SMRA, a Virtual Trading Party in relation to its participation capacity as a Virtual Trading Party or a Virtual Lead Party in relation to its participation capacity as a Virtual Lead Party.

3.10 Surrender of Qualification

3.10.1 Subject to paragraph 3.10.2, a Qualified Person shall be entitled to surrender its Qualification by giving notice in writing to BSCCo ("surrender notice") specifying the time and date, being not less than three months after the date of the surrender notice, with effect from which the Qualified Person wishes to surrender its Qualification, and such Qualification shall thereafter terminate.

3.10.2 A Qualified Person shall not surrender its Qualification (and any surrender notice given seeking to do so shall be ineffective) if the Performance Assurance Board considers that it would be inappropriate for such surrender to take place including but not limited to reasons such as:

(a) any sums payable under the Code by such Qualified Person (whether or not due for payment and whether or not the subject of a dispute) remain, in whole or in part, to be paid by such Qualified Person; or

(b) the Qualified Person continues to be registered under the SMRS in respect of any Metering Systems or BM Units (as the case may be); or

(c) the Qualified Person has not provided to any relevant Party all relevant information that may be necessary for that Party to continue to comply with its obligations under the Code; or

(d) in the case of a Data Aggregator, that it has not completed processing all of its Settlement Runs for all Metering Systems for which it is responsible.

3.10.3 Where a Qualified Person is no longer trading as a commercial entity for whatever reason then the Performance Assurance Board may after a period of six months remove that person's Qualification.

3.10.4 The provisions of this paragraph 3.10 shall only apply to those persons referred to in paragraph 1.2.2 with the exception of SVA Meter Operators.

3.11 Renewal of Qualification

3.11.1 Qualified Persons shall be required annually to undergo the process set out in BSCP537, in respect of the Qualification.

3.11.2 The objective of the Renewal of Qualification is to provide further assurance that the Qualified Person still has the systems, staff, processes and procedures at the time of the previous Qualification.

3.11.3 Each Qualified Person shall, on an annual basis, undergo Renewal of Qualification as defined in BSCP537. The Performance Assurance Board shall approve the Renewal of Qualification Schedule at least 6 months prior to the Renewal of Qualification.

3.11.4 Where, following the Renewal of Qualification process, the Performance Assurance Board is of the opinion (acting reasonably) that a Qualified Person must re-Qualify for whatever reason then such person must undertake re-Qualification in accordance with this paragraph 3.5.

4. APPOINTMENT and replacement OF PARTY AGENTS

4.1 Appointment

4.1.1 The provisions of this paragraph 4 apply in respect of those Party Agents referred to in paragraph 1.2.1.

4.1.2 The identity of each Party Agent for which a Party is responsible shall be determined by that Party save that:

(a) there must always be one and no more than one effective appointment of the relevant type of Party Agent (as applicable) at any time in relation to a particular Metering System in respect of any particular period;

(b) the provisions of paragraph 4.1.4 shall apply in relation to Shared SVA Metering Systems;

(c) the provisions of paragraph 4.1.6 shall apply in relation to Third Party Generation.

4.1.3 For the avoidance of doubt, the same person may be registered as a Party Agent in respect of more than one Metering System and/or as more than one Party Agent in respect of the same Metering System.

4.1.4 In respect of a Shared SVA Metering System, where the same SVA Metering Equipment measures Export Active Energy in respect of supplies to two or more Suppliers or Import Active Energy in respect of supplies by two or more Suppliers (as the case may be):

(a) the Primary Supplier shall:

(i) nominate a SVA Meter Operator Agent in accordance with the Retail Energy Code Metering Operations Schedule and a Data Collector or Data Service Agent for that Shared SVA Metering System and inform the Secondary Supplier(s) of that nomination; and

(ii) ensure that the nominated Data Collector or Data Service Agent is provided with the Allocation Schedule for that Shared SVA Metering System in accordance with BSCP550;

(b) all such Suppliers shall:

(i) secure that the nominated SVA Meter Operator Agent and Data Collector or Data Service Agent is appointed for that Shared SVA Metering System notwithstanding that the Metering System may have more than one SVA Metering System Number for the purposes of registration in CSS;

(ii) arrange for the Primary Supplier to notify the nominated SVA Meter Operator Agent and Data Collector or Data Service Agent of those SVA Metering System Numbers before their respective appointments as Party Agents come into effect;

(iii) notify the nominated SVA Meter Operator Agent of its appointment and the nominated Data Collector or Data Service Agent of its appointment at least five Business Days before such appointment is to come into effect and (if practicable) give them at least five Business Days' notice of the termination of their respective appointments; and

(c) each such Supplier shall, where appropriate, appoint a Data Aggregator of its choice provided that the Primary Supplier shall in respect of any particular period appoint its Data Aggregator against its related SVA Metering System Number(s) and the Secondary Supplier(s) shall appoint their Data Aggregators against their related SVA Metering System Number(s) for such Shared SVA Metering System.

4.1.5 Where the same SVA Metering Equipment at a Third Party Generating Plant measures both Import Active Energy and Export Active Energy:

(a) the Supplier (or, in the case of a Shared SVA Metering System, the Primary Supplier) which is taking the Export Active Energy shall secure that the same SVA Meter Operator Agent is appointed in accordance with the Retail Energy Code in respect of the measurement of Export Active Energy as has been appointed in respect of the measurement of Import Active Energy; and

(b) the Supplier (or, in the case of a Shared SVA Metering System, the Primary Supplier) which is supplying the Import Active Energy shall provide the Party (or Primary Supplier, as the case may be) which is taking the Export Active Energy with details of the SVA Meter Operator Agent appointed in respect of the measurement of Import Active Energy, in accordance with BSCP550.

4.1.6 Where an Outstation or Outstations, associated with an SVA Metering System comprising an Advanced Meter, at a Third Party Generating Plant is being used for the purposes of transferring data relating to both Import Active Energy and Export Active Energy:

(a) the Supplier (or, in the case of a Shared SVA Metering System, the Primary Supplier) which is taking the Export Active Energy shall, subject to paragraph (c) secure that the same Data Collector or Data Service Agent is appointed as is appointed to collect Import Active Energy from such Outstation;

(b) the Supplier (or, in the case of a Shared SVA Metering System, the Primary Supplier) which is supplying the Import Active Energy shall provide the Party (or Primary Supplier, as the case may be) which is taking the Export Active Energy with details of the Data Collector or Data Service Agent appointed in respect of the collection of data relating to Import Active Energy; and

(c) both Suppliers shall ensure that the Data Collector or Data Service Agent so appointed is appropriately Qualified.

4.1.7 Where the same Metering Equipment at an Exemptable Generation Plant is comprised both in an SVA Metering System and a CVA Metering System:

(a) the Party which is Registrant of the CVA Metering System shall secure that the same person is appointed as CVA Meter Operator Agent in relation to the CVA Metering System as is appointed in relation to the SVA Metering System under the Metering Operations Schedule of the Retail Energy Code;

(b) the Supplier which is Registrant of the SVA Metering System shall provide the Registrant of the CVA Metering System with details of the SVA Meter Operator Agent in relation to the SVA Metering System;

(c) both such Parties shall ensure that the person so appointed as CVA Meter Operator Agent and SVA Meter Operator Agent is appropriately Qualified under the relevant Industry Code;

(d) both such Parties shall notify the nominated Meter Operator Agent of its appointment at least five Business Days before such appointment is to come into effect and (if practicable) give it at least five Business Days' notice of the termination of its appointment.

4.1.8 Where the same Metering Equipment at an Exemptable Generating Plant is comprised in both an SVA Metering System and a CVA Metering System, and the same Outstation(s) are used for the purposes of transferring data relating to both Metering Systems:

(a) the Party which is Registrant of the SVA Metering System shall provide the Registrant of the CVA Metering System with details of the Data Collector or Data Service Agent appointed in relation to the SVA Metering System;

(b) the Party which is Registrant of the CVA Metering System shall request the CDCA to provide access to such Data Collector or Data Service Agent (pursuant to Section R1.4.7 and subject to the proviso in Section R1.4.6) to the relevant Communications Equipment.

4.2 Replacement

4.2.1 Each Party may arrange for any Party Agent for which it is responsible to be removed from time to time provided that a replacement Party Agent shall have been appointed and registered in accordance with this Section J with effect from the date of removal of the removed Party Agent.

4.2.2 Each Party shall ensure that the appointment of a Party Agent for which it is responsible shall terminate on the termination, surrender or removal of Qualification of such Party Agent.

4.2.3 Each Party shall ensure that there are appropriate arrangements in place in compliance with the relevant Party Services Lines with each Party Agent for which it is responsible from time to time to enable any replacement Party Agent for which it is responsible to take over the functions of a Party Agent whose appointment has expired or been terminated, including arrangements for the transfer of relevant data to such replacement Party Agent.

4.2.4 Any replacement of a Party Agent shall be undertaken in accordance with the relevant BSC Procedures relating to that Party Agent.

4.2.5 Subject to paragraph 4.2.6, paragraph 4.2.7 applies where:

(a) a Supplier proposes to carry out, on any day, the replacement of any Supplier Agent(s) appointed in relation to Non Half Hourly Metering Systems (an "agent replacement");

(b) BSCCo~~the Panel~~ has for the time being determined a threshold number for the purposes of paragraph (c)(i) or of paragraph (c)(ii);

(c) the number of Non Half Hourly Metering Systems subject to the proposed agent replacement, either:

(i) in aggregate, or

(ii) in any one SMRS,

exceeds the applicable threshold number for the time being determined by BSCCo~~the Panel~~.

4.2.6 Paragraph 4.2.7 shall not apply if:

(a) the appointment of a replacement Supplier Agent(s) is to be made in consequence of the termination of the appointment of the existing Supplier Agent(s) either:

(i) pursuant to paragraph 4.2.2, or

(ii) as a result of the doing by, or occurrence in relation to, the existing Supplier Agent(s) of any of the things or events set out in Section H3.1.1(g) (construed as if references to the Defaulting Party were to the Supplier Agent); and

(b) the Supplier gives notice to BSCCo~~the Panel~~, as much in advance as is reasonably practicable, of the proposed agent replacement, certifying that the case falls within paragraph (a), and specifying the date on which the agent replacement is to be carried out and the SMRSs which are affected.

4.2.7 Where this paragraph applies:

(a) the Supplier shall submit to BSCCo~~the Panel~~, in accordance with BSCP513, an application for approval to carry out the agent replacement, including:

(i) a proposed timetable and methodology for carrying out the agent replacement;

(ii) such confirmation as BSCCo~~the Panel~~ may require, from the Supplier, the existing Supplier Agent(s), the proposed replacement Supplier Agent(s) and each relevant SMRA, as to their respective abilities to manage and carry out the agent replacement;

(iii) such further details as may be required in accordance with BSCP513;

and the Supplier shall not carry out the agent replacement without the prior approval of BSCCo~~the Panel~~;

(b) the Supplier shall discuss its application with BSCCo~~the Panel~~, and/or provide such further information to BSCCo~~the Panel~~, as BSCCo~~the Panel~~ may require in connection with its consideration of the application;

(c) BSCCo~~the Panel~~ may require changes to the proposed timetable (including the day on which the replacement is to be carried out) and methodology and/or may impose additional requirements for the agent replacement as a condition of giving its approval therefor;

(d) BSCCo~~the Panel~~ shall consider the application and notify the Supplier whether it is approved as soon as reasonably practicable;

(e) BSCCo~~the Panel~~ may (notwithstanding it has already approved the application) require changes or further changes to the proposed timetable or methodology for the agent replacement, if BSCCo~~the Panel~~ is subsequently notified that another Supplier will carry out an excepted agent replacement on the same day as the proposed agent replacement;

(f) if the application is approved, the Supplier (if it decides to proceed) shall so notify BSCCo and shall carry out the agent replacement in accordance with the proposed timetable and methodology with such changes, and in accordance with such other requirements, as BSCCo~~the Panel~~ may have required under paragraph (c) or (e).

4.2.8 If a Supplier:

(a) notifies BSCCo under paragraph 4.2.7(f) that it will proceed with an agent replacement, or

(b) notifies BSCCo~~the Panel~~ of an excepted agent replacement in accordance with paragraph 4.2.6.

BSCCo shall place on the BSC Website a statement to the effect that an agent replacement within paragraph 4.2.5 is to be carried out, specifying the date on which it is to be carried out and the SMRSs affected.

4.2.9 For the purposes of paragraphs 4.2.5 to 4.2.8:

(a) references to carrying out on a day the replacement of a Supplier Agent are to implementing on that day the procedures under the Code for such replacement, irrespective of the date(s) from which such replacement is to be effective;

(b) an "excepted agent replacement" is an agent replacement in a case falling within paragraph 4.2.6 but in relation to which either test in paragraph 4.2.5(c) is met.

5. PARTY RESPONSIBILITIES

5.1 Parties Responsibilities

5.1.1 Each Supplier shall ensure that it and each of its Supplier Agents who are to be responsible for SVA Metering Systems within a SMRS has satisfied the requirements of the Supplier Qualification Process in accordance with this Section J and BSCP537 before any registration of that Supplier in respect of a SVA Metering System in that SMRS becomes effective.

5.1.2 This paragraph 5 shall apply on a Supplier ID basis and its provisions shall be construed accordingly.

5.1.3 Each Virtual Lead Party and Virtual Trading Party or Supplier shall ensure that it and each of its Asset Metering Party Agents who are to be responsible for Asset Metering Systems within the AMRS or LPAMR has satisfied the requirements of the Qualification Process in accordance with this Section J and BSCP537 before any registration of that Asset Metering Party Agent in respect of an Asset Metering System in the AMRS or LPAMR becomes effective.

5.2 Not Used

5.3 Communications Requirements for Qualification

5.3.1 A Party shall only appoint and use as Party Agents persons who have complied with and satisfied the requirements of Section O3.2 in respect of such Party Agent (to the extent applicable to such Party Agent) with the exception of a Party Agent that is an SVA Meter Operator.

5.3.2 If a Party Agent fails to comply in any material respect with the provisions of Section O applicable to such Party Agent:

(a) BSCCo~~the Panel~~ may determine that such Party Agent shall no longer be entitled to carry out the functions for which it is responsible until and unless it has remedied such failure;

(b) if BSCCo~~the Panel~~ so determines, each Party which has appointed such Party Agent shall appoint another Party Agent, within a time specified by BSCCo~~the Panel~~, to carry out those functions in its place.

5.3.3 The provisions of paragraph 5.3.2 are without prejudice to a Party's obligations under paragraphs 1.2.5 and 1.2.8.

6. REGISTRATION

6.1 Obligation to register

6.1.1 Where a Party is required, by virtue of paragraph 1.2.1, to appoint and use a Party Agent, such Party shall register the identity of the person(s) appointed by such Party to act as its Party Agent (including where such Party is to discharge the relevant function itself pursuant to paragraph 1.2.4) in accordance with the provisions of this paragraph 6.1.

6.1.2 In respect of each Metering System and each type of Party Agent responsible for functions in relation to that Metering System, no more than one person may be registered at any one time as such Party Agent, subject to paragraph 4.1.4(c).

6.1.3 In respect of each CVA Metering System for which a Party is or is to be the Registrant:

(a) such Party shall register (and ensure that there is registered at all times) in CMRS the identity of the person appointed to act as its CVA Meter Operator Agent with effect from the time when it becomes the Registrant of such CVA Metering System and for so long as it remains the Registrant of such CVA Metering System.

(b) such registration shall not be effective until BSCCo confirms to the CDCA that such person is Qualified.

6.1.4 In respect of each SVA Metering System for which a Supplier is or is to be the Registrant, such Supplier shall register (and ensure that there is registered at all times) in SMRS the identity of the person(s) appointed to act as the following Supplier Agents (as applicable to such SVA Metering System) with effect from the time when it becomes the Registrant of such SVA Metering System and for so long as it remains the Registrant of such Metering System:

(a) SVA Meter Operator Agent;

(b) Data Collector;

(c) Data Aggregator;

(d) Meter Administrator;

(e) Data Service Agent,

in each case in accordance with the provisions of BSCP501, BSCP706 and the provisions of the Retail Energy Code.

6.1.4A In respect of each Asset Metering System for which a Virtual Trading Party or Virtual Lead Party or Supplier is or is to be the Registrant, such Virtual Trading Party or Virtual Lead Party or Supplier shall register (and ensure that there is registered at all times) in AMRS(or LPAMR as applicable) the identity of the person(s) appointed to act as the following Asset Metering Party Agents (as applicable to such Asset Metering System) with effect from the time when it becomes the Registrant of such Asset Metering System and for so long as it remains the Registrant of such Asset Metering System:

(a) Meter Operator Agent;

(b) Data Collector;

in each case in accordance with the provisions of BSCP602 or BSCP607 as appropriate.

6.2 Change of registration

6.2.1 The provisions of paragraph 6.1 shall apply mutatis mutandis in respect of the registration of any replacement Party Agent.

6.3 ECVNAs and MVRNAs

6.3.1 The provisions of Section P shall apply in relation to the submission of ECVNA Authorisations and MVRNA Authorisations.

6.3.2 No ECVNA Authorisation or MVRNA Authorisation shall become effective until and unless BSCCo has confirmed to the ECVAA that the provisions of this Section J, as they relate to ECVNAs or MVRNAs (as the case may be), have been satisfied in respect of the person forming the subject of such Authorisation.

6.4 Change of Supplier: Clock Change Periods

6.4.1 For the purpose of this paragraph:

(a) a **clock change period** means a period of one hour commencing at 23:00 UTC (where UTC is as defined in Table X-6 of Annex X-2 and which equates to 00:00 London time when British Summer Time applies) and ending at 00:00 UTC (which equates to 01:00 London time when British Summer Time applies) that occurs when London time is determined by reference to British Summer Time; and

(b) a **relevant Data Service Agent** means, in respect of a Metering System, the Data Service Agent appointed by an outgoing Supplier in respect of that Metering System.

6.4.2 In respect of a Metering System, the Parties acknowledge and agree that where there has been a change of Supplier that takes effect during a clock change period:

(a) the relevant Data Service Agent has, or will have, retrieved the metering data relating to that clock change period; and

(b) notwithstanding that:

(i) the outgoing Supplier is no longer the Registrant during the clock change period; and

(ii) the relevant Data Service Agent is no longer registered in SMRS, or required to be so registered,

the outgoing Supplier shall ensure that the relevant Data Service Agent retrieves and submits metering data relating to the clock change period in compliance with the Code (including any specific obligations set out in Section S).

6.4.3 Notwithstanding paragraph 6.4.2:

(a) each incoming Supplier shall comply with its obligations in the Code in relation to the appointment and registration of a Data Service Agent in relation to a clock change period; and

(b) in respect of each clock change period, the incoming Supplier shall be deemed to be compliant with its obligations under Section S relating to the retrieval and submission of metering data provided that such Supplier is otherwise compliant with the provisions of Sections J and S relating to the appointment and registration of Data Service Agents for that period.

6.4.4 In respect of each clock change period, the provisions of Section J and Section S shall be deemed to have effect subject to the provisions of this paragraph 6.4.

7. PERFORMANCE ASSURANCE

7.1 Performance Assurance

7.1.1 Each Party shall ensure that it and each of its Party Agents comply with the data provision requirements (if any) which relate to the performance of such Party and/or its Party Agents as set out in the Code or any relevant BSC Procedures.

7.1.2 The performance of Party Agents, SMRAs and/or a Licensed Distribution System Operators acting in their capacity as an Unmetered Supplies Operators shall be determined by the Performance Assurance Board in accordance with the process and techniques described in Section Z and any relevant BSC Procedures to the extent applicable to such person.

7.1.3 Those persons referred to in paragraph 7.1.2 shall provide, or procure the provision of, such reports to the Performance Assurance Board as may from time to time be reasonably required in accordance with any relevant BSCP in order to enable the Performance Assurance Board to review the standards of performance of or compliance by that person with the relevant requirements of the Code and any relevant BSCP.

7.1.4 Each person referred to in paragraph 7.1.2. shall provide BSCCo~~the Panel~~ and the Performance Assurance Board with access to all of its records, data and other information as may reasonably be required by BSCCo~~the Panel~~ or (as the case may be) the Performance Assurance Board in order to carry out their functions in accordance with this paragraph 7 or under the Code and any relevant BSCP, or procure that such access is provided.

7.1.5 Performance Monitoring Reports shall be produced and circulated in accordance with any relevant BSCP.

AMENDMENT RECORD – SECTION J

Section J	Version 26.0	Effective Date: 27 November 2025

Modification Proposal	Decision Date	Implementation Date	Version
P483	21/08/25	27/11/25	26.0
P478	06/11/24	22/09/25	25.0
P476	23/01/24	27/02/25	24.0
P442	08/02/24	27/02/25	24.0
P415	06/11/23	07/11/24	23.0
P395	06/10/2022	02/11/2023	22.0
P450	12/01/23	23/02/23	21.0

P436	14/04/22	18/07/22	20.0
P433 Self Governance	13/01/22	30/06/22	19.0
P375	24/02/21	30/06/22	19.0
P420	23/07/21	01/09/21	18.0
P411	13/08/20	05/11/20	17.0
P354	18/06/18	01/04/20	16.0
P344	24/08/18	28/02/19	16.0
P386 Self Governance	13/06/19	07/11/19	15.0
P283	31/07/13	06/11/14	13.0
P207	10/07/07	10/09/07	12.0
P209	16/03/07	23/08/07	11.0
P197	10/08/06	23/08/07	11.0
P208	16/01/07	22/02/07	10.0
P190	14/11/05	28/06/06	9.0
P164	08/06/04	30/06/04	8.0
P99	25/07/03	01/05/04	7.0
P62	12/08/02	01/08/03	6.0
P106	22/04/03	24/06/03	5.0
P63	20/01/03	17/02/03	4.0
P55	06/06/02	06/06/02	3.0
P67	01/03/02	08/03/02	2.0