

Master Registration Agreement  
Executive Committee (MEC)

Your Ref:  
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Dear MEC,

**Authority decision to direct that MRA CP 0257 (Suspension of Suppliers Registration as a result of orders or directions imposed by the Authority) be revised and resubmitted**

On the 3 January 2019 the Master Registration Agreement Development Board (MDB) submitted a Final Change Report (FCR) for MRA CP 0257 to the Authority.

We have decided that we cannot form an opinion on MRA CP 0257 based on the FCR as submitted and that we should therefore send the proposal back to industry for further work.

We have identified the following deficiencies in the FCR:

1. The FCR states that the purpose of the change is to facilitate suspension of supplier registrations where the Authority has issued an order or direction on a supplier preventing the gaining/registering of new customers. Under the current arrangements, suspension can only be applied in the event of payment default.
2. The proposed drafting refers to "orders" and "directions" without defining the terms in Part 1 of the Master Registration Agreement (MRA). However, the circumstances in which an order could be made requiring a supplier to refrain from switching or gaining new customers is not limited to the exercise of our enforcement functions under Part 1 of the Electricity Act 1989. For example, the Authority may issue "enforcement notices" in its capacity as a competent authority under the Security of Network and Information System Regulations 2018 (NIS Regulations) and therefore the Authority believes the wording should be expanded to provide for other pieces of legislation which provides for the Authority to issue a statutory notice and thereby future proof the provision.
3. The proposed provision specifies that suspension remains in place "until further notice" but it is unclear who is responsible for giving such notice.

We therefore direct that additional steps are taken to address these concerns and further consultation if appropriate. A revised FCR should:

1. Ensure the new provision refers to "any statutory notice issued by the Authority, under primary or secondary legislation, that requests a suspension of MPAS registrations until further notice".
2. A definition of statutory notice should be included in section 1 to make it clear that it includes any notice, order or direction issued by the Authority pursuant to any statutory power under primary or secondary legislation.

3. The FCR should make it clear which party is responsible for notifying the administrators that the relevant requirement prohibiting the registrations has been lifted and the process for making such notifications.

After addressing the issues discussed above, and revising the FCR accordingly, MRA CP 0257 should be re-submitted to us for decision as soon as practicable.

Yours faithfully,

**Charles Hargreaves**

**Deputy Director Enforcement**

Signed on behalf of the Authority and authorised for that purpose