

REC Change Management Schedule

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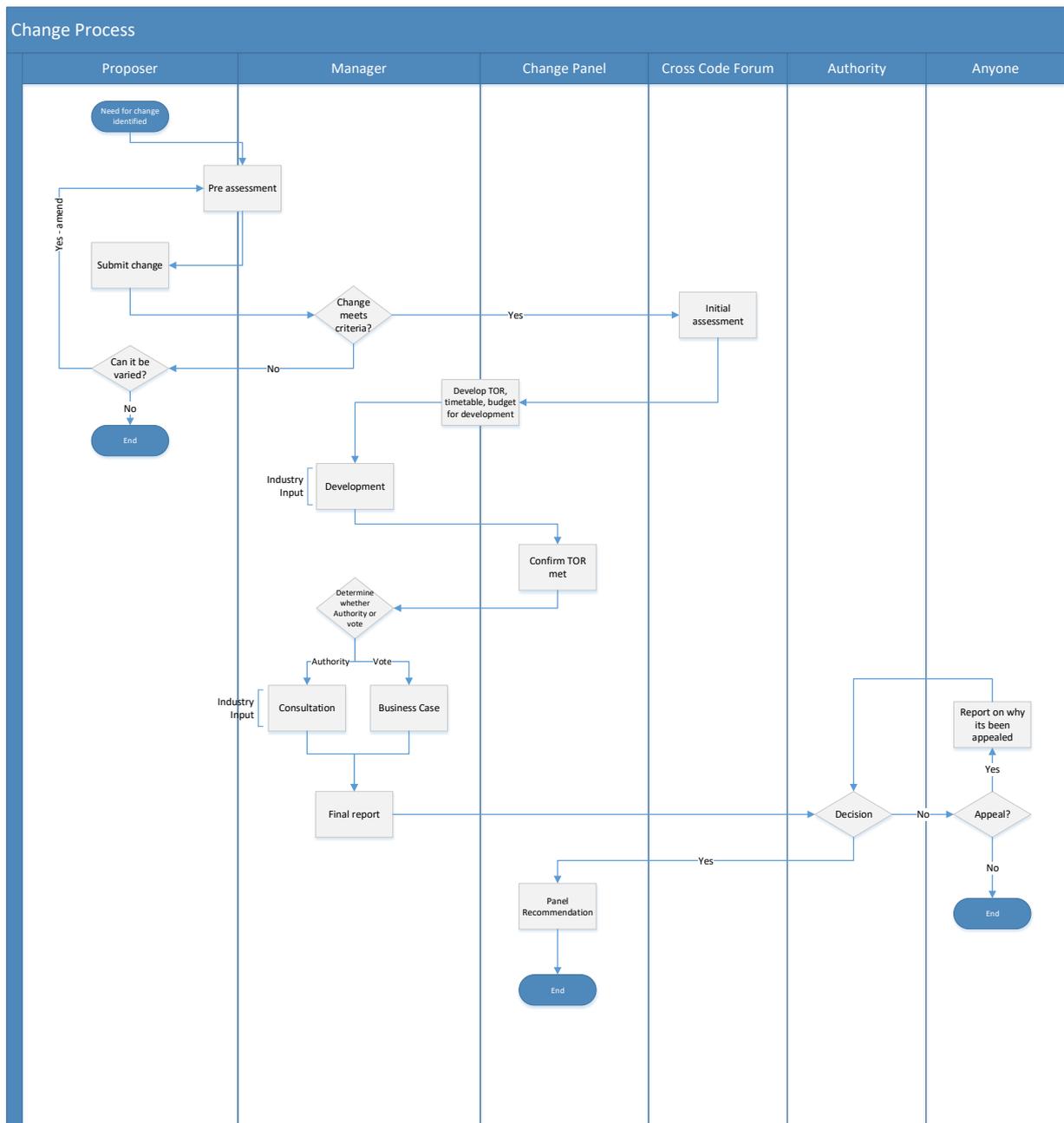
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1 Introduction

- 1.1 This REC Schedule sets out the process for changing this Code. A change to this Code may only be made in accordance with this REC Schedule.
- 1.2 Each change to this Code must commence with a Change Proposal made in accordance with the provisions of this REC Schedule.

2 Process overview

- 2.1 Whilst each Change Proposal will follow a process that is particular to its requirements they are broadly expected to follow the standard process set out below:



3 Preliminary advice and assistance

- 3.1 The Code Manager will offer free of charge advice and assistance to any interested person, consistent with but not limited to the matters set out in the Code Administrators Code of Practice (CACoP), which shall include:
- a) the development of Change Proposals and/or exploration of other possible remedies to address issues that may be brought to its attention;
 - b) the operation and effect of the REC, including these [change rules];
- 3.2 In providing the advice and/or assistance envisaged under Rule 3.1] the Code Manager may call upon the assistance of Relevant Service Providers and [Rule 6] shall apply, notwithstanding that the Change Proposal may not yet have been formally raised and assigned a number.
- 3.3 In providing their preliminary assessment of the Change Proposal, the Code Manager shall reference a Requirements Traceability Matrix [in practice this may be more than one document from each relevant service provider] provided to and maintained by the Code Manager for that purpose.

4 Submitting Change Proposals

- 4.1 Any interested person may submit a Change Proposal (referred to in these rules as a Proposer), regardless of whether or not they are a REC Party.
- 4.2 The Code Manager shall from time to time determine a prescribed form of Change Proposal in accordance with best practice, as may be set out in the Code Administration Code of Practice (CACoP) [and consistent with Rule 4.4]. The Code Manager shall publish the prescribed form on the REC Website.
- 4.3 A Proposer must submit a Change Proposal to the Code Manager using the prescribed form.
- 4.4 Each Change Proposal must contain the following information:
- a) the name of the Proposer;
 - b) the name and contact details of a representative of the Proposer (which may be the Code Manager) who will act as a principal point of contact in relation to the Change Proposal;
 - c) the date on which the Change Proposal is submitted;
 - d) a description in sufficient detail of the nature of the proposed change to this Code and/or its intended purpose and effect;
 - e) a statement as to which parts of this Code the Proposer considers will be impacted by the Change Proposal;
 - f) a statement of whether, in the opinion of the Proposer and/or on advice of the Code Manager, and with reference to the [applicable Change Path criteria] the Change Proposal is initially to be progressed as:
 - i) a self-governance change, together with supporting business case and reasons why the Proposer believes that the change should be made; or,

- ii) an Authority determined change, in which case the rationale for making the change should be outlined in terms of how it would further the REC Objectives;
 - g) a statement of whether the Proposer considers that the Change Proposal should be treated as an Urgent Change Proposal (under Rule 22); and
 - h) the proposed implementation date or such other timetabling information as the Proposer considers to be relevant to any timetabling and/or prioritisation decision that may be taken by the Code Manager.
- 4.5 Except in the case of an Authority Change Proposal or where otherwise directed by the RECCo Board, the Code Manager may [refuse to accept] a Change Proposal if they consider that one of more of the following apply:
- a) the proposal is incomplete or insufficiently clear in respect of the requirements of [rule 4.4] despite all reasonable steps by the Code Manager to assist the Proposer;
 - b) the Change Proposal is not materially different from an active Change Proposal that has not yet been decided upon;
 - c) the Change Proposal concerns matters that are outside the scope of this Code; or
 - d) the Change Proposal has no reasonable prospect of being accepted.
- 4.6 If the Code Manager [refuses to accept] a Change Proposal they will write to the Proposer, copying in the REC Panel, setting out their reasons and whether in their opinion those issues are capable of resolution such that the proposal could be re-submitted.

5 Change Register

- 5.1 Where the Code Manager accepts a Change Proposal as being valid, it shall:
- a) assign the Change a unique reference [number] and update the Change Register established and maintained on the REC Website for the purposes of information interested parties of:
 - i) the details of each proposal as required by [Rule 4.4];
 - ii) the current status of the Change Proposal, including next step(s) and scheduled date(s);
 - b) convene, or wherever possible add the Change Proposal to the scheduled agenda of, a REC Panel.
- 5.2 The Code Manager shall take all reasonable steps to ensure that the Change Register shows all schedule changes to Relevant Service Providers systems, irrespective of whether such changes give effect to or were prompted by the REC.

6 Initial assessment

- 6.1 Where the Code Manager has added a Change Proposal to the agenda of a REC Panel or as the case may be convened a meeting specifically to discuss the Change Proposal, they will submit to the REC Panel an initial assessment of the proposal, setting out whether the Code Manager considers the proposal to be:

- a) sufficiently developed and/or urgent to warrant it being straight to consultation; or
- b) in need of further development.

6.2 In cases where the Code Manager considers that further development is required, they will propose draft Terms of Reference for that development, which will include but not be limited to identifying:

- a) the full extent of potential impacts of the proposal on Relevant Service Providers systems;
- b) the full extent of potential impacts of the proposal on the REC and subsidiary document;
- c) whether there would be consequential impacts upon other industry codes and if so, the relevant code bodies opinion of the extent of those impacts;
- d) which Parties and other interested persons may be directly impacted by the change proposal and should therefore form part of the targeted consultees;
- e) whether the change proposal is related to an active SCR or other external policy initiative;
- f) whether the change proposal is related to any other active change proposals, whether in development or awaiting implementation;
- g) as far as practicable the expected costs, particularly with respect to changes to the systems of Relevant Systems Providers, of implementing the change proposal;
- h) the expected benefits to industry parties and/or as the case may be, consumers, of implementing the Change Proposal;
- i) possible implementation dates for the change proposal and the impacts in terms of costs and benefits of each; and,
- j) a list of key assumptions to be confirmed or tested as part of the development and assessment process.

6.3 The draft Terms of Reference will be shared with the proposer and posted on the REC website in advance of discussion at the REC Panel, which the proposer shall be entitled to attend.

6.4 The Code Manager will collate any comments on the draft Terms of Reference and make these known to the REC Panel in advance of it being asked to agree them.

6.5 The Terms of Reference for the development of the change proposal in effect each form the goals of a [project initiation document]. In addition to the goals for development of the Change Proposal itself, the Code Manager will also inform the REC Panel:

- a) the proposed timetable for development and assessment of the Change Proposal, which;
 - i) in the case of Authority Change Proposals and Urgent Change Proposals shall be consistent with any relevant timetable agreed with the REC Panel and/or issued by the Authority;

- ii) provides a deadline for the submission of any alternative Change; and
 - ii) summarises the priority the Code Manager has applied to the Change Proposal relative to other workload (if the proposed time table has been determined or constrained by existing workload);
 - b) whether it anticipates the use of external support, whether from the SMEs or otherwise (and who);
 - c) how the project will be organised, including primary point of contact;
 - d) a stakeholder engagement plan, including scheduled formal consultation; and
 - e) risks and issues.
- 6.6 Subject to agreement of the Code Manager, such agreement not to be unreasonably withheld, the REC Panel may vary any aspect of the Terms of Reference or initiation document.
- 6.7 Once the Terms of Reference and [initial document] are agreed, the Code Manager will publish the details on the REC website.
- 6.8 The Code Manager will also submit a report to [the RECCo Board/Account Manager] setting out the forecast budget for the development and assessment of the Change Proposal.

7 Development

- 7.1 The Code Manager shall take all reasonable steps to fulfil the Terms of Reference for development and assessment of the Change Proposal, and in accordance with the [initiation document, timetable and budget].
- 7.2 The Code Manager may at any time and at their own discretion call upon the support of legal and technical advisors and Subject Matter Experts, drawn from a panel of individuals and companies contracted to the RECCo and available on a call-off basis for that purpose.
- 7.3 The Code Manager may also convene industry meetings where it considers they would be of assistance in fulfilling its Terms of References. These meetings should as far as practicable be via webinar or other form of remote meeting.
- 7.4 The Code Manager will also be expected to make documents including but not limited to its draft REC Panel reports to be made available for comment by interested parties and/or informally consult upon specific matters throughout the development of the Change Proposal, ensuring that:
- a) each submission is acknowledged and where possible receives a substantive response;
 - b) a summary of such comments and responses is provided as part of its reporting to the REC Panel; and
 - c) a record of such comments is maintained [and to the extent appropriate made available on the REC website/to other interested parties].

7.5 The Proposer will continue to own the Proposal, being consulted on any changes suggested by the Code Manager, Subject Matter Experts or industry parties in order to improve the Change Proposal, while continuing to fulfil the Proposer’s intent.

7.6 Where the Proposer does not wish to vary their Proposal and the Code Manager remains of the view that an alternative solution would:

- a) better address the issue that prompted the original Change Proposal; and/or,
- b) could achieve similar effect at a reduced costs and/or implementation timescale,

the Code Manager shall raise such an alternative proposal and include it within the preliminary Change Report.

8 Preliminary Change Report

8.1 Once the Code Manager is satisfied that the Terms of Reference have been fulfilled, it will prepare a Preliminary Change Report to be submitted to the REC Panel, which shall set out:

- a) a description and analysis of the Change Proposal and the extent to which it has been varied as part of the development process;
- b) the proposed text (including where necessary, ‘legal’ text) to change this Code in order to give effect to the Change Proposal;
- c) the proposed implementation date(s) for the Change Proposal;
- d) the Code Manager’s recommendation of whether the Change Proposal should be subject to self-governance or an Authority decision;
- e) the justification for making the change, being:
 - i) in the case of Self-Governance changes, the business case; or
 - ii) for Authority decisions, an assessment if whether and to what extent the change would further the REC objectives;
- e) where applicable, the Relevant Service Providers assessment of the impact of the change required to their systems, including forecast cost and testing requirements;
- f) where applicable, a summary of any preliminary consultation undertaken and/or comments submitted as part of the development of the Change Proposal; and,
- g) the Code Manager’s opinion on:
 - i) the extent to which the Terms of Reference have been fulfilled; and,
 - ii) whether and to what extent the issue original identified by the Proposer could be better addressed if further work on an alternative Change Proposal is undertaken, requiring an extension to the original timetable.
- h) the plan for consultation, including:
 - i) the length of any consultation period, having specific regard to the preferred implementation date(s) and/or other scheduled consultations;

- ii) any specific interest groups to be proactively contacted and briefed other than through the standard publication; or
- iii) if applicable, why the Code Manager considers that a formal consultation would be unnecessary and/or disproportionate;
- i) the composition of the REC Panel [pursuant to Rule X] for any subsequent vote to recommend or, as the case may be, decide upon the Change Proposal; and,
- j) a provisional view on whether or not the Change Proposal should be accepted.

9 Consultation

- 9.1 Unless otherwise agreed with the REC Panel under [Rule 8.1], the Code Manager shall issue the draft Change Report for consultation for 15 Business Days in accordance with the CACoP.
- 9.2 A Change Proposal may proceed to a recommendation or decision without a period of formal consultation will be limited to those circumstances where the Code Manager and REC Panel agree that the Change Proposal:
- a) corrects a minor and patently clear error in the REC and/or subsidiary documents;
 - b) constitutes a non-material change to the REC and/or subsidiary documents;
 - c) brings the REC and/or subsidiary documents into line with applicable regulations or code obligations elsewhere; and/or,
 - d) such regulations or code obligations have already been the subject of substantive consultation and decided upon by the Authority or any other competent authority, [with the consequential impacts upon the REC having been foreseen].
- 9.3 The consultation will focus on whether the recipient supports the business case or as the case may be assessment against the REC objectives and therefore considers that the change should be implemented.

10 Final Change Report

- 10.1 A revised version of the Change Report for each Change Proposal shall be issued to the REC Panel and published at least [5 Working Days] prior to the Change Voting Date, unless otherwise agreed as part of the timetable determined under [Rule x].
- 10.2 In addition to the content of the Preliminary Change Report, the version issued to the REC Panel at this stage will include:
- a) a list of respondents to the consultation;
 - b) a summary of responses to the consultation, drawing particular attention to whether or not they support the provision view to accept the Change Proposal and reasons;
 - c) any minor variations that the Code Manager has made to the Change Proposal, content carried over from the preliminary Change Report and/or accompanying legal text to address factual inaccuracies or points of clarity raised in responses;

- d) confirmation, having considered respondents views, of the Code Managers view on the appropriate Change Path;
- e) the Code Manager recommendation to the REC Panel and/or as the case may be the Authority on whether the Change Proposal should be accepted

11 Change Path criteria

- 11.1 Each Change Proposal will follow one of two change paths (referred to as a Change Path) depending upon the nature and impact of the change proposed, being either:
- a) a Self-Governance Change; or,
 - b) requiring Authority approval;
- 11.2 Change Proposals which satisfy one or more of the following criteria require Authority approval:
- a) the changes are likely to have a material impact on existing or future Energy Consumers;
 - b) the changes are likely to have a material impact on competition in the supply of gas or electricity in Great Britain;
 - c) the changes are likely to discriminate in their effects between one Party (or class of Parties) and another Party (or class of Parties);
 - d) the Change Proposal has been raised by the Authority or as a result of a direction by the Authority or any other body empowered to do so.
- 11.3 Whereas the Code Manager is expected to make a determination with respect to the appropriate Change Path following its initial assessment, this may be revisited either at their discretion or upon application of any person at any point in the process.
- 11.4 The Code Manager may seek an informal view from the Authority regarding the most appropriate Change Path.

12 REC Panel vote

- 12.1 The Code Manager shall ensure that each Change Proposal is tabled for a vote at a scheduled REC Panel in accordance with the timetable established under [Rule 4] subject to:
- a) the REC Panel agreeing to meet on an ad-hoc basis where the timetable associated with an urgent Change Proposal requires it; and
 - b) the Code Manager informing the REC Panel of any delays or necessary variations to the timetable that may arise during the course of the Change Proposal development.
- 12.2 Prior to taking a vote, each REC Panel may ask any relevant question of the Code Manager to help inform their view, with such questions and answers forming part of the record of the meeting.
- 12.3 Each relevant REC Panel Member attending the REC Panel meeting may cast a vote on the basis of their judgment, made in good faith, as to whether or not they consider that:
- a) in the case of Self-Governance Changes, the business case for approving the Change has been made; or

- b) in the case of Authority-Approved Changes, approving the Change Proposal better facilitates the REC Objectives than the prevailing Code.

12.4 Each REC Panel Member which casts a vote on a Change Proposal will be asked to give brief reasons for their vote, to the extent that these differ from those set out in the Change Report they will form part of the record of the meeting.

12.5 The vote of the REC Panel will be carried by simple majority.

13 Effect of a REC Panel Vote

13.1 Within 2 Working Days following the Change Voting Date, the Code Manager shall:

- a) notify all Parties and other interested persons including but not limited to respondents to the consultation of the outcome of the vote, together with a summary analysis of the reasons given;
- b) publish a final version of the Change Report; and
- c) update the Change Register accordingly.

13.2 The effect of the vote under [Rule X] in respect of each Change Proposal shall be:

- a) in the case of Self-Governance Changes, the approval or rejection of the Change Proposal (subject to [Rule X]: Appeal of Self-Governance Changes); or
- b) in the case of Authority-Approved Changes, a recommendation to the Authority that the Change Proposal be approved or rejected.

13.3 of an Authority-Approved Change, the Authority may issue a direction to the Code Manager specifying any additional steps that the Authority requires in order to form such an opinion (including drafting or amending the proposed legal text, revising the proposed implementation timetable, and/or revising or providing additional analysis and/or information).

13.4 Where the Authority issues a direction to the Code Manager pursuant to this [Rule X]:

- a) the vote under [Rule X] (Change Proposal Vote) shall be null and void;
- b) the Code Manager shall revise its assessment of the Change Proposal and submit to the REC Panel revised Terms of Reference which address the particular points raised by the Authority, together with a revised timetable;
- c) the Change Proposal will follow the standard process from Rule 4 onwards;
- d) the Code Manager shall update the Change Register to record the revised status of the Change Proposal as appropriate.

14 Service Provider Impact Assessments

14.1 Where requested by the Code Manager as part of its preliminary assessment, the relevant Service Provider(s) shall confirm [within 5 working days of the request] whether in their view the change proposal would have an impact upon their systems;

14.2 Where a potential impact has been identified and the Code Manager requests further assessment in accordance with its Terms of Reference, the relevant Service Provider(s) shall:

- a) within 15 working days of a request unless otherwise agreed with the Code Manager, provide (free of charge) a preliminary assessment of the scope, cost and likely timescales for changes to its (service) which would arise as a result of the Change Proposal being approved, together with confirmation of the cost and timescales of providing a detailed impact assessment, or relevant analysis; or
 - b) within 40 working days or in accordance with a timetable and price quote to be agreed with the Code Manager provide a detailed impact assessment and/or relevant analysis on the scope, cost and timescales for changes to its (service) which would arise as a result of the Change Proposal in its current form being approved.
- 14.3 The cost of producing the detailed impact assessment shall be invoiced by the service provider to the RECCo upon acceptance by the Code Manager of that impact assessment as being completed to an appropriate standard and in accordance with the agreed timetable and quote. 14.4 The performance of the relevant Service Provider(s) under this Rule shall be subject to Performance Standards overseen by the PAB:
- 14.5 Where any delay in the provision of a view, preliminary assessment or detailed impact would have a consequential impact upon the fulfilment of the Change Proposal timetable, the Code Manager will inform that REC Panel of the delay and propose a revised timetable.
- 14.6 Where one or more relevant Service Provider(s) inform the Code Manager that they are unable to provide a view, preliminary assessment or detailed impact assessment within the usual timescale and an alternative timetable cannot be agreed with the Code Manager and/or REC Panel, the Code Manager may procure an independent assessment.
- 14.7 The relevant Service Provider(s) will cooperate with any person appointed by the Code Manager to undertake such an assessment and be expected to contribute to the costs, whether directly or indirectly via any liability payment pursuant to [Rule 12.4].

15 Cross Code Interactions

- 15.1 A Cross Code Steering Group shall be established to manage the interaction between this Code and other industry codes.
- 15.2 The [relevant Panels] shall determine the terms of reference for the Cross Code Steering Group, which will include:
- a) Constituency of the group, including details of the organisations required to participate;
 - b) high level details of the provisions that will be considered by the Cross Code Steering Group e.g. Data Item definitions and access control;
 - c) the process for determining which code manager shall lead the impact assessment, where required;
- 15.3 Where a potential change is referred to the Cross Code Steering Group as part of the Pre-Assessment Process the steering group shall provide a view on whether a change would impact their industry code.

- 15.4 Where a Change Proposal is referred to the Cross Code Steering Group the steering group shall determine whether an impact assessment is required to obtain views from Market Participants who are party to other industry codes.
- 15.5 Where impact assessments are required under multiple industry codes the Cross Code Steering Group shall determine whether the Code Manager or equivalent person for another industry code shall lead on the administration of the impact assessment, ensuring a single unified process whereby Market Participants who are party to multiple codes will only need to respond to one impact assessment request.
- 15.6 Members of the Cross Code Steering Group shall be responsible for representing the views of their stakeholders expressed through the impact assessment.

16 Withdrawal Process

- 16.1 The Proposer may withdraw support for a Change Proposal on notice to the Code Manager at any time.
- 16.2 As soon as is reasonably practicable after receiving such notice, the Code Manager shall notify the Parties that the Proposer has withdrawn support for the Change Proposal and shall update the Change Register accordingly.
- 16.3 Where, within 10 Working Days of the Code Manager issuing a withdrawal notice, the Code Manager receives notice from any person who would have been entitled in accordance with [Paragraph 4] to have raised the Change Proposal that is subject to the withdrawal notice that they are prepared to adopt that Change Proposal, that person shall become the Proposer for the Change Proposal.
- 16.4 Where the Code Manager does not receive a notice from a person wishing to adopt the Change Proposal and does not elect to adopt the Change Proposal itself, the Change Proposal shall be withdrawn and shall not be progressed.

17 Alternative Change Proposals

- 17.1 Any person may raise an alternative proposal, subject to that alternative Proposal being in its own right a valid proposal under [Rule 4];
- 17.2 Alternative Change Proposals may be raised at any stage prior to the deadline set out as part of the timetable under [Rule 4], after which date they may be rejected by the Code Manager.
- 17.3 Subject to [Rules 15.4 and 15.5], each Alternative Change Proposal shall be subject to the same process as any other Change Proposal (and, except where the context otherwise requires, references in this Code to Change Proposals shall be deemed to include reference to its Alternative Change Proposal(s)).
- 17.4 There is no restriction on the number of Alternative Change Proposals that can be raised in relation to a Change Proposal, however the Code Manager may:
- a) reject Alternative Change Proposals that are not substantively different from the related Change Proposal or other related Alternative Change Proposals; and,
 - b) require any proposal put forward as being an Alternative Change Proposal that is capable of being implemented alongside or subsequent to the original Change

Proposal to be submitted as a separate proposal and subject to its own assessment and development timetable.

- 17.5 Consultation and/or Voting on the original Change Proposal and its Alternative Change Proposals shall be carried out at the same time, [and votes shall be cast on the basis of an order of preference in accordance with a preferential voting scheme determined by the Code Manager.
- 17.6 For the purpose of such votes, the mechanism set out in Paragraph 15 (Change Proposal Vote) shall apply subject to such modifications as are necessary to give effect to such preferential voting scheme].

18 Significant Code Reviews

- 18.1 Where the Authority launches an SCR, the scope of which may include matters dealt with in this Code:
- a) the Code Manager shall notify and seek a view from the Authority on whether any Change Proposal on which there has not yet been a REC Panel vote may fall within scope of the SCR, and if it does whether or not that proposal should proceed;
 - b) as part of its initial assessment of any Change Proposal raised after the SCR launch, the Code Manager will determine whether the Change Proposal falls within scope of the SCR and may seek a view from the Authority on whether it should proceed;
 - c) the Authority may direct the Code Manager to suspend any Change Proposal that it considers falls within the scope of the SCR, pending publication of its conclusions on that SCR;
 - d) the Code Manager and/or the Authority may reconsider its views on the relevance of a Change Proposal to the SCR at any stage;
 - e) where the Authority directs the Code Manager to cease the suspension of a Change Proposal, the Code Manager:
 - i) shall assess whether that change remains a valid Change Proposal under [Rule 4] and may reject or invite the Proposal to withdraw that Change Proposal as appropriate;
 - ii) shall assess whether any applicable Terms of Reference for the development of the Change Proposal should be varied in light of the SCR and re-submit them to the REC Panel; and
 - iii) may seek a view from the Authority on whether in its opinion the Terms of Reference, including but not limited to the timetable, should be varied to complement any conclusions and/or likely [direction of travel] of the SCR;
 - f) any suspended Change Proposals shall cease to be suspended upon the publication of the Authority's conclusions on the SCR, at which point they will be treated as if Rule [X e)] applied.

19 Reserved Matters

- 19.1 In addition to any requirement under [Rule 14: Change Proposal Vote], any proposed change to the following Schedules will be subject to a vote of the RECCo board:
- a) Schedule 4: Company Governance;
 - b) Schedule [X: Code Manager Specification];

c) Schedule [X: Performance Assurance].

- 19.2 Changes to these Schedules will not be made unless the RECCo board agrees, such agreement not to be unreasonably withheld.
- 19.3 The RECCo Board’s assessment of the impact of any change proposed to the Schedules listed in this [Rule/20.1] will be undertaken and if appropriate shared with the Code Manager for inclusion in a Change Report, as if the RECCo Board was a relevant Service Provider for the purpose of this Rule.
- 19.4 In the event that any change proposed to the Schedules listed in this [Rule/20.1] is accepted, the RECCo board shall give effect to that change through any associated Service Provider contract or as the case may be, its prevailing Articles of Association, as lodged with Companies House.
- 19.5 In the event that the outcome of proposed change to any of the Schedules listed in this [Rule/ 20.1 (a) is appealed to the Authority under [Rule 16]: Appeal of Self-Governance Changes, the decision of the Authority will be binding.
- 19.6 Notwithstanding any other provision of this Code, no material change to any of the matters dealt with in any of the provisions listed in Annex A to this Schedule may take effect until the written consent of the Authority has been obtained.

20 Scheduled Release Dates

- 20.1 The REC Manager shall establish release dates for the changes to the REC. These release dates will correspond with, but not necessary be limited to the scheduled release dates of revisions to the CSS and/or Relevant Service Providers systems;
- 20.2 Changes to the REC which do not impact upon IT systems may be made where this is beneficial to Parties, for instance to coincide with the beginning of the financial year or a deadline imposed by regulations;
- 20.3 Urgent proposals may be given effect outside of the scheduled release dates if there is a strong argument why they cannot await the next scheduled release.

21 Appeals

- 21.1 Any person may appeal the outcome of a vote under [Rule X]: (REC Panel Vote) in respect of a Self-Governance decision, within 10 Working Days of notice of the decision being given under [Rule 13].
- 21.2 Appeals against Self-Governance decisions will be to the Code Manager in the first instance.
- 21.3 The Code Manager will prepare a revised Change Report for submission to the Authority, which contain:
- a) an assessment of the Change Proposal against the REC Objectives and such other matters as would have been included in the report had it originally been submitted to the Authority for decision; and
 - b) the grounds for appeal, which will be if not over-turned, the self-governance decision:

- i) will or is likely to prejudice unfairly the interests of that Party, or interested person or a group that they represent; or
- (ii) in the case of a Party will cause that Party to be:
 - a) in breach of this Agreement; or
 - b) in breach of its Licence or other relevant regulation.

21.4 The Authority may:

- a) dismiss the appeal if it is brought for reasons that are trivial or vexatious, do not meet the grounds for appeal under Rule X] or has no reasonable prospect of success;
- b) allow the appeal, in which case it will then:
 - i) determine whether or not to accept the Change Proposal on the same basis as if it had been submitted to it under [Rule X]; or,
 - ii) send the Change Proposal back to the REC Panel under [Rule X] if the Authority considers that it is unable to form an opinion in relation to the approval or rejection of the Change Proposal.

22 Urgent Change Requests

22.1 The Code Manager shall make the initial determination of whether a Change Proposal is to be an Urgent Change Proposal, based on the criteria for urgency published by the Authority from time to time.¹

22.2 The Code Manager's determination of whether a Change Proposal is an Urgent Change Proposal shall be conclusive unless and until any contrary determination is made by:

- a) the REC Panel, at its own volition or following the application of a Change Proposer or the Consumer Representative (but the REC Panel cannot overrule the Authority); or
- b) the Authority, at its own volition or (where the issue has previously been determined by the REC Panel) following the application of a Party or the Consumer Representative.

22.3 Where a Change Proposal is an Urgent Change Proposal, the Authority may, either on the application of a Party or of its own volition:

- a) direct that an alternative timetable applies in place of that set by the Code Manager; or
- b) determine that it is no longer to be treated as an Urgent Change Proposal

23 REC Panel

[the composition of and process of appointment to the REC Panel will be determined once the scope and content of the REC is baselined, and subject to consultation Autumn 2019].

¹ See: https://www.ofgem.gov.uk/system/files/docs/2016/02/urgency_criteria.pdf

Annex A: Matters reserved for Authority decision

Whereas a Change Proposal may ordinarily proceed on the basis of the Code Manager's proposed approach unless/until the Authority gives notice of its view as set out in these Rules, those provisions set out below are considered to be sufficiently important that the process should await our positive consent to proceed and/or default to being an Authority decision.

- Clauses 5 to 9 (inclusive) of the main body of this Code;
- REC Schedule [X]: Change Management/this schedule;