

Rights of appeal under UNC modification process

Development & Implementation Steering Committee

24 August 2004

Position developed through DISG

- Simple majority rule applies to Modifications Panel decisions
- Chair has casting vote, except where decision relates to a recommendation to be made to the Authority
 - panel chaired by Joint Office staff member
- If there is a split vote with respect to a recommendation, no recommendation is made

Right of appeal is forfeited in the case of a split vote

Alternative proposal

- Chair is approved by the Authority
 - Chair is still a Joint Office staff member
 - Authority approval promotes impartiality of Chair
- Chair is able to exercise casting vote in relation to decisions on recommendations

This approach ensures that right of appeal is not forfeited

Way forward

- Ofgem to work with Department of Trade & Industry (DTI)
- DTI to commence consultation on Energy Act appeals mechanism shortly



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