

**To: All holders of a gas transporters licence**

**NOTICE UNDER SECTION 23(2) OF THE GAS ACT 1986**

The Gas and Electricity Markets Authority ("the Authority") hereby gives notice pursuant to section 23(2) of the Gas Act 1986 ("the Act") as follows:

1. The Authority proposes to modify all gas transporters licences granted or treated as granted under section 7(2) of the Act by amending Standard Condition 9 (Network Code and Uniform Network Code).
1. The reason why the Authority proposes to make this modification is set out in Appendix 1 of the decision letter that is published with this Notice but, in summary, the proposed modifications clarify when the Authority's consent would be required before a licensee can withdraw a code modification proposal that it has raised.
2. The effect of the proposed modifications is set out in Appendix 1 of the decision letter that is published with this Notice. In summary, the effect of the proposed modifications is to prevent a licensee from withdrawing code modification proposals (which the Authority 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 Cooperation of Energy Regulators) without the Authority's prior consent.
3. Relevant licence holders for the purposes of this Notice are all holders of a gas transporters licence at the relevant time with Standard Condition 9 in force.
4. Further detail and background on these proposed changes is set out at: <http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?docid=239&refer=LICENSING/WORK>
5. A copy of the proposed modification and other documents referred to in this Notice are available (free of charge) from the Ofgem library (telephone 020 7901 7003) or the Ofgem website [www.ofgem.gov.uk](http://www.ofgem.gov.uk)
7. Any representations on the proposed licence modification must be made on or before 28 August 2013 to: Abid Sheikh, Office of Gas and Electricity Markets, 107 West Regent Street, Glasgow, G2 2BA or by email to: [licensing@ofgem.gov.uk](mailto:licensing@ofgem.gov.uk)
8. All responses will normally be published on Ofgem's website and held in the Research and Information Centre. However, if respondents do not wish their response to be made public then they should mark their response as not for publication. Ofgem prefers to receive responses in an electronic form so they can be placed easily on the Ofgem website.
9. If the Authority decides to make the proposed modification, it will take effect 56 days after the decision is published.

**Lesley Nugent**  
**Head of Industry Codes and Licensing**  
**Duly authorised on behalf of the**  
**Gas and Electricity Markets Authority**

**29 July 2013**

## **Schedule 1**

### **Standard Condition 9: Network Code and Uniform Network Code**

#### Paragraph 7(j)

j. modification proposals made by the Authority or the licensee in accordance with paragraphs 8(a)~~(i)~~ and 9(a)~~(i)~~ which the Authority 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:

(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 7(k);