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**SCHEDULE XX**

Metering Accreditation Scheme Schedule

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Version: 0.5

Effective Date: N/A

Domestic Suppliers	Mandatory
Non-Domestic Suppliers	Mandatory
Gas Transporters	Mandatory
Distribution Network Operators	Mandatory
DCC	N/A
Metering Equipment Managers	Mandatory
Non-Party REC Service Users	N/A

Initial Draft

*Change History*

Version Number	Implementation Date	Reason for Change
0.5	N/A	Initial draft for December 2020 consultation

## Contents

<b>Paragraph</b>	<b>Heading</b>	<b>Page</b>
1	Becoming a Metering Equipment Manager.....	4
2	Rules of Procedure.....	4
3	Costs.....	5
	Appendix A: Meter Asset Manager Code of Practice Accreditation.....	6
	Appendix B: Approved Metering Installer Scheme.....	24
2.	Meter Installer Code of Practice.....	24
3.	List of Approved Meter Installers.....	25
4.	Scheme Auditor.....	25
5	Approval of Meter Installers.....	26
6	Audit of Meter Installers.....	27
7	Suspension or Withdrawal of Approval.....	28
8	Appeals to the Authority.....	28
9	Notification of Suspension or Withdrawal.....	29
10	Time Periods.....	29
11	Definitions.....	29
	Appendix C: Metering Code of Practice Accreditation.....	30
	Appendix D: Automated Meter Reading Service Providers Code of Practice.....	31

## 1 Becoming a Metering Equipment Manager

- 1.1 Organisations wishing to become a Metering Equipment Manager shall accede to this Code and become Qualified in accordance with the provisions in this Schedule and the Qualification and Maintenance Schedule.
- 1.2 A Metering Equipment Manager may be Qualified to participate in both the gas and electricity markets, or just a single fuel market.
- 1.3 A Metering Equipment Manager qualifying to participate in the gas and/or electricity market shall undergo accreditation in one or more schemes as appropriate to the services they wish to provide, as follows:
- (a) Gas – Meter Asset Manager – Metering Code of Practice (MCoP);
  - (b) Gas - Approved Metering Installer – Metering Code of Practice (MCoP);
  - (c) Electricity – Meter Operation Code of Practice Accreditation (MOCOPA);
  - (d) Automated Meter Reading Service Providers Code of Practice (ASPCoP);
- the details of which are appended to this Schedule.
- 1.4 Once an organisation has become a Metering Equipment Manager, all rights and obligations set out in this REC Schedule shall apply until such time as the organisation ceases to be a Party in accordance with the Market Exit Schedule.
- 1.5 Persons (or classes or descriptions of persons) previously approved under a recognised predecessor Scheme shall be deemed to have been accredited in accordance with this Schedule, and for so long as the term of any such accreditation may be unexpired.

## 2 Rules of Procedure

- 2.1 The PAB shall produce (and may from time to time update) a terms of reference document setting out the PAB's procedure in respect of:
- a) the matters set out in this Schedule; and,
  - b) any appeal of an Applicant to any of the accreditation schemes set out in this Schedule.
- 2.2 The PAB and the Applicant or the Responding Party (as the case may be) shall follow the process set out in such terms of reference.

### 3 Costs

- 3.1 RECCo may publish and from time to time revise a statement of charges for the activities provided for in this schedule, in accordance with the Change Methodology Schedule (the "RECCo Charging Statement").

### 4 Definitions

- 4.1 The Definitions used in this document are intended to inform the consultation on version 2.0 of the REC only, and are not expected to appear in this Schedule in the designated and/or digitalised version of the REC.

<b>Application Form</b>	Shall be a form published by the REC Code Manager on the REC Portal for the purposes of this Schedule and revised from time to time
<b>Audit Questionnaire</b>	has the meaning given in [Paragraph 2];
<b>Registration Agent</b>	means the REC Code Manager or any successor appointed by the RECCo to manage the approval, audit and investigation of Meter Equipment Managers, as further described in this Schedule.
<b>Re-assessments</b>	has the meaning given in [Paragraph 4.2.2];
<b>Remedial Action</b>	means, in respect of non-compliance with the Metering Codes of Practice, action to end the non-compliance and ensure that a similar non-compliance does not occur in the future [check whether defined in interpretation/PA Schedule].
<b>Remedial Plan</b>	means a plan for Remedial Action [check whether defined in interpretation/PA Schedule].
<b>Reporting Party</b>	has the meaning given in [Paragraph 5.2];
<b>Responding Party</b>	has the meaning given in [Paragraph 5.2 or 5.9 or 6.1] (as applicable);
<b>Statement of Case</b>	has the meaning given in [Paragraph 6.4]; and
<b>Surveillance Visits</b>	has the meaning given in [Paragraph 4.2.1].

## Appendix A: Meter Asset Manager Code of Practice Accreditation

- 1 Gas 'Meter Asset Manager' Arrangements
  - 1.1 RECCo shall, or shall arrange for a third party to:
    - a) approve persons as Meter Asset Managers in accordance with this Schedule, including approving persons as Meter Asset Managers in relation to specified categories of meter installation;
    - b) audit and investigate persons approved as Meter Asset Managers in accordance with this Schedule;
    - c) determine whether to partially suspend, suspend or withdraw the approval of persons previously approved (or deemed to be approved) as Meter Asset Managers in accordance with this Schedule;
    - d) publish a document (the "**Code of Practice for Gas Meter Asset Managers and Approved Meter Installer**", also referred to as "**MCoP**") setting out the specified categories of meter installation for which approval may be sought, the requirements with which approved Meter Equipment Managers are required to comply, and the guidelines to which Meter Equipment Managers should have regard;
    - e) act in accordance with this Schedule and the MCoP with respect to the approval, auditing, investigation, suspension and withdrawal of the approval of persons as Meter Equipment Managers; and
    - f) publish a list of persons who are from time to time approved (or deemed to be approved) as Meter Asset Managers in accordance with this Schedule, detailing the specified categories of meter installation in relation to which the person is approved.
  - 1.2 RECCo shall be entitled to either perform, or arrange for a third party to perform, the roles of MCoP Registration Agent.
  - 1.3 Persons (or classes or descriptions of persons) previously approved by the Authority pursuant to the scheme for MEM approval that was administered on behalf of the Authority until 27 August 2012 shall be deemed to have been approved as Meter Asset Managers in accordance with this Schedule.
2. MCoP Change Process
  - 2.1 Changes to the **Code of Practice for Gas Meter Asset Managers** shall be progressed in accordance with the Change Management Schedule.
3. Approval of Meter Asset Managers
  - 3.1 Any person (an "**Applicant**") may apply, via the Code Manager, to be approved as a Meter Asset Manager. Any application shall be made in writing in the form approved by RECCo from time to time (the "**Application Form**") and shall specify the category/categories of meter installation for which approval is sought. The specified categories of meter installation for which approval may be sought shall be detailed in the Code of Practice for Gas Meter Asset Managers.

### Initial Assessment

- 3.2 Following receipt of a completed MCoP Application Form and audit questionnaire (the "**Audit Questionnaire**"), the Code Manager shall assess the information and documents provided for completeness. The Code Manager shall invite the Applicant to provide any missing information or document.
- 3.3 Following receipt all information and documents required to be provided as part of the MCoP Audit Questionnaire, the Code Manager shall provide the completed MCoP Audit Questionnaire, including all relevant documents, to the MCoP Registration Agent and instruct it to carry out an assessment of whether the Applicant should be approved as a Meter Asset Manager (an "**Initial Assessment**"). The Code Manager shall inform the PAB that an Applicant is undergoing an Initial Assessment.
- 3.4 As part of the Initial Assessment, the MCoP Registration Agent must carry out a site visit within 20 Working Days of it having received the Applicant's completed MCoP Audit Questionnaire (or such longer period as is determined by the PAB). The MCoP Registration Agent shall use reasonable endeavours to complete the Initial Assessment as soon as reasonably practicable. Following the initial site visit, the MCoP Registration Agent may determine that further site visits are required as part of the Initial Assessment.
- 3.5 The MCoP Registration Agent shall take reasonable steps to agree the timing and date of any site visit with the Applicant. Once a time and date has been selected, the MCoP Registration Agent shall notify the Applicant.
- 3.6 In carrying out an Initial Assessment, the MCoP Registration Agent shall consider whether the Applicant can demonstrate that it is capable of complying with all applicable requirements (including having regard to all applicable guidelines) in the Code of Practice for Gas Meter Asset Managers, on an on-going basis. In carrying out any Initial Assessment, the MCoP Registration Agent shall in particular consider whether the Applicant can demonstrate that:
- a) the Applicant engages individuals with sufficient competence and an appropriate level of training;
  - b) the Applicant has established and is maintaining appropriate processes and procedures(including processes regarding compliance by individuals with policies and procedures);
  - c) the Applicant has access to appropriate tools and equipment; and
  - d) the Applicant has established and is maintaining interfaces with all stakeholders (including GTs and consumers); to enable it to comply with all applicable requirements in (and have regard to all applicable guidelines in) the Code of Practice for Gas Meter Asset Managers.
- 3.7 Where the MCoP Registration Agent is carrying out an Initial Assessment the Applicant shall:
- a) make such reasonable provision for facilities and activities to be made available to the MCoP Registration Agent during any site visit as is requested by the MCoP Registration Agent for the purpose of the Initial Assessment; and
  - b) respond to any requests for information which the MCoP Registration Agent makes for the purpose of the Initial Assessment.

### Determination on approval

## Initial Draft

- 3.8 Within 10 Working Days of the completion of an Initial Assessment, the MCoP Registration Agent shall provide a report (an "**Initial Assessment Report**") to the Applicant and to the Code Manager, detailing whether the MCoP Registration Agent considers that the Applicant has demonstrated that it is capable of complying with all applicable requirements (including having regard to all applicable guidelines) in the Code of Practice for Gas Meter Asset Managers, on an on-going basis.
- 3.9 The Applicant shall have 10 Working Days to provide any comments or responses to the MCoP Registration Agent in relation to the Initial Assessment Report. Within 10 Working Days from the end of the Applicant's period for response, the MCoP Registration Agent shall provide a final updated version of the report (an "**Assessment Report**") to the Applicant and the Code Manager. The Assessment Report shall state whether the MCoP Registration Agent approves the Meter Installer for each of the categories of meter installation for which approval was sought. The Assessment Report shall set out reasons for any decision not to approve the Applicant.
- 3.10 Where the MCoP Registration Agent considers that the Applicant has demonstrated it is capable of ongoing compliance with the code of practice in respect of one or more categories of meter installation, the MCoP Registration Agent will approve the Applicant in respect of those categories of meter installation; provided that, in particular the MCoP Registration Agent will not approve the Applicant where the MCoP Registration Agent considers that:
- a) the Applicant has made false claims in its application for approval;
  - b) the Applicant has made false claims during an Initial Assessment or in relation to action which it has taken following a site visit;
  - c) the Applicant has failed to develop a satisfactory remedial plan to address any areas identified during the Initial Assessment in which the Applicant would be failing to comply with the Code of Practice for Gas Meter Asset Managers if currently approved;
  - d) the Applicant cannot maintain safe working practices;
  - e) the Applicant is bankrupt or insolvent; or
  - f) the Applicant has made false claims in relation to the extent of its Meter Asset Manager approval or has otherwise carried out work for which it is not approved.

## Appeals

- 3.11 Within 15 Working Days after receipt of the Assessment Report, the Applicant may appeal any decision of the MCoP Registration Agent not to approve the Applicant to the PAB. Such an appeal shall be made by giving written notice to the Code Manager stating the grounds for the appeal.
- 3.12 Within 15 Working Days of receipt of any decision by the PAB not to approve the Applicant, the Applicant may appeal the determination to the Authority. Such an appeal shall be made by giving written notice to the Authority (and to the Code Manager) of the grounds of the appeal.
- 3.13 On appeal, the Authority may make any decision which would be open to the PAB to make in accordance with this Schedule.

## Time Periods

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- 3.14 Each Applicant's application for approval pursuant to this Schedule shall be progressed on the basis that the Assessment Report must be issued to the Applicant within 6 months after the date of the Applicant's properly completed MCoP Application Form.
- 3.15 The PAB may extend the time period set out in paragraph 3.14 if justified by the complexity of the application, but such period may be extended only once. The PAB shall give the Applicant notice of any such extension, which notice must be served prior to the date on which such period would otherwise expire.
- 3.16 If an Assessment Report has not been issued to the Applicant within the time period specified in paragraph 3.14 (as it may have been extended in accordance with paragraph 3.15), then the Applicant shall temporarily be deemed to have been approved under this Schedule for the relevant category or categories of meter installation for which approval was sought, until such time as the Assessment Report can be completed.
- 3.17 In respect of the time periods specified in this Schedule other than the time period set out in paragraph 3.14, the PAB shall be entitled to determine that any such time period is to be extended or shortened where reasonably necessary in the circumstances
4. Audit of Meter Asset Managers
- 4.1 Where a Meter Asset Manager has been approved in accordance with this Schedule, the Meter Asset Manager shall be subject to periodic audits of its compliance with the applicable requirements (including having regard to all applicable guidelines) in the Code of Practice for Gas Meter Asset Managers.
- 4.2 The MCoP Registration Agent shall audit a Meter Asset Manager's compliance by means of:
- a) audits (which will comprise of at least one site visit) during which the MCoP Registration Agent reviews the Meter Asset Manager's compliance with specified requirements in the Code of Practice for Gas Meter Asset Managers, using the Meter Asset Manager's most recently completed MCoP Audit Questionnaire to determine specific areas of focus ("**Surveillance Visits**"); and
  - b) audits (which will comprise of not less than two days of assessment) during which the MCoP Registration Agent reviews the Meter Asset Manager's compliance with all requirements (including all applicable guidelines) in the Code of Practice for Gas Meter Asset Managers ("**Reassessments**"), which shall include a review of the Meter Asset Manager's most recently completed MCoP Audit Questionnaire and a review of the Meter Asset Manager's compliance with its own policies and procedures.
- 4.3 The Meter Asset Manager shall keep its completed MCoP Audit Questionnaire provided in line with paragraph [3.2], up to date and shall promptly on request provide its up-to-date MCoP Audit Questionnaire, including all relevant documents, to the MCoP Registration Agent and the Code Manager.

## Schedule of Surveillance Visits and Reassessment

- 4.4 The MCoP Registration Agent will audit a Meter Asset Manager's compliance in accordance with an initial 36-month surveillance programme, where:

## Initial Draft

- a) the Meter Asset Manager will be subject to at least one Surveillance Visit in each 12-month period commencing on the date on which the Meter Asset Manager was first approved (or, as the case may be, the anniversary of that date);
  - b) over the 36-month period after the date on which the Meter Asset Manager was first approved, Surveillance Visits will review the Meter Asset Manager's compliance with all requirements (including all applicable guidelines) in the Code of Practice for Gas Meter Asset Managers; and
  - c) the Meter Asset Manager will first be subject to Reassessment not less than 33 months after, and not more than 36 months after, the date on which the Meter Asset Manager was first approved.
- 4.5 Following the initial 36-month surveillance programme in respect of a Meter Asset Manager, the MCoP Registration Agent will audit the Meter Asset Manager's compliance in accordance with further consecutive 36-month surveillance programmes. The MCoP Registration Agent shall undertake such further surveillance programmes in accordance with paragraph 4.4, but replacing the date of approval with the date of commencement of the further surveillance programme.
- 4.6 Where a Meter Asset Manager has been approved in accordance with this Schedule, the MCoP Registration Agent will notify the Meter Asset Manager of the schedule of the target dates for Surveillance Visits and Reassessment within a month after the Meter Asset Manager's approval. The MCoP Registration Agent will thereafter notify the Meter Asset Manager of the updated schedule during the first month of each calendar year.
- 4.7 The MCoP Registration Agent and the Meter Asset Manager shall ensure that any Surveillance Visit or Reassessment takes place not more than one month prior to or after the target date set out on the latest schedule which has been notified to the Meter Asset Manager by the MCoP Registration Agent.

### Carrying out of Surveillance Visits and Reassessment

- 4.8 Where the MCoP Registration Agent is carrying out a Surveillance Visit or Reassessment, the Meter Asset Manager shall:
- a) make such reasonable provision for facilities and activities to be made available to the MCoP Registration Agent during any site visit as is requested by the MCoP Registration Agent for the purpose of the Surveillance Visit or Reassessment; and
  - b) respond to any requests for information which the MCoP Registration Agent makes for the purpose of the Surveillance Visit or Reassessment.
- 4.9 At the request of the MCoP Registration Agent, the Meter Asset Manager shall make available the engineer or manager who is at that time appointed to lead its review of competency during a site visit.

### Audit Report

- 4.10 Where the MCoP Registration Agent has carried out a Surveillance Visit or Reassessment in respect of a Meter Asset Manager, it shall provide an initial report (an "**Initial Audit Report**") to the Meter Asset Manager on the outcome of the Surveillance Visit or Reassessment within 10 Working Days. The report shall include:

## Initial Draft

- a) details of any non-compliance which the MCoP Registration Agent determines to have taken place (whether or not ongoing), and whether any such non-compliance is a major or a minor non-compliance;
  - b) details of any Remedial Action which the MCoP Registration Agent requires the Meter Asset Manager to take, and the time period specified by the MCoP Registration Agent in which Remedial Action needs to be taken; and
  - c) details of any observations which the MCoP Registration Agent has which relate to areas where the Meter Asset Manager could make improvements to ensure that its compliance is in accordance with best practice and areas where further audit is required on a future Surveillance Visit or Reassessment (in particular where the MCoP Registration Agent considers that there is a risk of non-compliance or future noncompliance).
- 4.11 Within 15 Working Days after receiving the Initial Audit Report, or such longer period as the MCoP Registration Agent may specify, the Applicant may respond to the Initial Audit Report.
- 4.12 Within 10 Working Days from the end of the period during which the Meter Asset Manager may respond to the Initial Audit Report, the MCoP Registration Agent shall provide a final report (an “**Audit Report**”) to the Meter Asset Manager and to the PAB.
- 4.13 Where the MCoP Registration Agent considers that any non-compliance identified should lead to (or that there has otherwise been) a MCoP Event of Default, it shall detail this in the Audit Report and it may recommend that the Meter Asset Manager should have its approval (or its approval in respect of one or more categories of meter installation) partially suspended, suspended or withdrawn. Any Audit Report containing such a recommendation shall be sent by the Code Manager to the PAB for the PAB's determination in accordance with paragraph 7.
- 4.14 The Meter Asset Manager shall acknowledge receipt of any Audit Report to the MCoP Registration Agent.

### Additional Surveillance Visits

- 4.15 Where, following a Surveillance Visit or a Reassessment, the MCoP Registration Agent determines that a Meter Asset Manager is failing or has failed to comply with a provision of the Code of Practice for Meter Asset Managers, the MCoP Registration Agent and the Meter Asset Manager may agree for the MCoP Registration Agent to carry out further Surveillance Visits for the purpose of confirming what Remedial Action has been carried out, and in particular whether or not the Remedial Action in an Audit Report has been completed within the time period specified by the MCoP Registration Agent.

### Assessment of Remedial Action

- 4.16 Where, in relation to any non-compliance, the MCoP Registration Agent considers that the Meter Asset Manager involved has completed the Remedial Action specified in an Audit Report, the MCoP Registration Agent shall notify the Meter Asset Manager and the PAB (noting whether or not the Remedial Action was completed within the specified time period).
- 4.17 Where, in relation to any non-compliance identified in an Audit Report, the MCoP Registration Agent considers that the Meter Asset Manager involved has failed to complete

the Remedial Action in an Audit Report within the time period specified by the MCoP Registration Agent, the MCoP Registration Agent shall notify the Meter Asset Manager and the PAB.

#### **MCoP Registration Agent Determinations**

- 4.18 The MCoP Registration Agent's determination (in an Audit Report or following an assessment of Remedial Action) of non-compliance by a Meter Asset Manager shall be binding, unless the Meter Asset Manager gives notice to the Code Manager that the Meter Asset Manager is appealing the determination (which notice must specify the grounds for appeal and must be given within 15 Working Days after receipt by the Meter Asset Manager of the MCoP Registration Agent's determination).
- 4.19 Any notice of appeal in accordance with paragraph 4.18 shall be sent by the Code Manager to the PAB for the PAB's determination in accordance with [paragraph 7].

#### **5. MCoP Investigation Process**

- 5.1 Any determination of whether or not an investigation should be carried out in accordance with this Schedule, shall be made by the PAB.
- 5.2 Where any REC Party, any Meter Asset Manager, any Meter Asset Provider or the Authority (a "**Reporting Party**") considers that a Meter Asset Manager (a "**Responding Party**") is failing or has failed to comply with any provision contained in the Code of Practice for Gas Meter Asset Managers, the Reporting Party may report the alleged non-compliance to the Code Manager as a matter for investigation by the MCoP Registration Agent.
- 5.3 The Reporting Party shall report any alleged non-compliance to the Code Manager by completing the form set out at Appendix A and submitting it to the Code Manager, along with a copy of any evidence it holds which relates to the alleged non-compliance.
- 5.4 Following receipt of a report of alleged non-compliance, the Code Manager will notify the Responding Party that it has received such a report.
- 5.5 The Code Manager will prepare a summary paper detailing the alleged non-compliance, to assist the PAB in considering whether or not an investigation should be carried out.
- 5.6 The PAB will consider whether or not an investigation should be carried out into the alleged non-compliance during the closed session at the next scheduled PAB meeting following the alleged non-compliance being reported by the Reporting Party (unless, on advice of the Code Manager, the PAB determines that the matter should be postponed until the closed session of the subsequent PAB meeting).
- 5.7 Where the PAB considers that the Reporting Party has not provided sufficient information for it to determine whether or not an investigation should be carried out, the Code Manager will notify the Reporting Party and the Responding Party, providing reasons for its decision. The Reporting Party may choose to subsequently resubmit its report of the alleged non-compliance in accordance with this Schedule.
- 5.8 Where the PAB considers that the Reporting Party has provided sufficient information for the PAB to determine whether or not an investigation should be carried out, it will determine that an investigation should be carried out unless it considers the allegation of noncompliance to

be trivial, vexatious or without merit. If the PAB determines that an investigation should not be carried out, the Code Manager will notify the Responding Party and the Reporting Party that an investigation will not be carried out and no further action will be taken. The notification will include a summary of the PAB's reasons for making such a determination.

- 5.9 Where the PAB itself considers that a Meter Asset Manager (hereinafter, also a "**Responding Party**") may be failing or have failed to comply with any provision contained in the Code of Practice for Gas Meter Asset Managers and considers that it would be appropriate for an investigation to be carried out into the alleged non-compliance, it may determine that the MCoP Registration Agent shall carry out such an investigation.

### Initiation of Investigation

- 5.10 Where the PAB has determined that an investigation should be carried out into an alleged non-compliance, it will determine the scope of the investigation (on the basis of the alleged non-compliance) and determine the date by which the MCoP Registration Agent should complete its final report on the investigation (the "**Final Investigation Report**").
- 5.11 Where the PAB has determined that an investigation should be carried out into an alleged non-compliance, the Code Manager will:
- a) instruct the MCoP Registration Agent to carry out an investigation into the alleged non-compliance in accordance with the PAB's determination;
  - b) notify REC Parties, Meter Asset Managers (including the Responding Party) and any Reporting Party that an investigation is being initiated, providing the name of the Responding Party and the provisions of the Code of Practice for Gas Meter Asset Managers which are relevant to the investigation; and
  - c) provide the Responding Party and any Reporting Party with a summary of the PAB's reasons for making such a determination.
- 5.12 Where, following a determination that an investigation should be carried out into an alleged non-compliance, the PAB determines (in accordance with this Schedule) that a further investigation should be carried out and in both cases the alleged non-compliance relates to the same Responding Party and the same provisions of the Code of Practice for Gas Meter Asset Managers, the PAB may determine that the two investigations should be joined. If the PAB determines that two investigations should be joined, it will determine the scope of the joined investigation and determine the date by which the Registration Agent should complete the Final Investigation Report in relation to the joined investigation.

### Carrying out an Investigation

- 5.13 Where instructed by the Code Manager, the MCoP Registration Agent shall carry out an investigation into an alleged non-compliance on the basis of the scope determined by the PAB.
- 5.14 If, at any point prior to the date on which the PAB has determined that the MCoP Registration Agent should complete the Final Investigation Report in relation to the investigation, the MCoP Registration Agent considers that it will not be able to provide the Final Investigation Report by that date, the MCoP Registration Agent may request that the PAB determine a later date by which it must do so. Any such request shall be made in writing to the Code Manager and shall provide reasons for the delay. Following such a request, the PAB may:

- a) determine that the MCoP Registration Agent should complete the Final Investigation Report by a specified later date; and/or
  - b) determine that the MCoP Registration Agent should provide the Code Manager with an interim report on the investigation, on such matters and by such a date as it may specify.
- 5.15 Where the PAB has determined that the date by which the MCoP Registration Agent should complete the Final Investigation Report should be altered, the Code Manager shall notify the Responding Party.
- 5.16 The MCoP Registration Agent will provide a notification (the "**Initial Notification**") to the Responding Party that it has been instructed to carry out an investigation by the PAB. The Initial Notification shall detail the scope of the investigation, the provisions of the Code of Practice for Gas Meter Asset Managers which are relevant to the investigation and the date by which the MCoP Registration Agent is requested to complete the Final Investigation Report. The Initial Notification shall also request the Responding Party to provide a response to the alleged non-compliance and may request that the Responding Party answer any initial questions which the MCoP Registration Agent has.
- 5.17 Within 15 Working Days of receiving the Initial Notification from the MCoP Registration Agent, the Responding Party shall provide a response (the "**Initial Response**") to the MCoP Registration Agent which shall contain the following:
- a) a statement confirming whether or not (or the extent to which) the Responding Party acknowledges that it is failing and/or has failed to comply with any provision contained in the Code of Practice for Gas Meter Asset Managers;
  - b) where the Responding Party contests any part of the allegation of non-compliance, the reasons why the allegation is contested, along with a copy of any evidence it holds which supports its position;
  - c) answers to any initial questions asked in the Initial Notification; and
  - d) where the Responding Party considers that it has not been able to provide a complete response, the reasons for this and the date by which the Responding considers it will be able to provide a full response.
- 5.18 Where, in the Initial Response, the Responding Party does not contest any part of the alleged non-compliance, the MCoP Registration Agent shall conclude its investigation and prepare a draft of the Final Investigation Report in accordance with this Schedule.
- 5.19 Where the MCoP Registration Agent considers that one or more site visits are required for it to complete the investigation, the MCoP Registration Agent will notify the Responding Party of the timing and date of any site visit, provided that (prior to doing so) the MCoP Registration Agent will take reasonable steps to agree the timing and date of any site visit with the Responding Party.
- 5.20 During any site visit, the Responding Party shall provide facilities for the MCoP Registration Agent to carry out its inspections, including checking any test equipment and providing access to the site. The Responding Party shall also make available all relevant documentation relating to the site and shall ensure that the supervisor responsible for the site is available to meet with the MCoP Registration Agent during the site visit.

## Initial Draft

- 5.21 As part of any investigation, the MCoP Registration Agent may hold one or more meetings and/or teleconferences with the Responding Party to discuss issues relating to the investigation. The MCoP Registration Agent may request further information or documentation from the Responding Party (at any meeting or teleconference or in writing) and the Responding Party shall provide a complete and accurate response to any such request, within the requested timescale.
- 5.22 The MCoP Registration Agent may request information or documentation from any other person as part of the investigation and may consider any information or documentation received from such other person as part of the investigation (whether or not provided in response to such a request).
- 5.23 At any point during an investigation, where the MCoP Registration Agent identifies what it considers to be a major non-compliance, it shall immediately notify the Responding Party and the PAB.

## Draft Investigation Report

- 5.24 Following the completion of its investigation, the MCoP Registration Agent shall prepare a draft of the Final Investigation Report (the "**Draft Investigation Report**"), which shall include:
- a) details of any major non-compliance and any minor non-compliance (defined in accordance with this Schedule) which the MCoP Registration Agent considers that it has identified during the investigation;
  - b) details of any non-compliance which the MCoP Registration Agent considers that it has identified during the investigation which the Registration Agent considers to be ongoing; and
  - c) the reasons why the Registration Agent agrees or disagrees with any allegation of noncompliance which was within the scope of the investigation it was instructed to carry out.
- 5.25 Where the MCoP Registration Agent considers that a non-compliance should lead to (or that there has otherwise been) a MCoP Event of Default, it shall detail this in the Draft Investigation Report.
- 5.26 The MCoP Registration Agent will issue the Draft Investigation Report to the Responding Party. Within 15 Working Days of receiving the Draft Investigation Report, or such longer period as the MCoP Registration Agent may specify, the Responding Party shall respond to the Draft Investigation Report. The Responding Party's response may include:
- a) details of any non-compliance detailed in the Draft Investigation Report which the Responding Party agrees has taken place (and details of any such non-compliance which the Responding Party agrees is ongoing);
  - b) where the Responding Party agrees that a non-compliance detailed in the Draft Investigation Report has taken place, details of any Remedial Action which it has taken to date and any Remedial Plan;
  - c) the reasons why the allegation is contested, along with a copy of any evidence it holds which supports its position; and
  - d) any other information the Responding Party considers to be relevant to the investigation, including any response to any potential MCoP Event of Default detailed in the Draft Investigation Report.

## Final Investigation Report

- 5.27 Following the period during which the Responding Party may respond to the Draft Investigation Report, the MCoP Registration Agent shall prepare the Final Investigation Report, which shall include:
- a) the matters which the MCoP Registration Agent is required to include in the Draft Investigation Report (in accordance with this Schedule), updated following the MCoP Registration Agent's consideration of any response to the Draft Investigation Report;
  - b) details of any non-compliance identified which the Responding Party agrees has taken place and details of any non-compliance identified which is contested by the Responding Party (together with reasons why it is contested);
  - c) details of any Remedial Plan which has been provided by the Responding Party and details of Remedial Action which it states has been taken;
  - d) where the Responding Party has provided a Remedial Plan, the MCoP Registration Agent's conclusion on whether or not (or the extent to which) such a Remedial Plan is likely to be effective if implemented;
  - e) where the Responding Party has detailed Remedial Action which it has taken, the MCoP Registration Agent's conclusion on whether or not (or the extent to which) such Remedial Action has been effective;
  - f) details of any further assessment which the MCoP Registration Agent considers should be undertaken in relation to any non-compliance which it considers has taken place; and
  - g) the MCoP Registration Agent's determination of whether any non-compliance has occurred (whether or not ongoing), and whether any such non-compliance is a major or a minor non-compliance.
- 5.28 Where, following consideration of any comments provided by the Responding Party, the MCoP Registration Agent considers that a non-compliance should lead to (or that there has otherwise been) a MCoP Event of Default, it shall detail this in the Final Investigation Report, and it may recommend that the Meter Asset Manager should have its approval (or its approval in respect of one or more categories of meter installation) partially suspended, suspended or withdrawn. Any Final Investigation Report containing such a recommendation shall be sent by the Code Manager to the PAB for the PAB's determination in accordance with paragraph 6.
- 5.29 The Code Manager shall provide a copy of the Final Investigation Report (and associated documents) to the Responding Party and to the PAB, for its information.

## MCoP Registration Agent Determinations

- 5.30 The MCoP Registration Agent's determination (in a Final Investigation Report) of noncompliance by a Meter Asset Manager shall be binding, unless the Meter Asset Manager gives notice to the Code Manager that the Meter Asset Manager is appealing the determination (which notice must specify the grounds for appeal and must be given within 15 Working Days after receipt by the Meter Asset Manager of the MCoP Registration Agent's determination).

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- 5.31 Any notice of appeal in accordance with paragraph 5.30 shall be sent by the Code Manager to the PAB for the PAB's determination in accordance with paragraph

## 6. Referrals to the PAB

- 6.1 This paragraph 6 shall apply in respect of a Meter Asset Manager (referred to in this paragraph 6 as the "**Responding Party**") where:
- a) the MCoP Registration Agent recommends (in an Audit Report or a Final Investigation Report) that the Responding Party should have its approval (or its approval in respect of one or more categories of meter installation) partially suspended, suspended or withdrawn; or
  - b) where the Responding Party appeals (in accordance with paragraph 4.18 or 5.30) the MCoP Registration Agent's determination of non-compliance by the Responding Party.

## Determination

- 6.2 The Code Manager will prepare a statement of the matters of compliance which the PAB is to determine and a summary of the background to the matter (the "**Statement of Case**"). The Code Manager will provide the Statement of Case to the PAB along with all associated documents relating to the Audit Report or Final Investigation Report (as applicable).
- 6.3 The PAB may request any clarification on the Statement of Case from the Code Manager, and the Code Manager will update the Statement of Case to take into account any clarification which it has given.
- 6.4 On the instruction of the PAB, the Code Manager will send the Statement of Case (where applicable, as updated) to the Responding Party for its response.
- 6.5 Within 10 Working Days of receiving the Statement of Case (or such longer period as is determined by the PAB), the Responding Party shall respond to the Statement of Case. The Responding Party's response to the Statement of Case may include:
- a) details of any non-compliance which it agrees has taken place (and details of any such non-compliance which it agrees is ongoing);
  - b) details of any non-compliance which it contests, the reasons for this and a copy of any evidence it holds which supports its position;
  - c) where it has provided a Remedial Plan, any comments it has on conclusions reached by the MCoP Registration Agent in relation to the effectiveness of the Remedial Plan;
  - d) details of any Remedial Action which it has taken, and any comments it has on the conclusions reached by the MCoP Registration Agent in relation to the effectiveness of the Remedial Action;
  - e) where the MCoP Registration Agent is of the opinion that a non-compliance should lead to (or that there has otherwise been) a MCoP Event of Default, any comments the Responding Party has on that opinion; and
  - f) any other information the Responding Party considers to be relevant to the matter which the PAB is to determine.
- 6.6 The PAB may decide to invite the Meter Asset Manager to attend a meeting at which it is invited to make oral representations (the "**Determination Hearing**"), provided that any Determination Hearing is held within 20 Working Days of receipt of the Responding Party's

response to the Statement of Case. At the request of the PAB, the Code Manager will notify the Responding Party that it is invited to attend a Determination Hearing and will also invite any other person that the PAB considers should attend to make oral representations. The Code Manager may, at the request of the PAB, invite the MCoP Chair (or Deputy Chair) and/or the MCoP Registration Agent to attend in the capacity of industry experts.

- 6.7 The Responding Party shall inform the Code Manager within 3 Working Days of receipt of the notification of the Determination Hearing whether or not it will attend. The Determination Hearing will not take place if the Responding Party declines to attend.
- 6.8 Any Determination Hearing will be conducted in accordance with the PAB's terms of reference approved by the PAB and published on the REC Portal from time to time.
- 6.9 The PAB may, whether before or after any Determination Hearing which is held, request further information or documentation from any person (including the Responding Party, the MCoP Registration Agent and any Reporting Party) and the person from whom information is requested shall provide a complete and accurate response to any such request, within the requested timescale.
- 6.10 Within 10 Working Days of the Determination Hearing or, where no Determination Hearing is held, within 20 Working Days of receipt of the Responding Party's response to the Statement of Case (or the expiry of the time period for the Responding Party's response), the PAB shall determine whether or not the Responding Party is failing (or has failed) to comply with any provision contained in the Code of Practice for Gas Meter Asset Managers (the "**Determination**") and the Code Manager shall send a report of the Determination (the "**Determination Report**") to the Responding Party.
- 6.11 The Determination Report shall:
- a) summarise the background to the matter;
  - b) summarise any representations made by the Responding Party; and
  - c) set out the reasons for the Determination.
- 6.12 Where the Determination is that the Responding Party is failing (or has failed) to comply with any provision contained in the Code of Practice for Gas Meter Asset Managers, the Determination Report shall include:
- a) details of any major non-compliance and any minor non-compliance which the PAB has determined;
  - b) the PAB's conclusions on the extent to which the Responding Party has taken effective Remedial Action (including whether an effective Remedial Plan has been provided);
  - c) details of any Remedial Action which the PAB instructs the Responding Party to take (including the preparation of any Remedial Plan for approval by the PAB) and the date by which the PAB determines that any such Remedial Action shall be completed;
  - d) the PAB's conclusions on whether or not there has been any MCoP Event of Default; and e) where the PAB concludes that there has been a MCoP Event of Default, whether the Reporting Party shall have its approval under this Schedule (or its approval in respect of one or more categories of meter installation) partially suspended, suspended or withdrawn; and

## Initial Draft

- f) 6.12.6 if the PAB determines that the Responding Party's approval under this Schedule (or its approval in respect of one or more categories of meter installation) is to be partially suspended, suspended or withdrawn, the date from which such suspension to withdrawal is to have effect (being not less than 15 Working Days after the date of the Determination Report) and the period and effect of any such suspension.

## Reporting

- 6.13 At the same time as sending a copy of the Determination Report to the Responding Party, the Code Manager shall send a copy of the Determination Report to the PAB and to the MCoP Registration Agent. Where the PAB has concluded that there has been a MCoP Event of Default, the Code Manager shall also send a copy of the Determination Report to the Authority.
- 6.14 Within 10 Working Days of the Determination, the Code Manager (on behalf of the PAB) will provide a notification to REC Parties, Meter Asset Managers (including the Responding Party) and any Reporting Party on the outcome of the Determination. This notification shall specify that a Determination has taken place and shall:
  - a) include details of any major non-compliance and any minor non-compliance which has been determined or confirmation that no non-compliance has been determined;
  - b) include details of where the PAB has determined that appropriate Remedial Action has been taken in relation to any non-compliance or that the Responding Party has proposed an effective Remedial Plan; and
  - c) state whether the Responding Party has been instructed to take any Remedial Action and state the date by which the Responding Party has been required to complete all Remedial Action.

## Appeals

- 6.15 Within 15 Working Days of receipt of the Determination Report, the Responding Party may appeal the Determination (and/or any instruction from the PAB for the Responding Party to take Remedial Action and/or any finding of a MCoP Event of Default and/or any determination to partially suspend, suspend or withdraw approval) to the Authority. Such an appeal shall be made by giving written notice to the Authority (and to the Code Manager) of the grounds of the appeal.
- 6.16 On appeal, the Authority may make any decision which would be open to the PAB to make in accordance with this Schedule. In addition, the Authority may determine that the Responding Party's approval shall not be suspended or withdrawn, subject to compliance with specified conditions

## Remedial Action following Determination

- 6.17 Where the PAB has instructed the Responding Party to take Remedial Action, the Responding Party shall take any such Remedial Action (including the preparation of a Remedial Plan for approval by the PAB) by the date specified in the Determination Report or such later date as the PAB may determine.
- 6.18 At the instruction of the PAB, the MCoP Registration Agent will:

- a) monitor the taking of Remedial Action by the Responding Party and the Responding Party's with any Remedial Plan; and
  - b) report to the PAB on the findings of its monitoring work.
- 6.19 At any time following the Investigation Determination, the PAB (and, where it is undertaking monitoring work on the instruction of the PAB, the MCoP Registration Agent) may request information or documentation from the Responding Party in relation to the taking of Remedial Action and the Responding Party shall provide a complete and accurate response to any such request within the time period requested.
- 6.20 Where the Responding Party considers that any Remedial Action which it has been instructed to take by the PAB has been completed, it shall notify the Code Manager. Following any such notification, the PAB may instruct the Registration Agent to consider whether or not such Remedial Action has been completed and report to the PAB.
- 6.21 Where the PAB is satisfied that Remedial Action has been taken, it will notify the Responding Party and the PAB.
- 6.22 Where the PAB is not satisfied that Remedial Action has been completed, the PAB may issue an updated Determination Report concluding that a MCoP Event of Default has occurred (and paragraph 6.15 onwards shall apply).

## 7. Suspension or Withdrawal of Approval

- 7.1 Where the PAB determines that a Responding Party is to have its approval under this Schedule (or its approval in respect of one or more categories of meter installation) partially suspended, suspended or withdrawn, then, unless a notice of appeal is received by the Code Manager by the date required by paragraph 6.15, the Responding Party's approval shall be so suspended or withdrawn as described in the Determination Report.

### Insolvency/bankruptcy and failure to pay charges

- 7.2 Where the PAB is notified (or otherwise becomes aware) of an alleged MCoP Event of Default relating to the bankruptcy or insolvency of the Meter Asset Manager or the Meter Asset Manager's failure to pay charges, and (having considered the allegation during the closed session at the next scheduled PAB meeting) the PAB does not consider the allegation to be trivial, vexatious or without merit, then the PAB shall determine whether or not a MCoP Event of Default has occurred.
- 7.3 Where the PAB is to determine whether or not a MCoP Event of Default has occurred, the Code Manager will prepare a summary of the alleged MCoP Event of Default and the background to the matter (the "**Event of Default Statement**"). The Code Manager will provide the Event of Default Statement to the PAB along with all associated documents relating to the matter.
- 7.4 The Code Manager will send the Event of Default Statement along with the all associated documents relating to the matter to the Meter Asset Manager involved for its response.
- 7.5 Within 10 Working Days of receipt of the Event of Default Statement (or such longer period as is determined by the PAB), the Meter Asset Manager shall respond to the Event of Default Statement.

- 7.6 The PAB may decide to invite the Meter Asset Manager to a meeting at which it is invited to make oral representations (the "**Event of Default Hearing**"), provided that any Event of Default Hearing is held within 20 Working Days of receipt of the Meter Asset Manager's response to the Event of Default Statement. At the request of the PAB, the Code Manager will notify the Meter Asset Manager that it is invited to attend an Event of Default Hearing and will also invite any other persons that the PAB considers should attend to make oral representations.
- 7.7 The Meter Asset Manager involved shall inform the Code Manager within 3 Working Days of receipt of the notification of the Event of Default Hearing whether or not it will attend. The Event of Default Hearing will not take place if the Meter Asset Manager declines to attend.
- 7.8 The PAB may, whether before or after any Event of Default Hearing which is held, request further information or documentation from any person (including the Meter Asset Manager involved and the MCoP Registration Agent) and the person from whom information is requested shall provide a complete and accurate response to any such request, within the requested timescale.
- 7.9 Within 10 Working Days of the Event of Default Hearing or, where no Event of Default Hearing is held, within 20 Working Days of receipt of the Meter Asset Manager's response to the Event of Default Statement (or the expiry of the time period for the Meter Asset Manager's response):
- a) the PAB shall determine whether or not a MCoP Event of Default has occurred and, if it has been determined that a MCoP Event of Default has occurred, whether or not the Meter Asset Manager shall have its approval (or its approval in respect of one or more categories of meter installation) partially suspended, suspended or withdrawn, and (if so) with effect from what date (being not less than 15 Working Days after the date of the determination) and the period and effect of any such suspension; and
  - b) the Code Manager shall notify the Meter Asset Manager of the PAB's determination and the reasons for the determination.
- 7.10 Within 15 Working Days of receipt of notice of the PAB's determination under paragraph 7.9, the Meter Asset Manager may appeal the PAB's determination that its approval should be partially suspended, suspended or withdrawn (as the case may be) to the Authority. Such an appeal shall be made by giving written notice to the Authority (and to the Code Manager) of the ground of the appeal.
- 7.11 On appeal, the Authority may make any decision which would be open to the PAB to make in accordance with paragraph 7.9. In addition, the Authority may determine that the Meter Asset Manager's approval shall not be suspended or withdrawn, subject to compliance with specified conditions.
- 7.12 Unless a notice of appeal is received by the Code Manager by the date required by paragraph 7.10, the Meter Asset Manager's approval shall be partially suspended, suspended or withdrawn (as the case may be) as described in the PAB's determination.
- General provisions on Suspension and Withdrawal

- 7.13 For the purposes of this Schedule, a partial suspension may involve a suspension of approval in respect of any activities which are undertaken by the Meter Asset Manager in accordance with its Meter Asset Manager approval, which might include the installation of new meter installations, the removal of meters and meter installation components and/or any other activities.
- 7.14 Where a Meter Asset Manager's approval is partially suspended or suspended, the Code Manager will provide a notification via email to REC Parties and Meter Asset Managers, setting out the period for which the suspension shall be effective and the extent of the suspension.
- 7.15 Where a Meter Asset Manager's approval is withdrawn, the Code Manager (on behalf of the PAB) will provide a notification to REC Parties and Meter Asset Managers.
- 7.16 Once approval has been withdrawn, re-approval will be subject to an Initial Assessment of the Meter Asset Manager by the MCoP Registration Agent in accordance with this Schedule.

## 8. Defined Terms

- 8.1 For the purposes of this Schedule, it shall be a "**major non-compliance**" with the Code of Practice for Gas Meter Asset Managers where:
- a) a Meter Asset Manager has made false claims in its application for approval;
  - b) a Meter Asset Manager has failed to make facilities and activities available to the MCoP Registration Agent for the purposes of a site visit to be undertaken in accordance with this Schedule within one month of its scheduled date;
  - c) a non-compliance relates to the making of false claims in relation to the extent of a Meter Asset Manager's approval or work carried out outside the extent of its Meter Asset Manager approval;
  - d) a non-compliance has been caused by a Meter Asset Manager's failure to have complete or compliant procedures, or a Meter Asset Manager's failure to effectively implement those procedures;
  - e) a non-compliance relates to the persons chosen to carry out work on meter installations or to the review of competency of such persons;
  - f) a non-compliance has significant safety implications;
  - g) a non-compliance leads to significant concerns in relation to the Meter Asset Manager's technical capabilities;
  - h) there have been a number of minor non-compliances in respect of requirements of the Code of Practice for Gas Meter Asset Managers in a similar area;
  - i) there have been a number of minor non-compliances which, taken together, have significant safety implications or lead to significant concerns in relation to the Meter Asset Manager's technical capabilities; or
  - j) a non-compliance relates to a provision of the Code of Practice for Gas Meter Asset Managers in relation to which a non-compliance has previously been determined by the PAB (in accordance with this Schedule) and where the Meter Asset Manager has failed to take Remedial Action by the date the PAB has instructed it to complete such Remedial Action.
- 8.2 For the purposes of this Schedule, any non-compliance with the Code of Practice for Gas Meter Asset Managers which is not a major non-compliance shall be a "**minor noncompliance**". This might include where:

- a) a non-compliance has been caused by a limited shortfall in procedures or systems relating to document management or health and safety;
- b) a non-compliance relates to isolated cases of failure to follow the Meter Asset Manager's documented procedures;
- c) a non-compliance relates to isolated activities of a particular operative engaged by the Meter Asset Manager;
- d) a non-compliance relates to isolated instances of failure to comply with requirements of the Code of Practice for Gas Meter Asset Managers relating to health and safety procedures; or
- e) a non-compliance relates to isolated instances of failure to comply with requirements of the Code of Practice for Gas Meter Asset Managers relating to safe working practices.

8.3 For the purposes of this Schedule, it shall be a "**MCoP Event of Default**" where:

- a) a Meter Asset Manager has made false claims in its application for approval which are material to the consideration of the Meter Asset Manager's integrity or false claims in relation to the extent of its Meter Asset Manager approval;
- b) a Meter Asset Manager has carried out work outside the extent of its Meter Asset Manager approval;
- c) in relation to any major non-compliance or any series of minor non-compliances, the Meter Asset Manager has failed to take Remedial Action by the date the PAB has instructed it to complete such Remedial Action;
- d) a Meter Asset Manager has failed to comply with any provision of the Code of Practice for Gas meter Asset Managers and that the failure has led to the workforce or members of the public being exposed to serious risk of injury;
- e) a Meter Asset Manager becomes bankrupt or insolvent; or
- f) a Meter Asset Manager has failed to pay one or more charges due in accordance with this Schedule in full within one month of such charges being due.

## Appendix B: Approved Metering Installer Scheme

### 1. Meter Installer Approval Scheme

- 1.1 RECCo shall establish a scheme (the "**Scheme**") to:
- (a) approve persons (or classes or descriptions of persons) as Approved Meter Installers (in respect of one or more categories of meter installation) in accordance with this Schedule;
  - (b) audit persons (or classes or descriptions of persons) approved as Meter Installers in accordance with this Schedule;
  - (c) suspend or withdraw approval of persons as Approved Meter Installers in accordance with this Schedule; and
  - (d) publish a list of persons (or classes or descriptions of persons) who are from time to time approved (or deemed to be approved) as Approved Meter Installers (in respect of one or more categories of meter installation) in accordance with this Schedule.
- 1.2 The RECCo shall be entitled to delegate any or all of its duties under this Schedule to one or more third parties, including to:
- (a) the Code Manager;
  - (b) a Scheme Auditor; and
- 1.3 Persons (or classes or descriptions of persons) previously approved by the Authority pursuant to the Ofgem Approved Meter Installers (OAMI) scheme that was administered on behalf of the Authority prior to 1 April 2017 shall be deemed to have been approved as Approved Meter Installers in accordance with this Schedule.

### 2. Meter Installer Code of Practice

- 2.1 The RECCo shall, from time to time, publish a code of practice (the "**Approved Meter Installer Code of Practice**") to be followed by Approved Meter Installers certified under the Scheme.
- 2.2 The Approved Meter Installer Code of Practice shall facilitate the delivery of the following objectives:
- (a) defining the specific registration requirements of an Approved Meter Installer; and
  - (b) defining the specific meter installation requirements and duties of an Approved Meter Installer for each of the categories of approval.
- 2.3 Matters pertaining to commercial relationships between Approved Meter Installers certified under the Scheme shall form no part of the Approved Meter Installer Code of Practice.

- 2.4 The Approved Meter Installer Code of Practice shall be subject to Paragraph 9 (Change Control) of the main body of this Agreement as if the code of practice formed part of this Schedule.
- 2.5 Approved Meter Installers (or persons seeking to become Approved Meter Installers) may from time to time suggest to the Code Manager amendments to the Approved Meter Installer Code of Practice, which amendments will then be considered by the RECCo and may be taken forward by a Party as a Change Proposal.

### 3. List of Approved Meter Installers

- 3.1 The Code Manager shall keep and publish on the REC Portal lists of persons approved as Approved Meter Installers, and of the type(s) of work for which Approved Meter Installers have been approved.

### 4. Scheme Auditor

- 4.1 RECCo shall procure an auditor to assess Applicants and audit Approved Meter Installers (the "**Scheme Auditor**").
- 4.2 The Scheme Auditor shall:
- a) apply a robust and non-discriminatory management, quality and administrative system;
  - b) ensure it has the technical ability to assess the competence of prospective and existing Approved Meter Installers, including assessors and inspectors that it employs, to deliver compliance with the requirements of the Approved Meter Installer Code of Practice;
  - c) ensure that it has in place robust systems for identifying and avoiding or managing conflicts of interest between its commercial interests (or those of any sponsoring or parent organisations) and its role under the Scheme;
  - d) promote the development and growth of the Scheme to potential Meter Installers and its use to consumers;
  - e) assess the technical competence of Approved Meter Installers (and Applicants) against agreed minimum competence requirements set out in the Approved Meter Installer Code of Practice;
  - f) assess whether Approved Meter Installers' competencies are kept up to date, for example as a result of changes to the Meter Installer Code of Practice and/or technical standards;
  - g) provide ongoing technical help and advice to Approved Meter Installers as required by RECCo, provided such help/advice does not cause any conflicts of interest with the approval and auditing activities of the Scheme Auditor;
  - h) undertake (as required by RECCo) surveillance of Approved Meter Installers' work, including carrying out periodic random assessments of a representative sample of each Approved Meter Installer's work, during or after completion, to check compliance with the the Scheme;
  - i) set or approve remedial plans to be followed by Approved Meter Installers where instances of non-compliance are identified, and audit compliance with those remedial plans;

- j) make recommendations to the Scheme Adjudicator concerning suspension or withdrawal of approval for dealing with non-compliance with the Scheme;
- k) make available (as required by RECCo) to interested parties the names of former Approved Meter Installers whose approval has been withdrawn under the Scheme and the reason for such withdrawal;
- l) apply a robust and published process for handling complaints; and
- m) provide the information RECCo requires in order to carry out its oversight functions, both on a regular basis or ad hoc basis as required.

## 5 Approval of Meter Installers

- 5.1 Any person (an “**Applicant**”) may apply, via the Code Manager, to be approved as a Meter Installer using the form approved by RECCo. The Applicant shall specify the categories of meter installation for which approval may be sought, in accordance with the Scheme.
- 5.2 Upon receipt of a completed Application, the Secretariat shall instruct the Scheme Auditor to assess whether the Applicant should be approved by determining whether the Applicant can demonstrate that it is capable of complying with the Scheme on an ongoing basis.
- 5.3 The Scheme Auditor shall carry out at least one site visit and shall notify the Applicant of the timing and date of such site visit, provided that (prior to doing so) the Scheme Auditor will take reasonable steps to agree the timing and date of any site visit with the Applicant. The Applicant must respond to reasonable requests for information by the Scheme Auditor, allow the Scheme Auditor reasonable access to premises and facilities, and provide the Scheme Auditor with reasonable co-operation.
- 5.4 Within 10 Working Days of the completion of the assessment, the Scheme Auditor shall provide a report (an “**Initial Assessment Report**”) to the Applicant and to the Code Manager, detailing whether the Applicant has demonstrated that it is capable of complying with all applicable requirements in the Scheme on an ongoing basis. The Initial Assessment Report shall state whether the Scheme Auditor proposes to approve the Meter Installer for each of the specified categories of meter installation for which approval was sought. The Initial Assessment Report shall set out reasons for any proposed decision not to approve the Applicant.
- 5.5 The Applicant shall have 10 Working Days to provide any comments or responses to the Scheme Auditor in relation to the Initial Assessment Report. Within 10 Working Days from the end of the Approved Meter Installer's period for response, the Scheme Auditor shall provide a final updated version of the report (an “**Assessment Report**”) to the Applicant and the Code Manager. The Assessment Report shall state whether the Scheme Auditor approves the Meter Installer for each of the specified categories of meter installation for which approval was sought. The Assessment Report shall set out reasons for any decision not to approve the Applicant.
- 5.6 Within 15 Working Days after receipt of the Assessment Report, the Applicant may appeal any decision not to approve the Applicant to the Scheme Adjudicator. Such an appeal shall be made by giving written notice to the Code Manager stating the grounds of the appeal.
- 5.7 On appeal, the Scheme Adjudicator may make any decision which the Scheme Auditor was entitled to make in accordance with this Schedule 40.

## 6 Audit of Meter Installers

- 6.1 Where a Meter Installer has been approved in accordance with this Schedule, the Scheme Auditor shall audit the Approved Meter Installer to ensure its continued compliance with all of the applicable requirements of the Scheme.
- 6.2 The first audit shall be conducted 12 months after first approval, and then there shall be a further audit every three years thereafter.
- 6.3 The Scheme Auditor shall audit an Approved Meter Installer's compliance by means of:
- a) a paper based desktop audit and site visit to determine whether the Approved Meter Installer's policies and procedures are compliant with all applicable requirements of the Scheme; and
  - b) at least one field visit during which the Scheme Auditor observes work in progress and reviews completed work to assess the Approved Meter Installer's compliance with the Scheme and its own policies and procedures.
- 6.4 The Scheme Auditor will notify the Approved Meter Installer of the schedule of target audit dates within a month of the Meter Installer's approval and subsequently during the first month of the calendar year. The Scheme Auditor and Approved Meter Installer shall ensure that any audits are carried out within one month of the target audit date.
- 6.5 Where the Scheme Auditor has carried out an audit, it shall meet with the engineer or manager who is appointed by the Approved Meter Installer to lead its audit, to discuss the preliminary audit findings and shall provide an initial report (an "**Initial Audit Report**") to the Approved Meter Installer within 10 Working Days. The Initial Audit Report shall include:
- a) details of any non-compliance which the Scheme Auditor considers has taken place;
  - b) details of any non-compliance which the Scheme Auditor considers to be ongoing;
  - c) details of any remedial action which the Scheme Auditor requires the Approved Meter Installer to take and a required time period in which remedial action should be taken;
  - d) whether the Scheme Auditor considers any past or ongoing non-compliance sufficiently serious to warrant a recommendation to the Scheme Adjudicator that approval should be suspended or withdrawn (on the basis that the Approved Meter Installer has not demonstrated that it is capable of complying and will comply with the Scheme on an ongoing basis); and
  - e) details of any observations which the Scheme Auditor has, which relate to areas where the Approved Meter Installer could make improvements to ensure that its compliance is in accordance with best practice and areas where further audit is required on a future audit (in particular where the Scheme Auditor considers that there is a risk of non-compliance or future non-compliance).
- 6.6 The Approved Meter Installer shall have 10 Working Days to provide any comments or responses to the Scheme Auditor in relation to the Initial Audit Report. Within 10 Working Days from the end of the Approved Meter Installer's response period to the Initial Audit Report, the

Scheme Auditor shall provide a final updated version of the report (an “**Audit Report**”) to the Approved Meter Installer and the Code Manager.

- 6.7 On receipt of an Audit Report which contains a recommendation for suspension or withdrawal of approval, the Code Manager shall forward the report to the Scheme Adjudicator for a determination in respect of such recommendation.
- 6.8 Within 15 Working Days after receipt of the Audit Report, the Approved Meter Installer may appeal any finding of non-compliance to the Scheme Adjudicator. Such an appeal shall be made by giving written notice to the Code Manager stating the grounds of the appeal.
- 6.9 On appeal, the Scheme Adjudicator may make any decision which the Scheme Auditor was entitled to make in accordance with this Schedule 40.

## **7 Suspension or Withdrawal of Approval**

- 7.1 Where the Scheme Auditor recommends in an Audit Report that an Approved Meter Installer should have its approval (or approval in respect of one of more categories of meter installation) suspended or withdrawn, then the Scheme Adjudicator shall determine whether or not the Approved Meter Installer shall have its approval suspended or withdrawn.
- 7.2 The Scheme Adjudicator shall make its decision concerning suspension or withdrawal of approval on the basis of whether or not the Approved Meter Installer has demonstrated that it is capable of complying and will comply with the Scheme on an ongoing basis.
- 7.3 RECCo may also determine that an Approved Meter Installer is to have its approval suspended or withdrawn where the Approved Meter Installer is bankrupt or insolvent or has failed to pay the charges due in accordance with paragraph 7.
- 7.4 No decision to suspend or withdraw an Approved Meter Installer's approval under the Scheme may be made by the Scheme Adjudicator or RECCo without first inviting the Approved Meter Installer to provide written representations in respect of the matter.
- 7.5 Each decision to suspend or withdraw an Approved Meter Installer's approval shall specify the date from which such suspension or withdrawal is to have effect (being not less than 15 Working Days after the date of the decision), the extent of the suspension or withdrawal, and the reasons for the decision. An Approved Meter Installer's approval may be suspended or withdrawn in whole or part (including by reference to particular type of meter installations).

## **8 Appeals to the Authority**

- 8.1 The following decisions shall each be capable of appeal to the Authority by any interested person within 15 Working Days after the date of the decision:
  - a) a decision by the Scheme Adjudicator to refuse an Applicant's application for approval under the Scheme;
  - b) a decision by the Scheme Adjudicator upholding a finding by the Scheme Auditor that an Approved Meter Installer is or was not compliant with the Scheme;
  - c) a decision by the Scheme Adjudicator to suspend or withdraw (in whole or part) an Approved Meter Installers approval under the Scheme; or

d) a decision by RECCo to suspend or withdraw (in whole or part) an Approved Meter Installers approval under the Scheme.

8.2 The Authority may dismiss an appeal which it considers trivial, vexatious or wholly without merit. On appeal, the Authority may make any decision which would be open to the PAB to make in accordance with this Schedule. In addition, the Authority may determine that an Approved Meter Installer's approval shall not be suspended or withdrawn, subject to compliance with specified conditions.

8.3 A decision by PAB or RECCo to suspend or withdraw an Approved Meter Installer's approval under the Scheme shall not have effect where the matter is appealed to the Authority in accordance with this Schedule (unless the Authority directs otherwise).

## 9 Notification of Suspension or Withdrawal

9.1 The Code Manager shall notify the Approved Meter Installers, RECCo, the Scheme Auditor and REC Parties where an Approved Meter Installer's approval under the Scheme is suspended or withdrawn, and where a suspension ends or is lifted. .

9.2 Once approval has been withdrawn, the Meter Installer must re-apply for approval.

## 10 Time Periods

10.1 RECCo shall be entitled to determine that any time period specified in this Schedule is to be extended or shortened where reasonably necessary in the circumstances.

## 11 Definitions

11.1 In addition to the definitions set out in the Interpretation Schedule the following defined expressions are used in this Schedule:

<b>Applicant</b>	has the meaning given in [Paragraph 6.1];
<b>Approved Meter Installer Code of Practice</b>	has the meaning given in [Paragraph 2.1];
<b>Assessment Report</b>	has the meaning given in Paragraph 6.5);
<b>Audit Report</b>	has the meaning given in [Paragraph 6.13];
<b>Initial Assessment Report</b>	has the meaning given in [Paragraph 6.4];
<b>Initial Audit Report</b>	has the meaning given in [Paragraph 6.12];
<b>Scheme</b>	has the meaning given in [Paragraph 1.1];
<b>Scheme Auditor</b>	has the meaning given in [Paragraph 4.1];

## Appendix C: Metering Code of Practice Accreditation

- 1.1 If a New Party, or an existing MEM who has previously qualified under schemes other than the MOCOPA, wishes to become a MOCOPA Operator, the following provisions of this Appendix C shall apply.
- 1.2 The Applicant shall provide the Registration Authority such information as the Registration Authority shall consider appropriate to enable it to determine whether to issue a Provisional MOCOPA Registration Number. Having reviewed such information, the Registration Authority shall either:
  - a) Issue a Provisional MOCOPA Registration Number; or
  - b) Notify the Applicant that it does not consider it appropriate to issue a Provisional MOCOPA Registration Number,

In each case as soon as reasonably practicable.

- 1.3 If the Registration Authority notifies the New Party that it is not appropriate to issue a Provisional MOCOPA Registration Number to it under Clause 1.2(b), the Applicant may appeal the decision to the PAB in accordance with the PAB Rules of Procedures. If the PAB uphold the decision of the Registration Authority and the Applicant does not hold an accreditation under any other scheme, they may cease to be a REC Party with effect from the notification of the PAB determination.

### Initial Site Audit

- 1.4 One the Applicant has been issued with a Provisional MOCOPA Registration Number, they will assign an auditor to carry out an initial Site Audit of the MOCOPA Operator, in order to establish compliance with MOCOPA.
- 1.5 Any non-compliance found on the initial Site Audit shall be brought to the MOCOPA Operator's attention by the auditor, orally at the end of the audit and in writing within 10 working days after such audit. The MOCOPA Operator shall be given a reasonable time to take any corrective action and to inform the auditor when such corrective action has been taken. The auditor will carry out a follow-up review to be satisfied that corrective action in respect of the non-compliance has been taken and, if so, will close the initial Site Audit.
- 1.6 If corrective action has not been taken because the MOCOPA Operator refuses or is unable to take the appropriate corrective action, then the Registration Authority shall revoke the MOCOPA Operator's Provisional Registration Number. The Registration Authority will inform the PAB and all parties to MOCOPA that the MOCOPA Operator has not satisfactorily completed the MOCOPA Operator registration process.

### Completion of registration

- 1.7 When the Registration Authority receives a satisfactory report from the auditor then, and subject to the Registration Fee having been paid in full, the register will be revised to show that the Registration Number is no longer provisional. Upon completing registration, the MOCOPA Operator will be subject to the ongoing requirements for the Annual Audit under the MOCOPA.

## Appendix D: Automated Meter Reading Service Providers Code of Practice

### 1 Application Process

- 1.1 As part of the application process applicants will be audited to ensure they are compliant with the ASPCoP. As far as practicable the audit will be on the basis of a desktop exercise, however, the Auditor may choose at their discretion to carry out site Audits to properly assess the applicant's compliance with the ASPCoP.

### 2 Ongoing Basis

- 2.1 Members to the ASPCoP will be audited on an ongoing basis to confirm continuing compliance with the ASPCoP. These Audits will be undertaken on a 3yearly basis.

### 3 Audit Appeal Process

- 3.1 In the event that a party disputes the decision of the Auditor they may appeal to the Appeals Committee who will consider the appeal and whose decision will be final.

### 4 Suspension of Accreditation

- 4.1 The PAB may suspend an ASP's Accreditation in accordance with this Schedule if the ASP has, to the satisfaction of the Management Committee:

- a) failed to maintain compliance with the ASPCoP standard; or,
- b) failed to make payment to ESTA of the prescribed ASPCoP membership fees; or,
- c) failed to provide suitable access or arrangements to enable such audits as may be required for initial accreditation or maintenance of accreditation; or,
- d) failed to cooperate with Management Committee requests associated with complaints raised in relation to an ASP's adherence to the ASPCoP standard; or,
- e) failed to undertake remedial action required by the Management Committee in relation to a complaint or other non-compliance with the ASPCoP standard within the specified timescale; or,
- f) made wilful misrepresentation in connection with the ASPCoP standard; or
- g) carried out an act/s contrary or prejudicial to the objectives or the reputation of the ASPCoP standard; or,
- h) made use of the ASPCoP certification or logo in a manner likely to cause disrepute to the ASPCoP standard:
- i) been the subject of an Insolvency Event; or,
- j) in the opinion of the Management Committee, experienced a material change in the nature of the work it undertakes which affects the conditions under which it was certified; or,
- k) ceased to trade; or,

l) undergone a change of ownership of its business which materially affects the conditions under which it was certified; or,

m) made a written request to the Chairman to cancel their accreditation.

## 5 Process of Suspension

5.1 The Management Committee will have the power to suspend an ASP's Accreditation with immediate effect if the Member, being a company:

- a) becomes unable to pay its debts as they fall due within the meaning of section 123 of the Insolvency Act 1986;
- b) issues an application for an administration order or a notice of intention to appoint an administrator in relation to the Company;
- c) passes of a resolution or order for the Company's windingup, dissolution, administration or reorganisation;
- d) declares a moratorium in relation to any of the Company's indebtedness;
- e) makes any arrangement or any proposal for any arrangement with any of the Company's creditors;
- f) appointments a liquidator, receiver, administrator, supervisor or other similar officer in respect of any of the Company's assets; or
- g) is convicted by a court of competent jurisdiction of any offence being a breach of health and safety legislation or corporate manslaughter.

5.2 In circumstances other than 8.1, before deciding whether or not to suspend an ASP's Accreditation, the Management Committee will inform the ASP of the alleged breach(s) of the standard, and afford it an opportunity to offer an explanation and/or correction within twenty-eight (28) days of the date of such notification. The decision must be made within 6 weeks following receipt of any such explanation, or if no such explanation is given following the expiry of the twenty-eight (28) day period.

5.3 A decision to suspend an ASP's Accreditation under this Rule will be notified to the ASP promptly. Other than in 8.1.1, such a decision will not be implemented until after the expiration of twenty-eight days from the date of the notification of the decision.

5.4 Suspension of Accreditation will not affect any existing rights and/or claims that ESTA may have against the ASP and will not relieve the ASP from fulfilling their obligations accrued prior to termination.

5.5 Upon suspension of Accreditation the ASP must immediately cease all use of ASPCoP certification marks and logos.

5.6 The ASP must take all reasonable steps to ensure relevant third parties are kept aware as to the status of their ASPCoP Accreditation and any change thereto.

- 5.7 If the ASP ceases to be Accredited either due to suspension or because the ASP wishes to cancel their ASPCoP Accreditation, any fees paid or owed will not be refundable.

## 6 Audit

- 6.1 The Audit will be carried out in accordance with the procedure set out below.
- 6.2 All information provided to the Auditor will be treated as private and strictly confidential.
- 6.3 The following document provides an overview of the Audit/QA procedure used by the Auditor. The Auditor will undertake a desktop Audit where possible to assess the parties' capabilities in line with the ASPCoP including but not limited to:

- a) company details;
- b) staff qualifications;
- c) safety and installation;
- d) public liability insurance;
- e) accuracy, assurance and commissioning;
- f) automatic reading of data;
- g) AMR Device and/or Embedded Meter minimum AMR capability;
- h) letters of conformance;
- i) a purchase specification;
- j) test certificates;
- k) equipment suppliers' or manufacturers' warranties;
- l) a mandatory requirement is the hazardous area certification (i.e. demonstrating conformance to ATEX requirements and CE marking as appropriate for the hazardous area);
- m) data integrity;
- n) data file format;
- o) ability to support industry standard format(s);
- p) record keeping;
- q) data security & protection;
- r) disaster recovery procedure;
- s) data access rights;
- t) quality system;
- u) interoperability data standards;
- v) compliance with registration processes (MPU and REC);
- w) approval, appraisal, and authorisation by third parties;
- x) duty of care beyond asset;
- y) equipment removal and disposal;
- z) data flows and unique reference of ASP.

## 7 Site Visit Procedure

- 7.1 If as part of either the application process for new applicants or the ongoing audit process of Accredited parties the Auditor deems it necessary to undertake any site visit/s then such visits will be conducted within the following framework:
- a) the Auditor will select 4 AMR Installations (existing or new) to carry out desktop Audits and if required 2 sites for site audits;

- b) all AMR Device installations must be checked to see that they comply with IGEM GM7 A “Electrical Connections for Gas Metering Equipment” and GM7 B “Hazardous Area Classification for Gas Metering Equipment”; and,
- c) complete all the sections of audit report form including any other comments relative to the installation. A free text box is provided for the Auditor to include any observations, readings etc which are undertaken during the site visit. A digital picture of the installation will be attached to the audit report form.

## 8 Auditors

- 8.1 The Auditors will carry out the Audit in accordance with the ASPCoP. ESTA does not accept any liability for actions or omissions of the Auditors in carrying out the Audit. To the extent permitted by law ESTA excludes any liability incurred by the ASP, their employees or associated companies relating to the Audit, including but not limited to direct or indirect damages, loss of goodwill or profits, work stoppage, data loss, computer failure or malfunction and all other damages or loss relating to the Audit.