

Governance Review Phase 2 – illustrative licence drafting

APPENDIX 3: Gas Transporter Licence Standard Special Conditions

Standard Special Condition A11: Network Code and Uniform Network Code

Transportation Arrangements

1. The licensee shall establish transportation arrangements, pursuant to paragraphs 3 and 6 of this condition which, in respect of matters other than those to which the UNC charging methodologies relate, are calculated, consistent with the licensee's duties under section 9 of the Act, to facilitate the achievement of the following objectives –
 - (a) the efficient and economic operation of the pipe-line system to which this licence relates;
 - (b) so far as is consistent with sub-paragraph (a), the coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters;
 - (c) so far as is consistent with sub-paragraphs (a) and (b), the efficient discharge of the licensee's obligations under this licence;
 - (d) so far as is consistent with sub-paragraphs (a) to (c) the securing of effective competition:
 - (i) between relevant shippers;
 - (ii) between relevant suppliers; and/or
 - (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers;
 - (e) so far as is consistent with sub-paragraphs (a) to (d), the provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards are satisfied as respects the availability of gas to their domestic customers;
 - (f) so far as is consistent with sub-paragraphs (a) to (e), the promotion of efficiency in the implementation and administration of the network code and/or the uniform network code;
 - (g) compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators; and
 - (h) in relation to:
 - (i) the connection charging methodology, the relevant objectives listed in paragraph 5 of Standard Condition 4B; or
 - (ii) the charging methodologies regulated by Standard Special Condition A5, the relevant objectives listed in paragraph 5 of Standard Special Condition A5.
- 1A. In paragraph 1 sub-paragraph (e), “domestic customer supply security standards” means, subject to paragraph 1B,

(a) the availability of a supply of gas which would equal the peak aggregate daily demand for gas by the relevant gas supplier's current domestic customers which, having regard to historical weather data derived from at least the previous 50 years and other relevant factors, is likely to be exceeded (whether on one or more days) only in 1 year out of 20 years; and

(b) the availability of supplies of gas-

(i) over a year which would equal the aggregate annual demand for gas by those customers; and

(ii) over the first six months of a year which would equal the aggregate demand for gas by those customers during such a six month period,

which, in each case, having regard to such data as aforesaid and other relevant factors, is likely to be exceeded only in 1 year out of 50 years.

1B. For the purposes of paragraph 1A, "daily" means over a period beginning at 6am on one day and ending immediately before 6am on the following day and "year" means a period of 12 months beginning with 1 October; and if, after consultation with all gas suppliers, gas shippers and gas transporters, with the Health and Safety Executive and the National Consumer Council, the Authority is satisfied that the domestic supply security standard would be adequate if paragraph 1A were modified-

(a) by the substitution, in paragraph 1A(a) or (b), of a reference to data derived from a period of less than the 50 previous years;

(b) by the substitution in paragraph 1A(a) of a higher probability than the 1 in 20 years mentioned in that paragraph; or

(c) by the substitution in paragraph 1A(b) of a higher probability than the 1 in 50 years mentioned in that paragraph,

the Authority may, subject to paragraph 1C, make such modifications by notice which-

(i) is given and published by the Authority for the purposes of this condition generally; and

(ii) specifies the modifications and the date on which they are to take effect.

1C. Paragraph 1A(a) shall only be modified if, at the same time, the Authority makes similar modifications to-

(a) paragraph 2(b) of Standard Special Condition A9 (Pipe-Line System Security Standards); and

(b) sub-paragraph (b) of the definition of "security standards" in standard condition 1 (Definitions and Interpretation) of the standard conditions of gas shippers' licences

2. Not used.

Network Code

3. Subject to paragraph 4, in respect of the pipe-line system to which this licence relates, the licensee shall, by the date at which this condition becomes effective (unless the Authority consents otherwise in writing), have prepared a document (the "**network code**") setting out (together with the terms of any other arrangements which the licensee considers it appropriate to set out in the document):

- (a) the terms of the arrangements made in pursuance of paragraph 1 save in so far as they relate to matters regulated by standard condition 4B (Connection Charges etc) or are contained in such an agreement, or an agreement of such a class or description, as may be designated by the Authority for the purposes of this condition; and
- (b) the network code modification procedures established pursuant to paragraph 7 to the extent that such procedures differ from those set out in the uniform network code following Authority consent pursuant to paragraph 8

and the licensee shall furnish the Authority with a copy thereof.

- 4. Where the holder of this licence also holds, in the same legal entity, one or more other gas transporter licences for relevant gas transporters, it may apply to the Authority for written consent to prepare a single network code in respect of the pipe-line systems to which those licences relate, which consent may be granted subject to such conditions as the Authority may direct.
- 5. The network code prepared by or on behalf of the licensee shall incorporate by reference the terms of the uniform network code except where the Authority consents otherwise in writing; and references in the conditions of this licence to the network code include the uniform network code (as may be varied from time to time) as so incorporated, unless otherwise stated.

Uniform Network Code

- 6. The licensee shall, together with the other relevant gas transporters, by the date at which this condition becomes effective (unless the Authority consents otherwise in writing), have prepared a document (the “**uniform network code**”) setting out:
 - (a) the terms of transportation arrangements established by the licensee and other relevant gas transporters, to the extent that such terms are common, or are not in conflict, between relevant gas transporters; and
 - (b) the network code modification procedures established pursuant to paragraph 7 including procedures required by paragraphs 15A to 15C, which are, subject to paragraph 8, incorporated by reference into each network code prepared by or on behalf of each relevant gas transporter; and
 - (c) the arrangements establishing a secretarial or administrative person or body, as specified in the uniform network code and the joint governance arrangements established in accordance with Standard Special Condition A12 (Joint Office Governance Arrangements) (the “**code administrator**”) and setting out the code administrator’s powers, duties and functions, which shall;
 - (i) include a requirement that, in conjunction with other code administrators, the code administrator will maintain, publish, review and (where appropriate) amend from time to time the Code of Practice approved by the Authority and any amendments to the Code of Practice are to be approved by the Authority;
 - (ii) include facilitating the procedures established in accordance with paragraph 7; and
 - (iii) have regard to and, in particular to the extent that they are relevant be consistent with the principles contained in, the Code of Practice; and
 - (d) the arrangements establishing a panel body, as specified in the uniform network code, (the “**panel**”) whose functions shall include the matters required by this condition and whose composition shall include;
 - (i) an independent chairperson approved by the Authority; and

- (ii) a consumer representative (appointed by the National Consumer Council, or any successor body) and any other consumer representative as may be appointed by the Authority,

each of whom shall have a vote as specified in the uniform network code; and

- (e) the UNC charging methodologies,

and the licensee shall furnish the Authority with a copy thereof.

- 6A. The licensee shall use reasonable endeavours to facilitate any improvements to the process by which responsibility for gas supply is transferred between gas suppliers.

Network Code Modification Procedures

7. The licensee shall, together with the other relevant gas transporters, establish and operate procedures ("**network code modification procedures**"), for the modification of the uniform network code and/or of any network code prepared by or on behalf of each relevant gas transporter (including modification of the network code modification procedures themselves) so as to better facilitate, consistent with the licensee's duties under section 9 of the Act, the achievement of the relevant objectives.
8. In accordance with paragraphs 5 and 6, unless the Authority consents otherwise in writing, the network code modification procedures shall be contained in the uniform network code.
9. The network code modification procedures shall provide for:
- (a) without prejudice to paragraphs 15A and 15B a mechanism by which any of
 - (i) the uniform network code; and
 - (ii) each of the network codes prepared by or on behalf of each relevant gas transporter,may be modified;
 - (aa) the provision by the code administrator of assistance, insofar as is reasonably practicable and on reasonable request, to parties (including, in particular, small participants and consumer representatives) that request the code administrator's assistance in relation to the uniform network code including, but not limited to, assistance with:
 - (i) drafting a modification proposal;
 - (ii) understanding the operation of the uniform network code;
 - (iii) their involvement in, and representation during, the network code modification procedures (including but not limited to panel, and/or workgroup meetings) as required by this condition, specified in the uniform network code, or described in the Code of Practice; and
 - (iv) accessing information relating to modification proposals and/or modifications;
 - (ab) in relation to proposals to modify the UNC charging methodologies, compliance (as applicable) with:
 - (i) in respect of the NTS operator only, paragraphs 7 and 8 of Standard Condition 4B (Connection Charging Methodology); and

- (ii) paragraphs 2, 2A and 3 of Standard Special Condition A4 (Charging General);
- (ac) for
 - (i) the regular convening of the charging methodology forum for the purposes of discussing further development of the UNC charging methodologies; and
 - (ii) for the provision of information by the licensee in accordance with paragraphs 8, 11 and 14 of Standard Condition 4B (Connection Charging Methodology) and paragraph 3 of Standard Special Condition A4 (Charging – general); and
 - (iii) insofar as reasonably practicable, the provision by the licensee of such other information or assistance as a materially affected party may reasonably request for the purposes of preparing a proposal to modify a UNC charging methodology;
- (b)
 - (i) the making of proposals for the modification of the uniform network code in accordance with paragraph 10(a), 10(aa), 10(ab), and 15D of this condition; and/or
 - (ii) the making of proposals for the modification of a network code prepared by or on behalf of a relevant gas transporter in accordance with paragraph 11(a) of this condition;
- (c) the making of alternative modification proposals in accordance with paragraphs 10(b) and 11(b) of this condition, except in a case where the Authority otherwise directs in writing;
- (d) the giving of adequate publicity to any such proposal including, in particular, drawing it to the attention of all relevant gas transporters, all relevant shippers, small participants and consumer representatives, and sending a copy of the proposal to any person who asks for one;
- (da) proper evaluation of the suitability of the significant code review, ~~or self-governance route~~ or fast track self governance route for a particular modification proposal;
- (db) for the implementation of modification proposals without the Authority's approval in accordance with paragraph 15G (the "fast track self governance route");
- (e) except in respect of proposals falling within the scope of paragraph 15D and paragraph 15G, the seeking of the views of the Authority on any matter connected with any such proposal;
- (f) the consideration of any representations relating to such a proposal made (and not withdrawn) by the licensee, any other relevant gas transporter, any relevant shipper, or any gas shipper or other person likely to be materially affected were the proposal to be implemented including representations made by small participants and/or consumer representatives;
- (g) where the Authority accepts that the uniform network code or a network code prepared by or on behalf of a relevant gas transporter may require modification as a matter of urgency, the exclusion, acceleration or other variation, subject to the Authority's approval, of any particular procedural steps which would otherwise be applicable;
- (h) for each of the procedural steps outlined in this paragraph 9, to the extent that they are relevant, to be consistent with the principles contained in the Code of Practice;
- (i) modification proposals made by the Authority or the licensee in accordance with paragraphs 9(j), 10(a)(i) or (v), 10(ab) and 11(a)(i) or (v):
 - (i) to be accepted into the network code modification procedures by the panel;

- (ii) where they are raised by the licensee, not to be withdrawn without the Authority's prior consent;
 - (iii) to proceed in accordance with any timetable(s) directed by the Authority in accordance with paragraph 9(j);
 - (j) compliance by the licensee and (where applicable) the panel with any direction(s) issued by the Authority under this paragraph setting and/or amending a timetable (in relation to a modification which the Authority reasonably considers is necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators) for:
 - (i) the licensee to raise a modification proposal; and/or
 - (ii) completion of each of the procedural steps outlined in this paragraph 9, to the extent that they are relevant; and/or
 - (iii) implementation of a modification; and
 - (k) each of the procedural steps outlined in this paragraph 9, to the extent that they are relevant, to be in accordance with any timetable(s) directed by the Authority under paragraph 9(j).
10. In respect of the uniform network code:
- (a) subject to paragraphs 15A and 15B, a modification proposal which does not relate to a UNC charging methodology proposal may be made by the following:
 - (i) the licensee;
 - (ii) each other relevant gas transporter;
 - (iii) any relevant shipper identified in the network code modification procedures as being entitled to propose a modification; ,
 - (iv) any other relevant person (a **“third party participant”**) identified (individually or as a member of a class of persons) in the network code modification procedures as being entitled to propose a modification, and/or
 - (v) the Authority (in relation only to modifications which it reasonably considers are necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators);
 - (aa) a modification proposal shall be made (and not withdrawn without the Authority's prior consent) by the licensee in accordance with a direction issued by the Authority pursuant to paragraph 15C (the **“significant code review route”**); and
 - (ab) a modification proposal relating to a UNC charging methodology may only be made by the licensee and/or relevant shippers and/or DN operators as appropriate and/or the Authority (in relation only to modifications which it reasonably considers are necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators) and/or a materially affected party in accordance with the provisions of the uniform network code unless otherwise permitted by the Authority;
 - (b) where a modification proposal has been made under paragraphs 10(a), 10(aa) or 10(ab) of this condition (an **“original proposal”**) alternative modification proposals may be made, in respect of any such original proposal, by any of the parties listed in

paragraph 10(a), 10(aa) or 10(ab) of this condition with the exception of the person who made the original proposal provided that;

- (i) the alternative proposal is made as described in the Code of Practice and as further specified in the uniform network code; and
- (ii) unless an extension of time has been approved by the panel and not objected to by the Authority after receiving notice, any workgroup stage shall last for a maximum period (as specified in the uniform network code) from the date on which the original modification was proposed.

11. In respect of each network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it):

- (a) a modification proposal may be made by one of the following:
 - (i) the licensee, to the extent that the modification proposed relates to the pipe-line system to which this licence relates,
 - (ii) any relevant shipper identified in the network code modification procedures as being entitled to propose a modification;
 - (iii) a DN operator with whom the licensee has entered into transportation arrangements in respect of the pipe-line system to which this licence relates;
 - (iv) any other relevant person (a “**third party participant**”) identified (individually or as a member of a class of persons) in the network code modification procedures as being entitled to propose a modification; and/or
 - (v) the Authority (in relation only to modifications which it reasonably considers are necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators);
- (b) where a modification proposal has been made under paragraph 11(a) of this condition (an “**original proposal**”), alternative modification proposals may be made, in respect of any such original proposal, by any of the parties listed in paragraph 11(a) of this condition with the exception of the person who made the original proposal.

12. Subject to paragraphs 9, 10 and 11 of this condition, the network code modification procedures may include provisions which differ as between proposed modifications to the uniform network code and proposed modifications to each network code prepared by or on behalf of each relevant gas transporter (excluding the terms of the uniform network code incorporated within it).

Modification of Network Code and Uniform Network Code

13. The licensee shall not make any modification to the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) or make or permit any modification to the uniform network code except:

- (a) to comply with paragraphs 15(b) or 16;
- (b) with the written consent of the Authority; or
- (c) in accordance with paragraph 15D (the “**self-governance route**”) and 15F; or
- (d) in accordance with paragraphs 9(db) and 15G (“**the fast track self governance route**”)

and shall furnish or cause to be furnished to the Authority a copy of any such modification made.

14. Where:

- (a) the Health and Safety Executive have given a notice to the licensee in pursuance of this paragraph referring to a matter relating to the protection of the public from dangers arising from the conveyance of gas through the pipe-line system to which this licence relates; and
- (b) a modification to the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or the uniform network code could, consistent with the relevant objectives, appropriately deal with the matter,

the licensee shall propose such a modification in accordance with the network code modification procedures, and any requirement that a modification be such as to better facilitate the achievement of the relevant objectives shall be treated as met if the modification is consistent with those objectives.

15. Where a proposal is made in accordance with the network code modification procedures to modify the network code prepared by or on behalf of the licensee, (excluding the terms of the uniform network code incorporated within it) or the uniform network code (except in the case of a modification falling within the scope of paragraph 12G) the licensee shall unless, in the case of a proposal falling within the scope of paragraph 15D, otherwise directed by the Authority:

- (a) as soon as is reasonably practicable in accordance with the time periods specified in the uniform network code, which shall not be extended unless approved by the panel and not objected to by the Authority after receiving notice, give notice to the Authority:
 - (i) giving particulars of the proposal;
 - (ii) where an alternative proposal is made in respect of the same matter as the original proposal, giving particulars of that alternative proposal;
 - (iii) giving particulars of any representations by:
 - (aa) the licensee,
 - (bb) any other relevant gas transporter,
 - (cc) any relevant shipper identified in the network code modification procedures as being entitled to propose a modification,
 - (dd) in respect of modifications to a network code (excluding the terms of the uniform network code incorporated within it) only, a DN operator with whom the licensee has entered into transportation arrangements in respect of the pipe-line system to which this licence relates, or
 - (ee) any other person with respect to those proposals;
 - (iv) including a recommendation (or, in the case of a proposal falling within the scope of paragraph 15D, a determination) by the panel as to whether any proposed modification should or should not be made, and the factors which (in the opinion of the panel) justify the making or not making of a proposed modification, which shall include:
 - (aa) a detailed explanation of whether and, if so how, the proposed modification would better facilitate the achievement of the relevant objectives; and

- (bb) where the impact is likely to be material, the evaluation of the proposed modification in respect of the relevant objectives shall include an assessment of the quantifiable impact of the proposed modification on greenhouse gas emissions, to be conducted in accordance with any such guidance (on the treatment of carbon costs and evaluation of greenhouse gas emissions) as may be issued by the Authority from time to time; and
- (v) giving such further information as may be required to be given to the Authority by the network code modification procedures; and
- (b) without prejudice to paragraph 15D comply with any direction of the Authority
 - (i) to make a modification to the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or the uniform network code in accordance with a proposal described in a notice given to the Authority under paragraph 15(a) which, in the opinion of the Authority, will, as compared to the existing provisions of the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or (as the case may be) the uniform network code or any alternative proposal, better facilitate, consistent with the licensee's duties under section 9 of the Act, the achievement of the relevant objectives; or
 - (ii) to revise and re-submit a notice provided in accordance with paragraph 15(a) to reflect the additional steps (including drafting or amending existing drafting of the amendment to the uniform network code), revisions (including timetable revisions), analysis or additional information specified in the direction to enable the Authority to form such an opinion in accordance with paragraph 15(b)(i) as soon after the Authority's direction as is appropriate (taking into account the complexity, importance and urgency of the modification),

Significant code reviews

- 15A. The network code modification procedures shall provide that proposals for modification of the uniform network code falling within the scope of a significant code review may not be made by the parties listed in paragraph 10(a)(i-iv) and 10 (ab) during the significant code review phase, except where:
- (a) the Authority determines that the modification proposal may be made, having taken into account (among other things) the urgency of the subject matter of the proposal;
 - (b) the modification proposal is made by the licensee in accordance with:
 - (i) paragraph 9(j); or
 - (ii) paragraphs 10(aa) and 15C; or
 - (c) the modification proposal is made by the Authority in accordance with paragraphs 10(a)(v), 10(ab) or 11(a)(v).
- 15B. The network code modification procedures shall provide that where a modification proposal is made during the significant code review phase, unless otherwise exempted by the Authority, the panel shall:
- (a) comply with the steps in paragraph 9 subject to sub-paragraph (c) of this paragraph; and

- (b) as soon as practicable notify the Authority of:
 - (i) any representations received in relation to the suitability of the significant code review route; and
 - (ii) the panel's assessment of whether the proposal falls within the scope of a significant code review and the applicability of the exceptions under paragraph 15A(a) or (b), and its reasons for that assessment; and
- (c) not proceed with the modification proposal at the Authority's direction.

15C. The network code modification procedures shall provide that if within twenty-eight (28) days after the Authority has published its significant code review conclusions, the Authority issues to the licensee:

- (a) directions, the licensee shall comply with those directions;
- (b) a statement that no directions under sub-paragraph (a) will be issued in relation to the uniform network code, the licensee shall treat the significant code review phase as ended;
- (c) neither directions under sub-paragraph (a), or a statement under sub-paragraph (b), the significant code review phase will be deemed to have ended.

The Authority's published conclusions and directions to the licensee/relevant gas transporter(s), shall not fetter the voting rights of the members of the panel or the procedures informing the recommendation described at paragraph 15(a)(iv).

Self-governance

15D. The network code modification procedures shall provide that modification proposals shall only be implemented without the Authority's approval pursuant to this paragraph 15D where:

- (a)
 - (i) in the view of the panel, the modification proposal meets all of the self-governance criteria and the panel has submitted to the Authority in respect of the modification proposal and not withdrawn a self-governance statement; or
 - (ii) if a self-governance statement has not been made, or has been withdrawn, the Authority has determined that the self-governance criteria are satisfied and the modification proposal is suitable for the self-governance route; and
- (b) unless otherwise exempted by the Authority, the panel has sent copies of all consultation responses to the Authority at least seven (7) days before the panel intends to make its determination under paragraph 15D(d); and
- (c) the Authority has not directed that the Authority's decision is required prior to the panel's determination under paragraph 15D(d); and
- (d) the panel has, no earlier than seven (7) days after sending the consultation responses referred to at paragraph 15D(b), determined, in accordance with paragraphs 9(d) to (f) and 15(a) of this condition as applicable, that the modification proposal or any alternative should be implemented on the basis that it would, as compared with the then existing provisions of the uniform network code and any other modifications proposed in accordance with paragraph 10(b), better facilitate the achievement of the applicable objective(s); and
- (e)

- (i) no appeal has been raised up to and including [15 / 10] working days after the publication of the panel's determination under paragraph 15D(d) in respect of such modification proposal and any alternative in accordance with paragraph 15E; or
- (ii) an appeal has been raised in respect of such a modification proposal and any alternative in accordance with paragraph 15E and the Authority has not quashed the panel's determination referred to at paragraph 15D(d) of this condition and either remitted the relevant modification proposal and any alternative back to the panel for reconsideration or taken the decision on the relevant modification proposal and any alternative itself following the appeal.

15E. The network code modification procedures shall provide that those persons set out at paragraph 10 may appeal to the Authority the approval or rejection by the panel of a modification proposal and any alternative falling under the self-governance route, provided the appeal has been made up to and including [15 / 10] working days after the publication of the approval or rejection and in accordance with the procedures specified in the uniform network code and, in the opinion of the Authority:

- (a)
 - (i) the appealing party is, or is likely to be, unfairly prejudiced by the implementation or non-implementation of that modification or alternative proposal; or
 - (ii) the appeal is on the grounds that:
 - (1) in the case of implementation, the modification or alternative proposal may not better facilitate the achievement of at least one of the relevant objectives; or
 - (2) in the case of non-implementation, the modification or alternative proposal may better facilitate the achievement of at least one of the relevant objectives; and
- (b) it is not brought for reasons that are trivial, vexatious or have no reasonable prospect of success.

15F. The network code modification procedures shall provide that:

- (a) where an appeal has been raised in respect of a modification proposal and any alternative in accordance with paragraph 15E that modification proposal and any alternative shall be treated in accordance with any decision and/or direction of the Authority following that appeal;
- (b) if the Authority quashes the panel's determination referred to at paragraph 15D(d) of this condition and takes the decision on the relevant modification proposal and any alternative itself following an appeal in accordance with paragraph 15E, the panel's determination of that modification proposal and any alternative referred to in paragraph 15D(d) of this condition shall be treated as a notice given to the Authority in accordance with the procedures specified in paragraph 15(a) of this condition and paragraph 15(b)(i) of this condition and the panel's determination shall be treated as its recommendation.

15G. The procedures for the modification of the uniform network code shall provide that modifications shall only be implemented without the Authority's approval pursuant to this paragraph 15G where:

- (a) in the unanimous view of the panel, the proposed modification meets all of the fast track self governance criteria;

- (b) the panel unanimously determines that the modification should be made;
 - (c) the panel has sent copies of a fast track self governance statement to the persons named in paragraph 10(a) and has not received any objections to the proposed modification in the fifteen (15) working days immediately following the day on which the fast track self governance statement was sent; and
 - (d) the panel has sent copies of a fast track self governance statement to the Authority and in the fifteen (15) working days immediately following the day on which the fast track self governance statement was sent, the Authority has not directed that the proposed modification may not be made under this paragraph 15G.
16. Where any directions are given to the licensee under section 19 or 21(1) of the Act, the licensee shall make such modifications to the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or the uniform network code as may be necessary to enable the licensee to comply with the directions under section 19 or 21(1) of the Act without contravening Standard Special Condition A7 (Requirement to Enter into Transportation Arrangements in Conformity with the Network Code).
17. The licensee shall:
- (a) prepare and publish a summary of (i) the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and (ii) the uniform network code as modified or changed from time to time in such form and manner as the Authority may from time to time direct;
 - (b) make available a copy of the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and the uniform network code as modified from time to time to any person who asks for one and makes such payment to (or to a person nominated by) the licensee in respect of the cost thereof as it may require not exceeding such amount as the Authority may from time to time approve for the purposes hereof; and
 - (c) provide, or cause to be provided, a copy of the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and the uniform network code as modified from time to time on a web-site freely available to all interested parties (the web-site address of which shall be disseminated to such interested parties).

Determinations by the Authority

18. Where a provision of the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or the uniform network code requires that, in circumstances specified in the provision, a determination by the licensee pursuant to that provision in a particular case should be such as is calculated to facilitate the achievement of the relevant objectives, any question arising thereunder as to whether the licensee has complied with that requirement shall be determined by the Authority.
19. The network code modification procedures shall provide that any question arising under the network code modification procedures as to:
- (a) whether a gas shipper or other person is likely to be materially affected by a proposal to modify the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or the uniform network code were such a proposal to be implemented; or
 - (b) whether representations relating to such a proposal and made in pursuance of the rules have been properly considered by the licensee,

shall be determined by the Authority.

Miscellaneous

- 19A. Without prejudice to any rights of approval, veto or direction which the Authority may have, the licensee:
- (a) shall take all reasonable measures to secure and implement (consistently with the applicable procedures) changes to industry codes to which it is a party (or in relation to which it holds rights of amendment); and
 - (b) shall not take steps to prevent or unduly delay changes to industry codes which are appropriate in order to give full and timely effect to and/or in consequence of any modification which has been made to the uniform network code, including, but not limited to, changes that are appropriate in order to avoid conflict or inconsistency as between the uniform network code and any industry code.
20. **NOT USED**
21. **NOT USED**
22. If the Authority so consents, this condition shall have effect as if the definition of “transportation arrangements” in Standard Special Condition A3 (Definitions and Interpretation) referred only to gas consisting wholly or mainly of methane.
23. Any reference to “relevant shipper” in any of paragraphs 9(d), 9(f), 10(a)(iii), 11(a)(ii), or 15(a)(iii)(cc) shall, where it relates to any proposed modification which could have been proposed by a third party participant under the network code modification procedures, be treated as if it were also a reference to all such third party participants.
- 23A. Without prejudice to any rights of approval, veto or direction the Authority may have, the licensee shall use its best endeavours to ensure that procedures are in place that facilitate its compliance with the requirements of this condition, and shall create or modify industry documents including, but not limited to, the uniform network code and industry codes where necessary no later than 31 December 2010.
24. (a) In this condition:

“charging methodology forum”

means the forum (and related arrangements) established in the manner specified in the uniform network code to facilitate meetings between the licensee, other relevant gas transporters, and any other persons whose interests are materially affected by the applicable charging methodologies for the purpose of discussing the further development of the applicable charging methodologies, as shall be specified in the uniform network code.

“Code of Practice”

means the Code Administration Code of Practice approved by the Authority and;

- (a) developed and maintained by the code administrators in existence from time to time; and
- (b) amended subject to the Authority’s approval from time to time; and

- (c) re-published from time to time.

“combined pipe-line system”

means the pipe-line system to which this licence relates and the pipe-line system of each other relevant gas transporter taken as a whole;

“directions”

means, in the context of paragraph 15C, direction(s) issued following publication of significant code review conclusions which shall contain:

- (i) instructions to the licensee to make (and not withdraw, without the Authority’s prior consent) a modification proposal;
- (ii) the timetable for the licensee to comply with the Authority’s direction(s); and
- (iii) the Authority’s reasons for its direction(s).

“fast track self governance criteria”

means a proposal that, if implemented,

- (a) is unlikely to have a material effect on:

- (i) existing or future gas consumers;
- (ii) competition in the shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes;
- (iii) the operation of one or more pipe-line system(s);
- (iv) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and
- (v) the uniform network code governance procedures or the network code modification procedures;

- (b) is unlikely to discriminate between different classes of parties to the uniform network code/relevant gas transporters, gas shippers or DN operators; and

- (c) is properly a housekeeping modification required as a result of some error or

- factual change, including
- (i) updating names or addresses listed in the uniform network code;
 - (ii) correcting minor typographical errors;
 - (iii) correcting formatting and consistency errors, such as paragraph numbering; and
 - (iv) updating out of date references to other documents or paragraphs.

“fast track self governance statement”

means a statement made by the panel:

- (a) confirming that, in its unanimous opinion, the fast track self governance criteria are met and the modification is suitable for the fast track self governance route;
- (b) stating that the modification will not be made if any person to whom the statement was sent objects within fifteen (15) working days and providing instructions on how to make any objection known; and
- (c) setting out the revised legal text showing the changes that will be made.

“industry code”

means a multilateral code or agreement created and maintained pursuant to a licence granted by the Authority under section 6 of the Electricity Act 1989 or under sections 7, 7ZA or 7A of the Act.

“materially affected party”

means, for the purposes of paragraphs 9(ac)(iii) and 10(ab) of this condition, any person or class of persons designated by the Authority for this purpose.

“network code modification procedures”

means the modification procedures referred to in paragraph 7 of this condition;

“relevant objectives”

means:

- (i) in respect of transportation arrangements pursuant to paragraphs 3 and 6 of this condition, in respect of matters other than those to which the UNC charging methodologies relate, the objectives set out at paragraph 1 of this condition;
- (ii) in respect of the UNC charging methodologies, only;
 - (aa) in relation to a connection charging methodology

regulated by Standard Condition 4B, the “relevant objectives” listed in paragraph 5 of that condition;

- (bb) in relation to the charging methodology regulated by Standard Special Condition A5 the “relevant methodology objectives” listed in paragraph 5 of that condition,

as applicable; and

- (iii) in relation to a proposed modification of the network code modification procedures only, the objectives set out in paragraph 9 of this condition (to the extent that those requirements do not conflict with the objectives set out in paragraph 1),

as applicable.

“self governance criteria”

means a proposal that, if implemented,

- (i) is unlikely to have a material effect on:
 - (aa) existing or future gas consumers; and
 - (bb) competition in the shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes; and
 - (cc) the operation of one or more pipe-line system(s); and
 - (dd) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and
 - (ee) the uniform network code governance procedures or the network code modification procedures; and
- (ii) is unlikely to discriminate between different classes of parties to the uniform network code/relevant gas transporters, gas shippers or DN operators.

“self governance statement”

means the statement made by the panel and

submitted to the Authority in accordance with paragraph 15D(a)(i);

- (i) confirming that, in its opinion, the self governance criteria are met and the modification is suitable for the self governance route; and
- (ii) providing a detailed explanation of the panel's reasons for that opinion.

The inclusion of this statement within the formal minutes of a panel meeting, sent to the Authority within [6] working days of that meeting, shall be taken to have fulfilled the requirement to submit this statement to the Authority

“significant code review”

means a review of one or more matters which the Authority considers are likely to:

- (a) relate to the uniform network code (either on its own or in conjunction with other industry codes); and
- (b) be of particular significance in relation to its principal objective and/or general duties (under section 4AA of the Act), statutory functions and/or relevant obligations arising under EU law; and

concerning which the Authority has issued a notice to the parties listed in paragraph 10(a)(i-iv) (among others, as appropriate) stating:

- (i) that the review will constitute a significant code review;
- (ii) the start date of the significant code review; and
- (iii) the matters that will fall within the scope of the review.

“significant code review phase”

means the period commencing on the start date of a significant code review as stated by the Authority, and ending in one of the following ways:

- (a) on the date on which the Authority issues a statement under paragraph 15C(b) (that no directions will be issued in relation to the uniform network code); or
- (b) if no statement is made under 15C(b), on the date on which the licensee has made a modification proposal in accordance with paragraphs 10(aa), 15C(a); or

- (c) immediately under paragraph 15C(c), if neither a statement, or directions are issued by the Authority up to and including twenty-eight (28) days from the Authority's publication of its significant code review conclusions.

“small participant”

means

- (i) a shipper, a supplier, or new entrant to the gas market in Great Britain that can demonstrate to the code administrator that it is resource-constrained and, therefore, is in particular need of assistance;
- (ii) any other participant or class of participant that the code administrator considers to be in particular need of assistance; and
- (iii) a participant or class of participant that the Authority has notified the code administrator as being in particular need of assistance.

“UNC charging methodologies”

means:

- (i) in respect of the NTS operator only, the connection charging methodology regulated by Standard Condition 4B (Connection Charging Methodology);
- (ii) in respect of the NTS operator and DN operator(s), the charging methodologies regulated by:
 - (aa) Standard Special Condition A4 (Charging – General); and
 - (bb) Standard Special Condition A5 (Obligations As Regards Charging Methodology).

(b) Where the context requires,

- (i) references to a network code shall include the equivalent document prepared by each other relevant gas transporter (as from time to time modified) pursuant to the condition in its licence corresponding to this condition; and
- (ii) references to transportation arrangements shall include the corresponding arrangements made by each other relevant gas transporter.

For the purposes of this condition, relevant shipper shall have the meaning given to that term in Standard Special Condition A3 (Definitions and Interpretation) and references to a relevant shipper include any gas shipper which is a relevant shipper for the purposes of the licence of any relevant gas transporter.

Standard Special Condition A15: Agency

1. The licensee shall, together with the other relevant gas transporters, by the date at which this condition becomes effective (unless the Authority consents otherwise in writing), have entered into an agency services agreement (“**AS agreement**”) with the other relevant gas transporters providing for the common provision of services and systems, including the common provision by the agency (as defined in paragraph 3 below) of such services and systems, the scope of which are set out within the uniform network code.
2. The licensee shall, together with other relevant gas transporters procure, or cause to be procured:
 - (a) that the Authority is provided with a copy of the AS agreement and each amendment thereof; and
 - (b) the publication of the AS agreement as modified from time to time, with the exception of any information agreed in writing as being confidential by the Authority.
3. Where services and systems are sub-contracted to a common service provider (the “**agency**”) by all relevant gas transporters including the licensee (unless the Authority has otherwise consented under paragraph 6), the scope of such sub-contracting arrangements (save in respect of certain user pays services) shall be set out in the uniform network code, and the agency and the agreement referenced in paragraph 1 shall, without limitation, be based on the following principles:
 - (i) such services and systems shall be established, operated and developed on an economic and efficient basis;
 - (ii) the costs of the agency shall be determined on an activity cost basis such that the services and systems costs associated with each activity, as set out within the uniform network code as being within the scope of the agency, are separately assessed and reported; and
 - (iii) the costs of the agency shall be allocated on a transparent basis.
4. Where services and systems are to be provided pursuant to the uniform network code by the agency, the licensee shall, together with other relevant gas transporters, ensure that all such services and systems are provided or otherwise procured (including without limitation on a sub contracted basis) on a common basis pursuant to the AS agreement.
5. In respect of the services and systems to be provided by the agency under paragraphs 3 and 4 of this condition, the licensee shall be under an obligation to use or procure the use of such services and systems from the agency and shall not elect either expressly or by its conduct not to use nor to procure the use of the agency as the provider of such services and systems without the prior written consent of the Authority.
6. In the event that the licensee requests the consent of the Authority, subject to paragraph 5, such that it is not required to use or procure the use of all systems and services to be provided by the agency under paragraphs 3 and 4:

- (a) the licensee shall:
 - (i) write to the Authority stating its reasons for this request; and
 - (ii) clearly identify whether any of the information provided as part of the statement of reasons for the change is of a confidential nature;
- (b) the Authority, in relation to any information provided under sub-paragraph (a), if applicable:
 - (i) may, if it considers that the information provided is insufficient, request that this information be supplemented with such additional material that it considers appropriate;
 - (ii) shall make public the information (other than any confidential information) supplied by the licensee in any statement made under sub-paragraph (a) and, if applicable, any supplementary information provided to the Authority following its receipt in response to a request under sub-paragraph (i); and
 - (iii) shall consult with all relevant shippers, each other relevant gas transporter and other interested parties on the licensee's request for consent, under the provisions of paragraph 5, for a period of at least twenty-eight (28) days before providing its decision regarding the granting of consent, and any such conditions as the Authority may specify, to such a request.

7. ~~The licensee shall, together with the other relevant gas transporters, by 1 April 2008 (unless the Authority otherwise consents in writing):~~

~~(a) determine and prepare a joint agency charging statement ("the statement"), approved by the Authority, setting out the scope of core services and user pays services, the methodology for deriving charges for user pays services and the charges associated with such services.~~

~~(b) In preparing the statement, and before seeking approval from the Authority, the licensee shall, together with other relevant gas transporters consult interested parties on the details of the statement and furnish the Authority with a report setting out:~~

~~(i) the representations (if any) made by interested parties; and~~

~~(ii) any changes in the details of the statement intended in consequence of such representations.~~

8. ~~The licensee shall, together with other relevant gas transporters, (unless the Authority otherwise consents in writing):~~

~~(a) procure the publication of the statement on the agency's website and give or send an electronic copy of the statement to any person who requests it;~~

~~(b) procure that the agency complies with the statement approved by the Authority and as modified from time to time thereafter in accordance with the provisions of this condition; and~~

~~(c) keep the statement under review and, subject to paragraph 9, from time to time modify the statement to ensure that the information in the statement is up to date and to reflect any changes in scope and nature of user pays services.~~

~~9. Except with the consent of the Authority, before making a modification to the statement the licensee shall, together with the other relevant gas transporters, send a report to the Authority setting out:~~

- ~~(i) the terms of the proposed modification; and~~
- ~~(ii) a timetable for implementing the modification.~~

~~10. The licensee shall, together with the other relevant gas transporters, make the modification unless, within 28 days of receiving the report under paragraph 9, the Authority has directed the licensee not to make the modification.~~

~~11. The charges for user pays services should, as far as reasonably practicable, reflect the costs of providing the service. In setting the charges for the user pays services the licensee, together with the other relevant gas transporters, shall not unduly discriminate between or unduly prefer any person or class or classes of persons.~~

~~12. In this condition:~~

~~“core services” means the services set out and described as such in the statement prepared in accordance with paragraph 7 of this condition;~~

~~“user pays services” means the services set out and described as such in the statement prepared in accordance with paragraph 7 of this condition.~~

Standard Special Condition A11: Network Code and Uniform Network Code

Uniform Network Code

6. The licensee shall, together with the other relevant gas transporters, by the date at which this condition becomes effective (unless the Authority consents otherwise in writing), have prepared a document (the “**uniform network code**”) setting out:
- (f) the terms of transportation arrangements established by the licensee and other relevant gas transporters, to the extent that such terms are common, or are not in conflict, between relevant gas transporters; and
 - (g) the network code modification procedures established pursuant to paragraph 7 including procedures required by paragraphs 15A to 15C, which are, subject to paragraph 8, incorporated by reference into each network code prepared by or on behalf of each relevant gas transporter; and
 - (h) the arrangements establishing a secretarial or administrative person or body, as specified in the uniform network code and the joint governance arrangements established in accordance with Standard Special Condition A12 (Joint Office Governance Arrangements) (the “**code administrator**”) and setting out the code administrator’s powers, duties and functions, which shall:
 - (iv) include a requirement that, in conjunction with other code administrators, the code administrator will maintain, publish, review and (where appropriate) amend from time to time the Code of Practice approved by the Authority and any amendments to the Code of Practice are to be approved by the Authority;
 - (v) include facilitating the procedures established in accordance with paragraph 7; and
 - (vi) have regard to and, in particular to the extent that they are relevant be consistent with the principles contained in, the Code of Practice; and
 - (i) the arrangements establishing a panel body, as specified in the uniform network code, (the “**panel**”) whose functions shall include the matters required by this condition and whose composition shall include:
 - (iii) an independent chairperson approved by the Authority; and
 - (iv) a consumer representative (appointed by the National Consumer Council, or any successor body) and any other consumer representative as may be appointed by the Authority,
- each of whom shall have a vote as specified in the uniform network code; and
- (j) the UNC charging methodologies, and
 - (k) a joint agency charging statement (“the agency charging statement”) setting out:
 - a. the scope of core services and user pays services;
 - b. the charges associated with such services, (which should as far as reasonably practicable reflect the costs of providing the services); and
 - c. the methodology for deriving those charges.

and the licensee shall furnish the Authority with a copy thereof.

- 6A. The licensee shall use reasonable endeavours to facilitate any improvements to the process by which responsibility for gas supply is transferred between gas suppliers.