

Condition 23. Master Registration Agreement

Licensee's obligation

- 23.1 The licensee, in conjunction and co-operation with all other Electricity Distributors, must take all steps within its power to ensure that the Master Registration Agreement ("the MRA") in force under this licence at 31 May 2008 remains an agreement that:
- (a) conforms to the requirements of paragraph 23.2 in respect of its contractual constitution;
 - (b) conforms to the requirements of paragraph 23.3 in respect of its contents; and
 - (c) is designed to facilitate the achievement of the Applicable MRA Objectives set out in paragraph 23.3A.

Constitution of the MRA

- 23.2 The MRA must be an agreement made between:
- (a) on the one part, the licensee and all other Electricity Distributors; and
 - (b) on the other part:
 - (i) all Electricity Suppliers (or their agents) that require the provision of Metering Point Administration Services from at least one Electricity Distributor, and
 - (ii) such other persons as are, for Settlement Purposes, appropriate parties to the agreement.

Contents of the MRA

- 23.3 The MRA must comprise:
- (a) terms for the provision of Metering Point Administration Services in accordance with the requirements of standard condition 18 (Provision of and charges for Metering Point Administration Services);
 - (b) provisions to facilitate, and procedures and practices to be followed by Electricity Suppliers in relation to, changes of Electricity Supplier in respect of any premises;
 - (c) the Data Transfer Catalogue, being a catalogue of definitions, flows, and forms of such data as may require to be transferred by or to parties to the MRA, between users of the Central Charge Database, or between any persons for Settlement Purposes or for any related purposes;
 - (d) arrangements for the modification of the MRA following consultation with the parties, or representatives of the parties, to that agreement;
 - (e) provisions (which must require the Authority's approval) by virtue of which the whole or specified parts of the MRA are not to be capable of modification without the Authority's approval;

- (f) such other matters as are or may be appropriate for the development, maintenance, and operation of an efficient, co-ordinated, and economical system for the supply of electricity and for the purpose of facilitating competition in electricity supply; and
- (g) provisions to facilitate, and procedures and practices to be followed in relation to, the establishment, operation, and maintenance of the Central Charge Database.

23.3A The Applicable MRA Objectives are:

- (a) to develop, maintain and operate efficient, coordinated and economical procedures and practices to be followed in relation to changes of Electricity Supplier;
- (b) to promote effective competition between Electricity Suppliers and their agents;
- (c) to promote efficiency in implementing and administering the MRA arrangements;
- (d) so far as is consistent with sub-paragraphs (a), (b) and (c), to efficiently discharge the licensee's obligations under this licence;
- (e) to comply with the Regulation and any relevant, legally binding decision of the European Commission or the Agency for the Cooperation of Energy Regulators; and
- (f) to facilitate, so far as is consistent with sub-paragraphs (a) to (e), the maintenance and operation of an accessible, efficient, coordinated and economical system for the Green Deal.

23.4. NOT USED

23.5 The arrangements referred to in paragraph 23.3(d) must provide:

- (a) for proposals for the modification of the MRA to be made by 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 fall within the scope of paragraph 23.6D~~);
- (b) for modification proposals made by the Authority or the licensee in accordance with paragraphs 23.5(a) and 23.5(c)(i) respectively:
 - (i) to be accepted into the MRA modification procedures by the panel;
 - (ii) where they are raised by the licensee, not to be withdrawn without the Authority's prior consent; and
 - (iii) to proceed in accordance with paragraph 23.5(c);
- (c) for 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 proposal 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 falls within the scope of paragraph 23.6D) for the;

- (i) licensee to raise a modification proposal; and/or
 - (ii) completion of each of the procedural steps outlined in the direction, to the extent that they are relevant; and/or
 - (iii) implementation of a modification.
- (d) for parties to the MRA, and any such other persons as may be specified in the code, to appeal against any decision to implement or reject a proposed modification of the MRA, which does not require the Authority's approval, to the Authority for determination;
- (e) for a modification report to be prepared in such manner and with all such contents as specified in the MRA, which shall include an assessment of the proposed modification in reference to whether, and if so how, it would better facilitate achieving the Applicable MRA Objectives and a detailed explanation of the reasons for that assessment;
- (f) where the proposed modification requires Authority approval in accordance with the provisions of the MRA, for the revision and resubmission of the modification report upon, and in accordance with, a direction issued to the panel by the Authority where the Authority determines that it cannot properly form an opinion on the approval of the modification proposal;
- (g) without prejudice to paragraph 23.6B, that proposals for the modification of the MRA falling within the scope of a Significant Code Review may not be made during the Significant Code Review Phase, except:
- (i) where 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; or
 - (ii) at the direction of, or made by, the Authority;
- (h) that, where a modification proposal is made during a Significant Code Review Phase, the panel shall:
- (i) unless exempted by the Authority, notify the Authority as soon as practicable of:
 - 1. any representations received in relation to the relevance of the Significant Code Review; and
 - 2. the panel's assessment of whether the proposal falls within the scope of the Significant Code Review and its reasons for that assessment; and
 - (ii) if the Authority so directs, not proceed with the modification proposal until the Significant Code Review Phase has ended; and
- (i) that where an appeal has been raised in respect of a modification proposal in accordance with sub-paragraph (d), that modification proposal shall be treated in accordance with any decision and/or direction of the Authority following that appeal;-

- (j) for modification proposals raised in accordance with paragraph 23.6(a), or by the Authority under paragraph 23.5(a) and which fall within the scope of paragraph 23.6D(b), and any alternatives to be withdrawn where the Authority so directs. Such a direction (a "backstop direction"), shall cause the Significant Code Review Phase to re-commence.

23.6 If, within twenty-eight (28) days after the Authority has published its Significant Code Review conclusions, the Authority issues to the licensee:

- (a) the Authority issues Directions to the licensee, the licensee must comply with those Directions and must treat the Significant Code Review Phase as ended;
- (b) the Authority issues to the licensee a statement that no Directions under sub-paragraph (a) will be issued in relation to the MRA, the licensee must treat the Significant Code Review Phase as ended;
- ~~(ba) the Authority raises a modification proposal in accordance with paragraph 23.5(a), the licensee must treat the Significant Code Review Phase as ended;~~
- ~~(bb) the Authority issues a statement that it will continue work on the Significant Code Review, the licensee must treat the Significant Code Review Phase as continuing until it is brought to an end in accordance with paragraph 23.6A;~~
- (c) neither Directions under sub-paragraph (a) nor a statement under sub-paragraph (b) or (bb) has been issued, nor a modification proposal under sub-paragraph (ba) has been made, the Significant Code Review Phase will be deemed to have ended.

The Authority's published conclusions and Directions to the licensee will not fetter any voting rights of MRA parties or members of the panel, or the procedures informing the modification report described at sub-paragraph 23.5(e).

23.6A Where the Authority issues a statement under paragraph 23.6(bb) and/or a direction in accordance with sub-paragraph 23.5(j), the Significant Code Review Phase will be deemed to have ended when either:

- (a) the Authority issues a statement that the Significant Code Review Phase has ended;
- (b) one of the circumstances in sub-paragraphs 23.6(a) or (ba) occurs (irrespective of whether such circumstance occurs within twenty-eight (28) days after the Authority has published its Significant Code Review conclusions); or
- (c) the Authority makes a decision consenting, or otherwise, to the modification of the network code following the panel's submission of its report under sub-paragraph 23.6C(a).

23.6B The arrangements for the modification of the MRA must provide that, where the Authority has issued a statement in accordance with sub-paragraph 23.6(bb) and/or a direction in accordance with sub-paragraph 23.5(j), the Authority may submit a modification proposal for a modification falling within the scope of paragraph 23.6D(b) to the panel.

23.6C The arrangements for the modification of the MRA must provide, where the Authority submits a Significant Code Review modification proposal to the panel in accordance with paragraph 23.6B:

- (a) for a modification report to be prepared in such manner and with all such contents as specified in the MRA, which shall include an assessment of the proposed modification in reference to whether, and if so how, it would better facilitate achieving the Applicable MRA Objectives and a detailed explanation of the reasons for that assessment; and
- (b) for the revision and resubmission of the modification report upon, and in accordance with, a direction issued to the panel by the Authority where the Authority determines that it cannot properly form an opinion on the approval of the modification proposal.

The Authority's published conclusions and modification proposal will not fetter any voting rights of MRA parties or members of the panel, or the procedures informing the modification report described at sub-paragraph 23.6C(a).

23.6D Modification proposals fall within the scope of this paragraph where:

- (a) the Authority reasonably considers the modifications 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
- (b) the modification proposal is in respect of a Significant Code Review.

23.7 The MRA must provide for:

- (a) a panel body, as specified in the MRA (the "panel") whose functions must include the matters required by this condition and as set out in the MRA; and,
- (b) a secretarial or administrative person or body, as specified in the MRA, to perform the role of code administrator (the "code administrator"). In addition to any powers, duties or functions set out in the MRA, the code administrator must:
 - (i) together with other code administrators, publish, review, and (where appropriate) amend from time to time the Code of Practice approved by the Authority (any amendments to the Code of Practice are to be approved by the Authority);
 - (ii) facilitate the procedures for making a modification to the MRA;
 - (iii) have regard to, and in particular (to the extent relevant) be consistent with the principles contained in, the Code of Practice; and
 - (iv) provide assistance, insofar as is reasonably practicable and on reasonable request, to parties (including, in particular, Small Participants) and, to the extent relevant, consumer representatives that request the code administrator's assistance in relation to the MRA including, but not limited to, assistance with:
 - drafting a modification proposal;
 - understanding the operation of the MRA;

- their involvement in, and representation during, the modification procedure processes (including but not limited to code panel and/or workgroup meetings);
- accessing information relating to modification proposals and/or modifications.

23.8 Eligible grounds for appeal under the provisions referred to in sub-paragraph 23.5(d) shall be that, in the opinion of the Authority:

(a) (i) the appealing party is likely to be unfairly prejudiced by the implementation or non-implementation of that modification proposal; or

(ii) the appeal is on the grounds that:

1. in the case of implementation, the modification proposal may not better facilitate the achievement of at least one of the Applicable MRA Objectives; or
2. in the case of non-implementation, the modification may better facilitate the achievement of at least one of the Applicable MRA Objectives; and

(b) the appeal is not brought for reasons that are trivial or vexatious, nor does the appeal have no reasonable prospect of success.

23.9 The procedures for the modification of the MRA must provide that recommendations or decisions for or against the implementation of a modification proposal shall be made with regard to whether that modification would, as compared with the existing provisions of the MRA, better enable the MRA to achieve the Applicable MRA Objectives.

23.10 The procedures for the modification of the MRA must be consistent with the principles set out in the Code of Practice, to the extent that they are relevant.

23.11. Without prejudice to any rights of approval, veto or direction the Authority may have, the licensee must use its best endeavours to ensure that procedures are in place that facilitate its compliance with the requirements of this condition including, but not limited to, modifying the MRA where necessary no later than ~~31 December 2013~~ 31 March 2017.

Interpretation

23.12 For the purposes of this condition:

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;
- (b) amended subject to the Authority's approval from time to time; and
- (c) re-published from time to time.

Directions means, in the context of sub-paragraph 23.6(a), Direction(s) issued following publication of Significant Code Review conclusions, which will contain:

- (a) instructions to the licensee to make (and not withdraw, without the Authority's prior consent) a modification proposal;

- (b) the timetable for the licensee to comply with the Authority's Direction(s); and
- (c) the Authority's reasons for its Direction(s).

"Significant Code Review" means a review of one or more matters which the Authority considers likely to:

- (a) relate to the MRA (either on its own or in conjunction with any other industry code(s)); and
- (b) be of particular significance in relation to its principal objective and/or general duties (under section 3A of the Act), statutory functions and/or relevant obligations arising under EU law;

and concerning which the Authority has issued a notice to the MRA parties (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

- (a) -commencing either:
 - (i) on the start date of a Significant Code Review as stated by the Authority; or,
 - (ii) on the date the Authority makes a direction under sub-paragraph 23.5(j) (a "backstop direction");
- and
- (b) ending either:
 - (i) on the date on which the Authority issues a statement under sub-paragraph 23.6(b) that no Directions will be issued in relation to the MRA; or
 - (ii) if no statement is made under sub-paragraph 23.6(b) or (bb), on the date on which the licensee has made a modification proposal in accordance with Directions issued by the Authority under sub-paragraph 23.6(a), or the Authority makes a modification proposal under paragraph 23.6(ba); or
 - (iii) immediately under sub-paragraph 23.6(c), if neither a statement, a modification proposal nor Directions are issued-made by the Authority within (and including) twenty-eight (28) days from the Authority's publication of its Significant Code Review conclusions; or
 - (iv) if a statement has been made under paragraph 23.6(bb) or a direction has been made under paragraph 23.5(j) (a "backstop direction"), on the date specified in accordance with paragraph 23.6A.

Small Participant means

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