

## **P197 Modification Report Attachment 1B**

### **Alternative Modification Legal Text**

#### **INDEX (version 3)**

*Amend Section J of the Index as follows:*

#### **SECTION J: PARTY AGENTS AND QUALIFICATION UNDER THE CODE**

1. General
2. Qualification~~Accreditation and Certification~~ Requirements
3. Qualification~~Accreditation and Certification~~ Process
4. Appointment and Replacement of Party Agents
5. Party Responsibilities~~Entry Processes and Qualification~~
6. Registration
7. Performance Assurance and Qualified Persons~~Party Agents~~

*Amend Annex J:1 of the Index as follows:*

#### **Annex J-1 Qualification~~Accreditation and~~ the Panel and the Performance Assurance Board**

1. Qualification~~Accreditation and~~ the Panel and the Performance Assurance Board

*Amend Annex K:1 of the Index as follows:*

#### **Annex K-1 Master Registration Agreement**

1. MRA BSC Agent
2. Suppliers' Obligations
3. Qualification~~Entry Process~~ Requirements
4. BSC Requirements for the MRA

#### **SECTION B: THE PANEL (version 9)**

*Amend paragraph 3.3.8 as follows:*

- 3.3.8 In relation to any matter falling within the remit of the Performance Assurance Board or the Trading Disputes Committee, no data relating to the affairs of a Party and/or an Qualified~~Accredited~~ Person which might reasonably be considered to be commercially sensitive shall be disclosed save as:

- (a) expressly provided by the Code; or
- (b) necessary to perform the functions and duties of the Performance Assurance Board or the Trading Disputes Committee respectively in accordance with the Code; or
- (c) agreed by that Party or ~~Accredited Person~~ Qualified Person.

**SECTION D: BSC COST RECOVERY AND PARTICIPATION CHARGES** (*version 11*)

*Amend paragraph Annex D:2 SVA Costs by amending sub-paragraph 2(f) and 2(i), as follows:*

2 Subject to paragraph 3, SVA Costs shall include the following amounts and costs payable or incurred by BSCCo or any of its Subsidiaries:

- (f) amounts payable to BSCCo the aAgent, (if any), so far as relating to the QualificationCertification of the Agency Systems of Supplier Agents;
- (i) the costs of implementing, conducting and administering the Qualification Entry Processes relating to Suppliers and Supplier Agents;

*Amend paragraph 6.5(b) of Annex D:3 Specified BSC Charges as follows:*

6.5 In addition to the charges to be made pursuant to the foregoing provisions of this Annex D-3:

- (b) fees in respect of QualificationCertification (or re-Qualification) will be charged in accordance with the Menu of QualificationCertification Fees;

**SECTION E: BSC AGENTS** (*version 3*)

*Amend paragraph 1.2.3 as follows:*

1.2.3 The same person may be appointed to act as BSC Auditor and as BSCCo's Certification-aAgent (if any) in relation to the Qualification Process (or any part thereof), but subject thereto the person appointed as BSC Auditor and the person appointed as Certification-BSCCo's aAgent in relation to the Qualification Process (or any part thereof) shall not be appointed in the capacity of any other BSC Agent.

*Amend paragraph 1.2.5 as follows:*

1.2.5 The services which are the subject of each BSC Service Descriptions, and the name by which the BSC Agent for each BSC Service Description is known in the Code, are set out below:

BSC Service Description	BSC Agent	Abbreviation
Settlement Administration	Settlement Administration Agent	SAA
Funds Administration	Funds Administration Agent	FAA
Balancing Mechanism Reporting	Balancing Mechanism Reporting Agent	BMRA
Energy Contract Volume Aggregation	Energy Contract Volume Aggregation Agent	ECVAA
Central Data Collection	Central Data Collection Agent	CDCA
Technical Assurance	Technical Assurance Agent	TAA
Central Registration	Central Registration Agent	CRA

BSC Service Description	BSC Agent	Abbreviation
Supplier Volume Allocation	Supplier Volume Allocation Agent	SVAA
Teleswitch Monitoring	Teleswitch Agent	-
BSC Audit	BSC Auditor	-
Profile Administration	Profile Administrator	-
<a href="#">Certification</a>	<a href="#">Certification Agent</a>	-

## **SECTION H: GENERAL** (*version 9*)

*Amend paragraphs 5.3.3 and 5.3.4 as follows:*

- 5.3.3 The BSC Auditor may be appointed to act as [BSCCo's Certification Agent \(if applicable\) in relation to the Qualification Process \(or any part thereof\)](#) for the purposes of the Code but shall not otherwise be appointed to carry out any functions of any other BSC Agent or any Market Index Data Provider.
- 5.3.4 If the BSC Auditor is also appointed to act as [BSCCo's Certification Agent in relation to the Qualification Process \(or any part thereof\)](#), the BSC Auditor shall not be required to comply with the provisions of this paragraph 5.3 in the exercise of its functions and duties as [that a Certification Agent](#).

*Amend paragraph 8.1.4 (b) and 8.1.4 (c) as follows:*

- 8.1.4 If the Authority agrees to determine the matter:
- (b) the Authority may undertake such investigations and require such information and documentation from Parties, Party Applicants, Party Agents, BSC Agents and [QualifiedAccredited](#) Persons as it considers fit for the purposes of determining the matter provided a Party shall not be compelled to produce any document or provide any information which it could not be compelled to produce or provide in evidence in any civil proceedings in any court in England or Wales;
  - (c) the decision of the Authority shall be final and binding on the Parties, Party Applicants, Party Agents, BSC Agents and [QualifiedAccredited](#) Persons.

## **SECTION J: PARTY AGENTS** (*version 8*)

*Amend the title to the Section as follows:*

### **SECTION J: PARTY AGENTS [AND QUALIFICATION UNDER THE CODE](#)**

*Amend paragraph 1.1.1 as follows:*

- 1.1.1 This Section J sets out or refers to:
- (a) the types of obligations and activities under the Code which Parties are obliged to perform through the use of Party Agents;
  - (b) the duties of Parties to ensure that Party Agent functions are discharged in accordance with relevant performance levels;

- (c) the ~~Qualification Accreditation~~ Requirements ~~and the Certification Requirements~~ which must be met and the Qualification Process which must be completed by certain Parties and Party Agents under the Code by certain Party Agents which a Party intends to use; and
- (d) ~~the Entry Processes which Parties and Party Agents must complete;~~
- ~~(e)~~ the obligation of Parties to register relevant Party Agents in CMRS or SMRS (as the case may be).

*Amend paragraph 1.2.4 as follows:*

1.2.4 In satisfying the requirements of paragraphs 1.2.1 and 1.2.3, a Party may, instead of appointing another person (whether another Party or a third party) to fulfil the role of a Party Agent, discharge the relevant function or functions itself provided it is and remains ~~Accredited~~ Qualified to perform such role (where applicable) and, in that event:

- (a) references to Party Agent, Meter Operator Agent, Data Collector, Half Hourly Data Collector, Non Half Hourly Data Collector, Data Aggregator Half Hourly Data Aggregator, Non Half Hourly Data ~~Aggregator~~ Aggregator, Meter Administrator, Energy Contract Volume Notification Agent and Metered Volume Reallocation Notification Agent (as the case may be) shall be construed as a reference to such Party (acting in its capacity as such Agent); and
- (b) the provisions of the Code shall apply and be interpreted on the basis that such Party shall itself perform the obligations in respect of which it would otherwise be required to ensure compliance by another person.

*Amend paragraph 1.3.1 as follows:*

### **1.3 Other Agents under the Code**

1.3.1 In addition to the functions to be carried out by the Party Agents referred to in paragraph 1.2 or by the BSC Agents referred to in Section E, the Code requires certain functions to be carried out:

- (a) in respect of its Distribution System(s) and Associated Distribution System(s), by the Supplier Meter Registration Agent responsible for such Distribution System(s);
- (b) in respect of its Distribution System(s) and Associated Distribution System(s), by a Licensed Distribution System Operator when acting in its capacity as an Unmetered Supplies Operator; and
- (c) by a Data Transfer Service Provider.

*Insert new paragraph 1.3.4 after paragraph 1.3.3 as follows:*

1.3.4 The functions of a Licensed Distribution System Operator when acting in its capacity as an Unmetered Supplies Operator are set out in Section S8.2.

*Amend paragraph 1.4.2 and 1.4.3 as follows:*

#### **1.4 Establishment and functions of the Performance Assurance Board**

1.4.2 The functions, duties and responsibilities of the Performance Assurance Board shall be:

- (a) the conduct and administration of (including the making of determinations underin relation to) ~~the SMRS Entry Process and the Supplier Entry Process in accordance with the Code and BSCP 511 and BSCP 512 respectively;~~
- ~~(b) the Certification (and removal of Qualification Certification) of each of the Agency Systems of, and the Accreditation (and removal of Accreditation) of, those Accredited Persons referred to in 1.2.2, in accordance with paragraph 3 and BSCP 531, the conduct and administration of the Certification Process and the Accreditation Process and such other functions, duties and responsibilities as are accorded to it pursuant to this Section J or that BSC Procedure;~~
- ~~(be)~~ the determination of whether a Supplier has failed to comply with any of the Serials and of the associated charges payable in accordance with Annex S-1 and such other functions, duties and responsibilities as are accorded to it pursuant to that Annex;
- ~~(cd)~~ the conduct and administration of (including the making of determinations under) the performance assurance standards and tests set out or referred to in BSCP 533 and BSCP 534, including the conduct and administration of, and publication of the results of, any peer group comparison associated with any such performance assurance standards and tests;
- ~~(de)~~ the carrying out of those functions, duties and responsibilities accorded to it in BSCP 27 and BSCP 535 together with such monitoring and technical assurance functions, duties and responsibilities referred to in Section L as are assigned to it by the Panel from time to time; and
- ~~(ef)~~ such other functions, duties and responsibilities as may be accorded to it from time to time under or pursuant to the Code.

1.4.3 The proceedings of the Performance Assurance Board shall be conducted in accordance with the provisions of Annex B-1, as modified (in the case of its removal of Qualification Accreditation and Certification functions) by Annex J-1.

*Amend paragraph 2 as follows:*

## **2. QUALIFICATION ACCREDITATION AND CERTIFICATION REQUIREMENTS**

### **2.1 Application**

2.1.1 For those Party Agents referred to in paragraph 2.1.2, a Party shall only appoint and use persons who are Qualified Accredited and whose Agency Systems are Certified (in respect of the functions to be carried out by that Party Agent) and each Party shall ensure that its Party Agents comply in full with the relevant Qualification Accreditation Requirements and Certification Requirements and Qualification Process.

2.1.2 The following ~~Party Agents~~ persons shall be subject to the ~~Qualification Accreditation Requirements and the Certification Requirements~~ of this Section J applicable to that type of ~~person~~ Party Agent or to the functions of that type of ~~person~~ Party Agent to be carried out by that Party Agent:

- (a) Meter Operator Agents;
- (b) Data Collectors;
- (c) Data Aggregators; ~~and~~
- (~~d~~e) Meter Administrators;~~:-~~
- (e) Suppliers;
- (f) Licensed Distribution System Operators when acting in their capacity as Unmetered Supplies Operators; and
- (g) Supplier Meter Registration Agents.

2.1.3 Each Supplier and each ~~A~~person carrying out any of the functions referred to in paragraphs 1.2.2, 1.3.2 and 1.3.4 is required to be Qualified in accordance with this Section J (and in the case of Suppliers and Meter Operator Agents who are responsible for CVA Metering Equipment they are also required to comply with the testing requirements set out in Section O) before it carries out any of its functions, duties, activities or responsibilities under the Code or any relevant BSCP Accredited and its Agency Systems to be Certified.

*Insert new paragraph 2.1A as follows:*

## **2.1A Transitional Arrangements**

2.1A.1 Each Supplier who is already a Party to the Code and has completed the Supplier Entry Process, and each person who has been Accredited and has had their Agency Systems Certified or has completed the SMRS Entry Process, and those persons carrying out those functions referred to in paragraph 1.3.4 pursuant to the Code at the time of the Implementation Date of the Approved Modification that first introduced this paragraph 2.1A.1 ("the relevant Implementation Date") shall automatically be deemed to be Qualified in accordance with this Section J. Such Qualification shall be subject to any relevant conditions applying pursuant to the Code at the relevant Implementation Date.

2.1A.2 Any Party or Party Agent who prior to the relevant Implementation Date has commenced the Accreditation Process, Certification Process, SMRS Entry Process or Supplier Entry Process pursuant to the provisions of the Code or any relevant BSCP which applied prior to the relevant Implementation Date ("the processes") may elect either to remain subject to the processes or to apply for Qualification, provided that if such Party or Party Agent elects to remain subject to the processes and fails to obtain Accreditation or have their Agency Systems Certified or to complete the processes within nine months of the relevant Implementation Date, such Party or Party Agent shall no longer be subject to the processes and shall be obliged to apply for Qualification.

2.1A.3 Any Party or Party Agent who pursuant to paragraph 2.1A.2 elects to remain subject to the processes and subsequently completes the SMRS Entry Process, Supplier Entry Process or is Accredited and their Agency Systems Certified within

nine months of the relevant Implementation Date shall automatically be deemed to be Qualified in accordance with this Section J. Such Qualification shall be subject to any relevant conditions applying to such Accreditation, Certification or in relation to the completion of the SMRS Entry Process or Supplier Entry Process.

2.1A.4 For the purposes of paragraph 2.1A, the terms Accreditation Process, Certification Process, SMRS Entry Process, Supplier Entry Process, Accredited, Accreditation, Agency Systems, Certified and Certification shall have the same meanings and applications as those terms or processes had prior to the relevant Implementation Date and shall be enforceable as such. In addition any terms referred to in those terms or processes shall also have the same meanings and applications as such terms had prior to the relevant Implementation Date and shall also be enforceable as such.

## **2.2 Establishment of Requirements**

2.2.1 The Qualification Accreditation Requirements ~~and the Certification Requirements~~ provide criteria for assessing:

- (a) the ability of persons to discharge the functions in respect of which they are or wish to be appointed under the Code~~is Section J~~; ~~and~~
- (b) the ability of Suppliers to perform their activities and obligations under the Code; ~~and~~
- (c) the ability of systems and processes used by such persons to support such functions, activities and obligations.

2.2.2 The Qualification Accreditation Requirements ~~and the Certification Requirements in relation to each type of Party Agent and to each of those persons other agents~~ referred to in paragraph 2.1.21-3 shall be established by the Panel and recorded in this Section J and BSC Procedures, as modified from time to time in accordance with Section F3.

## **2.3 Reliance on Qualification Accreditation and Certification**

2.3.1 Each Party shall be required to satisfy itself as to the financial condition and prospects and the management and operational ability of any Qualified Accredited Person which it intends to appoint as its Party Agent (or as the person carrying out the functions referred to in paragraph 1.3.2 and 1.3.4) and shall not rely on the fact of Qualification Accreditation (or the lack of Qualification Accreditation) as, or infer therefrom, any representation, warranty or other statement or indication on the part of the Panel, any Panel Committee or BSCCo~~the Performance Assurance Board, the Performance Assurance Administrator or the Certification Agent~~ that the Qualified Accredited Person has any or any particular financial condition or prospects or level of management or operational ability.

## **2.4 Additional functions**

2.4.1 Where an person Party Agent is to carry out those functions referred to in paragraphs 1.2.2, 1.3.2 and 1.3.4 in respect of which it is not Qualified Accredited and/or its Agency Systems are not Certified, the Party responsible for that person (if applicable) Party Agent shall ensure that such person Party Agent is Qualified Accredited and its Agency Systems are Certified in respect of those functions before such person Party Agent starts to carry out those functions.

2.4.2 Without prejudice to the generality of paragraph 2.4.1:

- (a) a ~~Qualifiedn Accredited~~ Data Aggregator which is to start aggregating energy values per Supplier BM Unit in accordance with paragraph 3.6 of Annex S-2; or
- (b) a ~~Qualifiedn Accredited~~ Data Collector or ~~Qualified Accredited~~ Data Aggregator which is to start collecting or aggregating data in the circumstances where paragraphs 3.3.4 and 3.5.5, respectively, of Annex S-2 apply, or
- (c) a ~~Qualifiedn Accredited~~ Data Collector which is to start collecting data in the circumstances where there is a variable supplier as referred to in paragraph 3.5.5 of Annex S-2,

shall be ~~Qualified Accredited and its Agency Systems Certified~~ in respect of those functions before starting to do so.

*Amend paragraph 3 heading as follows:*

### ~~3. ACCREDITATION AND CERTIFICATION QUALIFICATION~~ PROCESS

*Amend paragraph 3.1 as follows:*

#### ~~3. QUALIFICATION ACCREDITATION AND CERTIFICATION PROCESS~~

##### ~~3.1 Panelperformance Assurance Board~~

3.1.1 The ~~Panelperformance Assurance Board~~ shall be responsible, subject to and in accordance with this Section J and BSCP 531, for the Qualification Process relating to those persons referred to in paragraph 2.1.2.:

- ~~(a) — for the Accreditation of those persons:~~
  - ~~(i) — wishing to be appointed or appointed as a Party Agent to which the Accreditation Requirements apply; or~~
  - ~~(ii) — carrying out the functions referred to in paragraph 1.3; and~~
- ~~(b) — for the Certification of the Agency Systems of those persons:~~
  - ~~(i) — wishing to be appointed or appointed as a Party Agent to which the Certification Requirements apply; or~~
  - ~~(ii) — carrying out the functions referred to in paragraph 1.3.~~

3.1.2 The ~~Panelperformance Assurance Board~~ shall notify BSCCo when a person becomes Qualified Accredited and/or its Agency Systems become Certified.

3.1.3 BSCCo shall maintain an up-to-date list of each person who is Qualified Accredited and whose Agency Systems (where applicable) have been Certified and shall make a copy of such list available to any person on request.

3.1.4 For the avoidance of doubt, the Panel may establish or appoint a Panel Committee to discharge its functions under this Section J and BSCP 531 in relation to the Qualification and re-Qualification Process.



Amend paragraph 3.2 by identifying it as NOT USED as follows:

**3.2** ~~NOT USED~~ ~~Certification Agent~~ ~~3.2.1~~ — Where an Applicant's Agency System requires certification by the Certification Agent, the Certification Agent shall:

- ~~(a) — prepare the self-assessment certification returns to be completed by each Applicant and the supporting BSC documentation (including guidance notes) to be used by the Certification Agent in the Certification Process (together, the "Certification Documentation");~~
- ~~(b) — submit the Certification Documentation to the Performance Assurance Board for approval;~~
- ~~(c) — revise (and resubmit to the Performance Assurance Board for approval) the Certification Documentation in accordance with the instructions of the Performance Assurance Board from time to time;~~
- ~~(d) — carry out the Certification Process in accordance with applicable English law, the terms set out in this Section J and BSCP 531 and the approved Certification Documentation;~~
- ~~(e) — exercise the skill, care and diligence in the preparation and revision of Certification Documentation (recognising that the Certification Agent is required to give effect to the instructions of the Performance Assurance Board under paragraph (c)) and in the performance of the Certification Process reasonably to be expected of a firm of accountants of internationally recognised standing (or to such other standard of skill, care and diligence as may be agreed by BSCCo with the Certification Agent from time to time);~~
- ~~(f) — in respect of each application for Certification, deliver an opinion of the Certification Agent addressed to the Performance Assurance Board (for itself and on behalf of all Trading Parties) as to whether the Applicant's Agency System has met the Certification Requirements.~~

~~3.2.2 — Without prejudice to the rights of BSCCo under the relevant BSC Agent Contract, the responsibilities of the Certification Agent pursuant to paragraph 3.2.1 are owed exclusively to Performance Assurance Board for itself and all Trading Parties collectively and to no other person provided that the BSC Auditor shall be entitled to rely on all opinions of the Certification Agent delivered pursuant to paragraph 3.2.1(f).~~

~~3.2.3 — Before commencing the Certification Process with respect to the Agency Systems of any person, the Certification Agent shall execute a confidentiality undertaking in favour of such person in such form as may from time to time be agreed by the Performance Assurance Board with the Certification Agent.~~

Amend paragraph 3.3 as follows;

**3.3** Qualification~~Accreditation Process and Certification~~ **Process**

3.3.1 The Qualification~~Accreditation Process and the Certification~~ Process shall be conducted in accordance with this Section J and BSCP 531.

- 3.3.2 Save where the person which a Party is wishing to or intending to appoint as its Party Agent is already Qualified~~Accredited and its Agency Systems (where applicable) are already Certified~~, each Party shall:
- (a) comply with and ensure that its Party Agents (and any person it appoints to perform the functions referred to in paragraphs 1.3.2 and 1.3.4) comply with the relevant Qualification Accreditation Requirements and the relevant requirements of the Qualification Process ~~and the Certification Process (as applicable)~~ such that the Panel~~Performance Assurance Board~~ can properly determine whether the relevant person~~an Applicant~~ should be Accredited~~and whether its Agency Systems should be Certified~~; Qualified; and
  - (b) if applicable, co-operate with and ensure that its Party Agents (and any person it appoints to perform the functions referred to in paragraphs 1.3.2 and 1.3.4) co-operate with BSCCo, the Panel and/or any Panel Committee ~~the Certification Agent~~ in the execution of their ~~its~~ duties to the Performance Assurance Board.
- 3.3.3 Subject to paragraphs 3.3.4 and 3.3.5, when an Applicant wishes to Qualify under the Code it shall submit the appropriate application to BSCCo. For the avoidance of doubt no such application shall be considered necessary in relation to any testing processes or otherwise that a Supplier or a Meter Operator Agent who is responsible for CVA Metering Equipment is required to complete under Section O.
- 3.3.4 In the case where an Applicant has applied to become a Party to the Framework Agreement (in accordance with Section A2.1) and intends to have the participation capacity of a Supplier and/or a Licensed Distribution System Operator under the Code, then BSCCo shall treat the Applicant's application under Section A2.2.1 as an appropriate application for the purposes of paragraph 3.3.3.
- 3.3.5 In the case where an Applicant has executed the letter agreement referred to in paragraph 3.3.6, then BSCCo shall treat the execution of such letter agreement as an appropriate application for the purposes of paragraph 3.3.3.
- 3.3.6 The Applicant's application to Qualify shall not be accepted or considered until the Applicant has agreed to be bound by and to comply with the Code and has executed, in the case of a Party, the Framework Agreement and, in the case of any other Applicant, a letter agreement in the form and content satisfactory to the Panel.
- 3.3.7 Following receipt of an Applicant's application for Qualification pursuant to paragraph 3.3.3 BSCCo shall:
- (a) meet or communicate with the Applicant to explain the Qualification Process (including but not limited to the requirement for the Applicant to complete and submit a Qualification Document to BSCCo); and
  - (b) provide appropriate guidance and support to the Applicant (if requested) during the course of the progress of the application for Qualification, provided that notwithstanding any such guidance or support, the responsibility for the management, progression and completion of the application for Qualification and for establishing the Applicant's compliance with the Qualification Requirements is that of

the Applicant. The amount of guidance and support provided to the Applicant (if any) shall be at the reasonable discretion of BSCCo or as set out in BSCP 531.

3.3.8 When the Applicant has submitted its Qualification Document (whether as a fully completed document or in stages), BSCCo shall:

- (a) carry out a review and assessment of the Qualification Document (at such level and in such detail as it considers appropriate where the Qualification Document is submitted in stages) and in doing so shall (without limiting the generality of the foregoing) assess any relevant matters including the risk which the Applicant would, if Qualified, pose to Settlement and the operation of the Code and the arrangements described in it; and
- (b) review any evidence and verification of the information contained in the Qualification Document (including any test results) and request any tests or further evidence and/or witness any tests which BSCCo may in its reasonable opinion consider it requires in order to assess some or all of the information provided in the Qualification Document.

3.3.9 Where the Applicant is also required to undertake the Entry Assessment under the MRA (as defined in the MRA):

- (a) BSCCo may, if it considers appropriate, notify the relevant body in relation to the MRA that an Applicant has applied to become Qualified under the Code; and
- (b) BSCCo may, if it considers it appropriate, co-ordinate or combine the meeting referred to in paragraph 3.3.7 (in whole or in part) or any other meeting relating to the Applicant's application for Qualification with any similar meeting with the equivalent body responsible for explaining or providing guidance to or assessing the Applicant in relation to the Entry Assessment under the MRA; and
- (c) where BSCCo or the Panel have been provided, by or on behalf of the Applicant, with any information, self assessment document, documentation and/or evidence or verification relating thereto (including any test results) which the Applicant has produced for or in relation to its Entry Assessment under the MRA (or for any other relevant industry body), BSCCo or the Panel may when considering:
  - (i) the Qualification Document submitted by the Applicant; or
  - (ii) whether any further information is required, and if so, the nature of such further information; or
  - (iii) whether any evidence or verification (or further evidence or verification) of information contained in the Qualification Document is required including, without limiting the generality of the foregoing, whether any testing or further testing (including systems and communications testing) is required and if so, the nature of such testing or further testing.

take into account such information, self assessment document, documentation and/or evidence or verification relating thereto (including any tests results).

3.3.10 When BSCCo is satisfied that the Applicant has fully completed the Qualification Document and provided all appropriate information, documentation, evidence and verification, BSCCo shall provide the Panel with a report in relation to the Applicant's application for Qualification and make a recommendation to the Panel in relation to the same. The report may include, where appropriate, a recommendation as to whether the Applicant has fully completed the Qualification Document.

3.3.11 BSCCo shall, at the same time as it provides the Panel with its report and recommendation referred to in paragraph 3.3.10, provide a copy of the same to the Applicant.

3.3.12 The Applicant shall be entitled to:

(a) request the Panel to provide advice or clarification or seek endorsement of the plans described in the Qualification Document; and/or

(b) in the circumstances described in BSCP 531, request the Panel to determine its application for Qualification if the Applicant (acting reasonably) considers that it has satisfied the Qualification Requirements and has completed the Qualification Process.

3.3.13 Subject to paragraphs 3.3.6 and 3.3.14, upon receipt of the report and recommendation referred to in paragraph 3.3.10 or the request from the Applicant referred to in paragraph 3.3.12 (b) the Panel, in accordance with the relevant provisions of the Code and BSCP 531, shall make a determination as to whether:

(a) the Applicant's application for Qualification shall be accepted; or

(b) the Applicant's application for Qualification shall be accepted, but shall also determine that the Panel requires certain matters to be complied with or addressed including without limitation a requirement that the Applicant shall undergo a technical assurance check. If the Panel makes such a requirement then the Performance Assurance Board shall ensure that such technical assurance check is completed; or

(c) the Applicant's application for Qualification shall be deferred (including so that the Applicant can provide further information, documentation, evidence, verification and/or testing) until such time as the Applicant can establish that it has satisfactorily completed the Qualification Process and met the Qualification Requirements.

3.3.14 Without limiting the generality of paragraph 3.3.13(b), the Panel may, where it considers that the Applicant has sufficiently completed the Qualification Process and met the Qualification Requirements despite there being matters or requirements of an insignificant or non-material nature which may not have been fully completed or met by the Applicant, accept the Applicant's application for Qualification but shall also determine that the Applicant completes or meets such matters or requirements to the satisfaction of the Panel at a later date with such later date being mutually agreed between the Applicant and the Panel.

3.3.15 The Applicant may attend that part of a meeting convened by the Panel at which the Applicant's application for Qualification is being presented.

~~3.3.3 Notwithstanding paragraph 3.3.1, in reaching its decision as to whether the Agency Systems of an Applicant (or any of them) should be Certified or an Applicant should be Accredited, the Performance Assurance Board shall be required to give effect to any instruction given to it by the Panel (whether of general application to the Certification Process or the Accreditation Process or specific to one or more Agency Systems or Applicants) and to any determination made by the Panel with respect to the Accreditation Requirements or the Certification Requirements.~~

3.3. 416 The Panel shall ensure that copies of the latest version of this Section J and BSCP 531 are made available provided to the Applicants.

3.3. 517 Without limiting the generality of paragraph 3.3.11, t~~The Performance Assurance Board~~Panel shall:

- (a) (unless the Applicant has already been provided with such reports)subject to Annex J-1paragraph 3.8, if applicable, provide each Applicant with, or arrange for each Applicant to be provided with, a copy of all opinions-reports submitted to it by BSCCo in relation to -of the Certification Agent in relation to the Agency System(s) of that-such Applicant's application for Qualification delivered pursuant to paragraph 3.2.1(f)- at the same time as the Performance Assurance BoardPanel notifies such Applicant whether its application for Qualification has been Agency System(s) has-acceptedhas (have) been Certified and/or (as the case may be) such Applicant has been Accredited; and
- (b) be under no obligation to provide an Applicant with, or arrange for it to be provided with, a copy of any such opinion-report at any time before it gives such notification.

3.3. 18 ~~6~~The Panel shall make available to the Authority all information held by the Panel which the Authority reasonably requires for the purposes of making any determination pursuant to paragraph 3.7.

~~3.3.7 —Where an Applicant's Agency System requires certification by the Certification Agent, the Performance Assurance Board shall not Certify the Agency System of such person unless the Certification Agent has provided an opinion (not being a disclaimer of opinion, howsoever called) in the terms of paragraph 3.2.1(f) in relation to that Agency System.~~

3.3. 198 —The provisions of Annex J-1 shall apply to proceedings of the Panel concerning QualificationAccreditation and Certification pursuant to this Section J.

*Amend paragraph 3.4 as follows:*

#### **3.4 Removal of QualificationCertified or Accredited status**

3.4.1 —The Performance Assurance Board shall have the right at any time and from time to time in accordance with and in the circumstances set out in this paragraph 3.4 and BSCP 531 -(a) — to remove the Qualification of Certification of all or any of the Agency Systems of any Qualified Pperson (other than a Party acting in its capacity as a Supplier, SMRA or UMSO), whereupon such person Agency System(s) shall cease to be QualifiedCertified, -and/or

- (b) ~~to remove the Accreditation of any person, whereupon such person shall cease to be Accredited.~~
- 3.4.2 The Performance Assurance Board may only remove a Qualified Person's Qualification when that Qualified Person has failed to comply with the requirements and/or standards for performance (as described in the Code or any relevant BSCP) relating to the activities or functions which that Qualified Person undertakes under the Code or any relevant BSCP (including any requirement for the Applicant to re-Qualify within a reasonable period of time).
- 3.4.3 The Performance Assurance Board shall notify (in accordance with BSCP 531) the Qualified Person where it is satisfied that the Qualified Person is failing to comply with the requirements and/or standards for performance referred to in paragraph 3.4.2 such that consideration is being given or is likely to be given to the removal of the Qualification of the Qualified Person.
- 3.4.4 Upon receipt of the notice referred to in paragraph 3.4.3 the Qualified Person shall submit an appropriate rectification plan to the Performance Assurance Board. This rectification plan shall set out the steps which the Qualified Person shall take in order to ensure compliance with the requirements and/or standards for performance referred to in paragraph 3.4.2 and shall include an appropriate timetable for taking such steps.
- 3.4.5 If the Performance Assurance Board (acting reasonably) refuses to approve the rectification plan referred to in paragraph 3.4.4 (or any revision thereof by the Qualified Person) or considers that the Qualified Person is still failing to comply with the requirements and/or standards for performance referred to in paragraph 3.4.2 and/or has not complied with or adequately complied with the steps described in the rectification plan approved by the Performance Assurance Board, the Performance Assurance Board may notify any relevant Parties in accordance with BSCP 531 that consideration is being given or is likely to be given to the removal of the Qualification of the Qualified Person.
- 3.4.6 Where the Performance Assurance Board (acting reasonably) remains of the opinion that it is still unable to approve the rectification plan referred to in paragraph 3.4.4 (or any revision thereof by the Qualified Person) or considers that the Qualified Person is still failing to comply with the requirements and/or standards for performance referred to in paragraph 3.4.2 and/or has not complied with or adequately complied with the steps described in the rectification plan approved by the Performance Assurance Board, the Performance Assurance Board may remove the Qualification of the Qualified Person.
- 3.4.27 Relevant Parties shall be notified as set out in and in accordance with BSCP 531 where the Qualification of a Qualified Person has been ~~Certification of an Agency System or the Accreditation of a person is~~ removed in accordance with this paragraph 3.4.~~pursuant to paragraph 3.4.1.~~
- 3.4.8 For the avoidance of doubt, if a Party ceases to be a Party to the Code for whatever reason (including but not limited to by reason of Section A5) then that Party's Qualification in relation to its role or function as a Supplier, SMRA or UMSO (as the case may be) shall automatically terminate.

3.4.39 Nothing in this Section J or BSCP 531 shall prevent any person whose Qualification Agency Systems ~~has~~ been refused, Certification or who has been refused Accreditation, or any person whose Agency Systems have had their Certification removed or withdrawn, been terminated, or whose Accreditation has been removed or withdrawn, surrendered from re-applying for Qualification~~Certification~~ or Accreditation ~~(as the case may be)~~ at any time.

*Amend paragraph 3.5 as follows:*

**3.5 Re-Qualification~~Certification~~**

3.5.1 With the exception of a Supplier (in relation to its participation capacity as a Supplier), e~~Each~~ Qualified Accredited Person shall be required to ~~have its Agency Systems, re-qualify~~Certified prior to it being subject to a Material Change. ~~at the times specified in, and otherwise in accordance with,~~ BSCP 531 may set out details or criteria as to what events may constitute a Material Change. These details or criteria may include but shall not be limited to:

- (a) process, staff or system changes; or
- (b) in the case of Party Agents (except Meter Administrators) and SMRAs a significant increase in the number of Metering Systems in relation to which that person performs or intends to perform the relevant functions described under the Code.

3.5.2 A Qualified Person (with the exception of a Supplier in relation to its participation capacity as a Supplier) shall on an annual basis provide to BSCCo a written statement signed by a Board Director of the Qualified Person (or such other authorised person previously approved in accordance with BSCP 38) stating whether or not it has been subject to a Material Change (other than such Material Change as may have been previously notified to BSCCo in writing or in respect of which it may have previously re-Qualified).

3.5.3 When a Qualified Person is required to re-Qualify it shall submit the appropriate application (as described in BSCP 531) to BSCCo and paragraphs 3.3.1 to 3.3.19 (inclusive) shall apply as if references therein to "Qualification", "Qualify" and "Qualified" were references to "re-Qualification", "re-Qualify" and re-Qualified".

3.5.4 Where the Panel is of the opinion (acting reasonably) that a Qualified Person must re-Qualify for whatever reason (including but not being limited to that Qualified Person having a number of non compliances identified in relation to it) then such person must undertake re-Qualification in accordance with this paragraph 3.5.

3.5.52 If any such ~~Qualified Person~~~~Agency System~~ is not so re-Qualified~~Certified~~ in accordance with this Section J and/or BSCP 531, such Qualified P~~erson's~~ Qualification~~Accreditation~~ shall automatically lapse to the extent that the Qualified Person is only allowed to operate and perform their functions, activities, responsibilities and obligations under the Code (as the case may be) in accordance with and to the level of their most recent previously approved Qualification.

*Amend paragraph 3.6 as follows:*

### **3.6 Fees and Expenses**

- 3.6.1 The ~~Panel~~Performance Assurance Board shall determine and publish to Applicants, Qualified~~Accredited~~ Persons (and such other persons who reasonably request the same) a Menu of Qualification~~Certification~~ Fees which ~~may~~shall be charged by the Panel for the purposes of Qualification (or re-Qualification)~~Certification~~, and the ~~Panel~~Performance Assurance Board shall have the right to revise such fees from time to time.
- 3.6.2 Each Qualified~~Accredited~~ Person shall pay its own costs and expenses incurred in connection with the Qualification ~~Certification~~-Process or re-Qualification Process (as the case may be)~~and the Accreditation Process~~.

*Amend paragraph 3.7.1, 3.7.2 and 3.7.4 to 3.7.7 (inclusive) as follows:*

### **3.7 Referral to the Authority**

- 3.7.1 The sole and exclusive remedy of an Applicant~~Accredited Person~~ who is dissatisfied with any~~the~~ decision of the Panel and/or the Performance Assurance Board in relation to its Qualification, re-Qualification or Accreditation or removal of Qualification (as the case may be)~~Accreditation or the Certification or removal of Certification of its Agency Systems~~ (the "**Dissatisfied Accredited Person**") shall be to refer the matter to the Authority in accordance with this paragraph 3.7 for determination.
- 3.7.2 For a referral to be valid pursuant to paragraph 3.7.1, the Dissatisfied Accredited Person must:
- (a) refer the matter for determination to the Authority in writing (with a copy to the Panel or the Performance Assurance Board in respect of a decision relating to removal of Qualification) no later than 14 days after receipt by the Dissatisfied Accredited Person of the relevant decision of the Panel or the Performance Assurance Board; and
  - (b) set out in its referral to the Authority (with reasons in support) the ground or grounds on which the Dissatisfied Accredited Person is making its application to the Authority which shall be one or more of the following (and no other):-
    - (i) that the Panel or the Performance Assurance Board has not followed the procedures set out in this Section J and BSCP 531; or
    - (ii) that the Panel or the Performance Assurance Board has given undue weight to particular evidence submitted or to the lack of particular evidence; or
    - (iii) that the Panel or the Performance Assurance Board has misinterpreted all or some of the evidence submitted in connection with such application; or
    - (iv) that, notwithstanding any restrictions that the Panel may place on the Performance Assurance Board in respect of any decision relating to the removal of Qualification as to how it is to assess



and decide the matter, the Performance Assurance Board should not have taken into account the failure by the Dissatisfied ~~Accredited~~ Person to satisfy one or more specified ~~Accreditation~~ Requirements as set out in paragraph 3.4 or BSCP 531, as the case may be, the failure of the Dissatisfied Accredited Person's Agency System(s) to satisfy one or more Certification Requirements.

3.7.4 In connection with any referral pursuant to paragraph 3.7.1 which the Authority determines itself, the Authority shall have:

- (a) the right to engage an independent consultant selected by the Authority and to take and rely on the advice of such independent consultant; and
- (b) the discretion to make a determination that the Dissatisfied ~~Accredited~~ Person should or should not be or remain ~~Qualified Accredited or that its Agency System(s) should or should not be or remain Certified~~ notwithstanding that the ground on which the Dissatisfied ~~Accredited~~ Person has applied to the Authority is either the wrong ground or has not been proven.

3.7.5 The determination of the Authority or, as the case may be, the arbitrator pursuant to paragraph 3.7.3 shall be final, conclusive and binding on the Dissatisfied ~~Accredited~~ Person, the Performance Assurance Board, the Panel and all Parties, and may include a provision as to the payment in respect of the costs and expenses incurred by the person making the determination.

3.7.6 The Dissatisfied ~~Accredited~~ Person, the Panel or the Performance Assurance Board (as the case may be) and all Parties shall promptly give effect to any such determination.

3.7.7 For the avoidance of doubt, neither Section H7 nor Section H8 shall apply in the case where a ~~Qualified Accredited~~ Person is dissatisfied with any decision of the Panel or the Performance Assurance Board referred to in paragraph 3.7.1.

*Amend paragraph 3.8 as follows:*

### **3.8 Qualified Accredited Persons' Responsibilities**

3.8.1 Applicants shall agree to be bound by the Qualification Certification Process, ~~the Accreditation Process~~, the provisions of this Section J and BSCP 531 and the provisions of Annex B-1 ~~by the execution of a letter agreement in form and content satisfactory to the Performance Assurance Board.~~

3.8.2 Each Applicant and each Qualified Accredited Person represents, warrants and undertakes to BSCCo (for itself and as trustee and agent for each other Party, the Panel, any Panel Committee or, the ~~the Performance Assurance Board and, the~~ Performance Assurance Administrator ~~and the Certification Agent~~) that:

- (a) all information supplied by or on behalf of the Applicant —or Qualified Accredited Person to the Panel, any Panel Committee,

~~Performance Assurance Board~~BSCCo or, ~~the Performance Assurance Administrator or the Certification Agent~~ in connection with the ~~Qualification Certification Process or the Accreditation Process~~ is true, complete and accurate and not misleading because of any omission or ambiguity or for any other reason, subject to disclosure, if any, acceptable to the ~~Panel~~~~Performance Assurance Board~~ being made in advance of the provision of the relevant information to the ~~Panel, any Panel Committee, Performance Assurance Board, BSCCo or the Performance Assurance Administrator or (as the case may be) the Certification Agent~~;

- (b) completion of all documentation by or on behalf of the ~~Applicant or Qualified Accredited~~ Person in connection with the ~~Qualification Certification Process or the Accreditation Process~~ is and will remain the sole responsibility of the ~~Applicant or Qualified Accredited~~ Person;
- (c) the ~~Accredited Person~~~~Applicant or Qualified Person~~ will duly complete all such documentation and provide all the information required ~~by the Qualification Process thereunder~~ within the time periods prescribed by BSCP 531; and
- (d) the ~~Qualified Accredited~~ Person has had the opportunity to take its own legal and other professional advice regarding the ~~Qualification Pp Certification Process and the Accreditation Process~~.

3.8.3 Without prejudice to the generality of paragraph 3.8.2, each ~~Applicant and each Qualified Accredited~~ Person ~~shall~~~~will~~ confirm in writing to BSCCo (for itself and on behalf of each other Party, the Panel ~~and/or any Panel Committee, the Performance Assurance Board and, the Performance Assurance Administrator and the Certification Agent~~) in accordance with BSCP 531 that each of the other representations, warranties and undertakings in this paragraph 3.8 are true and have been complied with as at the date on which it has been notified that its application(s) for ~~Qualification Certification and/or Accreditation~~ will be considered by the ~~Panel~~~~Performance Assurance Board~~.

3.8.4 Each ~~Applicant and each Qualified Accredited~~ Person shall co-operate fully with ~~the Panel, BSCCo and/or any Panel Committee, the Performance Assurance Board, the Performance Assurance Administrator and the Certification Agent~~ in the ~~Qualification Certification Process and the Accreditation P P~~ process and, without prejudice to the generality of the foregoing, shall permit each of them reasonable access to the ~~Applicant's or Qualified Accredited~~ Person's business records, working papers and employees for the purposes of ~~the Qualification Peach such p~~ process upon not less than three Business Days' advance notice.

3.8.5 Each ~~Applicant and Qualified Accredited~~ Person acknowledges and agrees that:

- (a) it shall not, and shall not be entitled to, place any reliance on any working papers, opinion, ~~statement, comment,~~ report or other documentation prepared by or for (or any oral or written interpretation of, or any oral or written advice given in relation to, any such working papers, opinion, report or other documentation by ~~or for~~) ~~BSCCo, the Panel and/or any Panel~~ ~~Performance Assurance Board, the Performance~~

~~Assurance Administrator or the Certification Agent in~~ Committee in  
connection with the ~~Qualification Process or the Accreditation Process~~ unless such working papers, opinion, statement,  
comment, report or other documentation is expressly addressed to  
such ~~Applicant or Qualified~~ Accredited Person; and

- (b) it shall keep confidential on the terms set out in Section H4.2 any  
working papers, opinions, statements, reports or other documentation  
referred to in paragraph (a) unless such working papers, opinions,  
statements, reports or other documentation is expressly addressed to  
such ~~Applicant or Qualified~~ Accredited Person.

- 3.8.6 It shall be a condition of any ~~Qualification Accreditation or Certification~~ that the  
~~Qualified Accredited~~ Party complies with the provisions of this Section J and of  
BSCP 531.

*Amend paragraph 3.9 as follows:*

### **3.9 Derogations**

- 3.9.1 The Panel may issue a derogation, in accordance with BSCP 531, to any Qualified  
~~Accredited~~ Person ~~in respect of the Qualification Accreditation of such Qualified~~  
~~Person Accredited Person and/or the Certification of the Agency System(s) of such~~  
~~Accredited Person.~~

- 3.9.2 A derogation issued pursuant to paragraph 3.9.1 may relieve such  
Qualified Accredited Person from its obligation to comply with one or more  
specified provisions (a "derogated provision") of the Code and/or of a Code  
Subsidiary Document on such terms as the Panel may determine and such  
Qualified Accredited Person shall not be in breach of the requirements of the Code  
insofar as it fails to comply with any such derogated provision provided such  
Qualified Accredited Person is otherwise in compliance with the Code and with the  
terms of any such derogation.

- 3.9.3 A ~~Qualified Accredited~~ Person shall use its best endeavours to comply with the  
terms and conditions of any applicable derogation for so long as it is in effect.

- 3.9.4 A Party appointing or using a ~~Qualified Accredited~~ Person in respect of whom a  
derogation has been issued pursuant to this paragraph 3.9 shall have the benefit  
of such derogation (subject to paragraph 3.9.3) and, accordingly, such Party shall  
not be in breach of the requirements of the Code insofar as it or its appointed  
Qualified Person Party Agent fails to comply with any such derogated provision  
provided such Party (and such Party's appointed Qualified Person Party Agent) is  
otherwise in compliance with the Code and with the terms of any such derogation.

- 3.9.5 The provisions of this paragraph 3.9 shall not apply to a Qualified Person who is  
also a Supplier in relation to its participation capacity of a Supplier or a Licensed  
Distribution System Operator in relation to its participation capacity as an  
Unmetered Supplies Operator and/or a SMRA.

*Insert new paragraph 3.10 after paragraph 3.9 as follows:*

### **3.10 Surrender of Qualification**

3.10.1 Subject to paragraph 3.10.2, a Qualified Person shall be entitled to surrender its Qualification by giving notice in writing to BSCCo ("surrender notice") specifying the time and date, being not less than 3 months after the date of the surrender notice, with effect from which the Qualified Person wishes to surrender its Qualification, and such Qualification shall thereafter terminate.

3.10.2 A Qualified Person shall not surrender its Qualification (and any surrender notice given seeking to do so shall be ineffective) if the Panel considers that it would be inappropriate for such surrender to take place including but not limited to reasons such as:

- (a) any sums payable under the Code by such Qualified Person (whether or not due for payment and whether or not the subject of a dispute) remain, in whole or in part, to be paid by such Qualified Person; or
- (b) the Qualified Person continues to be registered under the SMRS in respect of any Metering Systems or BM Units (as the case may be); or
- (c) the Qualified Person has not provided to any relevant Party all relevant information that may be necessary for that Party to continue to comply with its obligations under the Code; or
- (d) in the case of a Data Aggregator, that it has not completed processing all of its Settlement Runs for all Metering Systems for which it is responsible.

3.10.3 Where a Qualified Person is no longer trading as a commercial entity for whatever reason then the Performance Assurance Board may after a period of six months remove that person's Qualification.

3.10.4 The provisions of this paragraph 3.10 shall only apply to those persons referred to in paragraph 1.2.2.

*Amend paragraph 4.1.6 (c) and 4.1.7 (c) as follows:*

4.1.6 Where an Outstation or Outstations associated with a SVA Metering System at a Third Party Generating Plant is being used for the purposes of transferring data relating to both Import Active Energy and Export Active Energy:

- (c) both Suppliers shall ensure that the Data Collector so appointed is appropriately ~~Accredited~~Qualified.

4.1.7 Where the same Metering Equipment at an Exemptable Generation Plant is comprised both in an SVA Metering System and a CVA Metering System:

- (c) both such Parties shall ensure that the person so appointed as Meter Operator Agent is appropriately ~~Accredited~~ Qualified;

*Amend paragraph 4.2 as follows:*

### **4.2 Replacement**

4.2.2 Each Party shall ensure that the appointment of a Party Agent for which it is responsible shall terminate on ~~the termination, surrender withdrawal~~ or removal of

~~Qualification~~the Accreditation (where applicable) of the relevant Party Agent and/or of the Certification (where applicable) of the Agency System(s) of such Party Agent.

*Amend paragraph 5 as follows:*

**5. ~~ENTRY PROCESSES AND QUALIFICATION~~PARTY RESPONSIBILITIES**

**5.1 ~~Supplier and SMRA Responsibilities~~Parties Responsibilities**

5.1.1 Each Supplier shall ensure that it and each ~~unique combination~~ of its Supplier Agents who are to be responsible for SVA Metering Systems within a SMRS has satisfied the requirements of the Supplier ~~Qualification~~Entry Process in accordance with ~~this Section J and BSCP 53142~~ before any registration of that Supplier in respect of a SVA Metering System in that SMRS becomes effective.

~~5.1.2 Supplier Meter Registration Agents shall be subject to the SMRS Entry Process requirements in accordance with BSCP 511.~~

~~5.1.3 Each Supplier shall ensure that, where an Agency System of its Supplier Agents has to be re-Certified in accordance with paragraph 3.5 or where paragraph 2.4 applies, the relevant Supplier Entry Process requirements in respect of such Supplier Agent are met in accordance with BSCP 512.~~

5.1.24 This paragraph 5 shall apply on a Supplier ID basis and its provisions shall be construed accordingly.

**5.2 ~~NOT USED~~Performance Assurance Board**

~~5.2.1 The Performance Assurance Board shall be responsible for the conduct and administration of the Entry Processes for Supplier Agents and Supplier Meter Registration Agents in accordance with this Section J and the relevant BSC Procedures.~~

~~5.2.2 The Performance Assurance Board shall notify BSCCo promptly upon completion by a Party and/or its Party Agents of the relevant Entry Process requirements pursuant to this Section J.~~

*Amend paragraph 6.1.3 (b) as follows:*

6.1.3 In respect of each CVA Metering System for which a Party is or is to be the Registrant:

(b) such registration shall not be effective until BSCCo confirms to the CDCA that such person is ~~Qualified~~Accredited and its Agency System(s) ~~are Certified~~.

*Amend paragraph 7 as follows:*

**7. ~~PERFORMANCE ASSURANCE AND PARTY AGENTS~~SAND QUALIFIED PERSONS**

**7.1 ~~Performance Assurance~~Provision of data**

7.1.1 Each Party shall ensure that it and each of its Party Agents comply with the data provision requirements (if any) which relate to the performance of such Party and/or its Party Agents as set out in the ~~Code or any~~ relevant BSC Procedures.

- 7.1.2 The performance of Party Agents, SMRAs and/or a Licensed Distribution System Operators acting in their capacity as an Unmetered Supplies Operators shall be determined by the Performance Assurance Board in accordance with the process and techniques described in the relevant BSC Procedures to the extent applicable to such ~~person~~Party Agent.
- 7.1.3 Those persons referred to in paragraph 7.1.2 shall provide, or procure the provision of, such reports to the Performance Assurance Board as may from time to time be reasonably required in accordance with any relevant BSCP in order to enable the Performance Assurance Board to review the standards of performance of or compliance by that person with the relevant requirements of the Code and any relevant BSCP.
- 7.1.4 Each person referred to in paragraph 7.1.2. shall provide the Panel and the Performance Assurance Board with access to all of its records, data and other information as may reasonably be required by the Panel or (as the case may be) the Performance Assurance Board in order to carry out their functions in accordance with this paragraph 7 or under the Code and any relevant BSCP, or procure that such access is provided.
- 7.1.54 Performance Monitoring Reports shall be produced and circulated in accordance with ~~any~~the relevant BSC-Procedures.

*Amend Annex J-1 as follows:*

**ANNEX J-1: QUALIFICATION ACCREDITATION AND, THE PANEL AND THE PERFORMANCE ASSURANCE BOARD**

**1. QUALIFICATION ACCREDITATION AND, THE PANEL AND THE PERFORMANCE ASSURANCE BOARD**

**1.1 Modification of Proceedings**

- 1.1.1 The provisions of this Annex J-1 apply by way of supplement and qualification to other provisions in the Code Annex B-1, relating in relation to matters concerning the Qualification, re-Qualification Certification (or removal of Qualification Certification) of the Agency Systems of, and/or the Accreditation (or removal of Accreditation) of, any person referred to in paragraph 2.1.1 and/or the Certification Process or the Accreditation Process and/or such other matters as are the subject of Section J3 and/or BSCP 531.
- 1.1.2 Notice of meetings in relation to Qualification, re-Qualification or removal of Qualification of the Performance Assurance Board shall additionally be given to:
- (a) the Certification Agent and the Performance Assurance Administrator; and
  - (b) insofar as concerns the Qualification, re-Qualification Certification (or removal of Qualification Certification) of the Agency System of any person or the Accreditation (or removal of Accreditation) of any person, that person (such notice ~~not~~ constituting an invitation to that person to attend that meeting).
- 1.1.3 If the Certification Agent or the Performance Assurance Administrator wishes to advise additional matters which it wishes to be considered at a meeting of the

Panel or Performance Assurance Board, it shall give notice to all other persons entitled to attend that meeting no later than three Business Days before the date of the meeting (or such lesser period as the Panel or Performance Assurance Board may from time to time determine).

1.1.4 Insofar as concerns the Qualification, re-Qualification~~Certification~~ (or removal of Qualification~~Certification~~) ~~of the Agency System~~ of any person ~~or the Accreditation (or removal of Accreditation) of any person~~, a copy extract of that part of the minutes of the relevant meeting ~~of the Performance Assurance Board~~ as relates to such matter shall additionally be given to that person.

1.1.5 ~~Each of the Certification Agent and~~ I the Performance Assurance Administrator (or its respective duly appointed representative) shall have the right to attend and speak (but not to vote) at meetings in relation to Qualification, re-Qualification or removal of Qualification~~of the Performance Assurance Board~~.

1.1.6 In relation to removal of Qualification, a member of the Performance Assurance Board shall not:

(a) participate as a member of the Performance Assurance Board in the consideration of whether ~~the Applicant Agency Systems~~ of his employer or of any Affiliate of his employer should have be Certified ~~(or their Qualification Certification removed) or whether his employer or any Affiliate of his employer should be Accredited (or its Accreditation removed); or~~

(b) be counted in ascertaining whether a quorum is present at a meeting of the Performance Assurance Board convened to consider whether ~~the Agency Systems~~ of his employer or of any Affiliate of his employer should have be Certified ~~(or their Qualification Certification removed) or whether his employer or any Affiliate of his employer should be Accredited (or its Accreditation removed); or~~

(c) be entitled to receive any working papers, opinions, reports or other documentation which have been prepared for the Performance Assurance Board in connection with the removal of Qualification ~~Certification Process or Accreditation Process~~ insofar as they relate specifically to his employer or any Affiliate of his employer.

1.1.7 In relation to removal of Qualification, a member of the Performance Assurance Board shall not disclose to his employer or any Affiliate of his employer confidential information which he has received in his capacity as a member of the Performance Assurance Board unless:

- (a) required to do so by any Legal Requirement;
- (b) in order for his employer or any such Affiliate to comply with the conditions of any Licence with which his employer or any such Affiliate, as the case may be, is required to comply;
- (c) required to do so by any stock exchange or regulatory authority or the Panel on Take-overs and Mergers; or
- (d) pursuant to the arbitration rules of the Electricity Arbitration Association or pursuant to any judicial or other arbitral process or



tribunal having jurisdiction in relation to him or his employer or any such Affiliate, as the case may be,

in any of which events the member of the Performance Assurance Board shall first be required to give written notice of the required disclosure to the Performance Assurance Board.

## 1.2 Delegation

- 1.2.1 In relation to removal of Qualification, ~~The Performance Assurance Board shall not have the right to delegate the taking of any decision as to whether the Agency Systems of a to remove a Qualified Pperson (or any of them) should be Certified (or the Certification removed) or a person should be Accredited (or its Accreditation removed)Qualification.~~ The Performance Assurance Board shall not have the right to delegate the taking of any decision as to whether the Agency Systems of a to remove a Qualified Pperson (or any of them) should be Certified (or the Certification removed) or a person should be Accredited (or its Accreditation removed)Qualification.

## SECTION K: CLASSIFICATION AND REGISTRATION OF METERING SYSTEMS AND BM UNITS (version 22)

*Amend paragraph 6.1 (b) (ii) as follows:*

### 6.1 Central Registration Service

- 6.1.1 The CRA shall:

- (b) receive (from Parties, Party Agents, other BSC Agents, BSCCo or others), validate and (if required) process:
  - (i) applications for registration in CRS, and
  - (ii) data which is required to be maintained in the CRS, including data relating to Parties, Party Agents, QualifiedAccredited Persons, BM Units and Trading Units;

and maintain and from time to time update and amend such registrations and data; and

*Amend paragraph 3.1 and 3.2 of Annex K:1 Master Registration Agreement as follows:*

## 3. QUALIFICATIONENTRY-PROCESS REQUIREMENTS

### 3.1 Completion-of-QualificationEntry-Process Requirements

- 3.1.1 Each Licensed Distribution System Operator shall ensure that it (or any person performing the relevant functions of a SMRA on its behalf) is Qualified to performhas satisfied the requirements of the SMRS the functions of a SMRA SMRS Entry-Process in accordance with Section J and BSCP 531 511 the SMRS before it (or any person performing the relevant functions on its behalf) allowing its SMRA to provides the services of a SMRA in relation to Supplier Volume Allocation.

### 3.2 Assistance to Suppliers

- 3.2.1 Each Licensed Distribution System Operator shall provide all reasonable assistance to each Supplier and its Supplier Agents in accordance with Section J and BSCP 531 512 as may be required by the relevant Supplier and/or its Supplier Agents for it or them to satisfy the requirements of the Qualification Supplier-Entry Process.



## SECTION O: COMMUNICATIONS UNDER THE CODE (*version 2*)

*Amend paragraph 1.4 (c) as follows:*

### 1.4 SVA Communications

1.4.1 For the purposes of the Code:

- (c) **"SVA data parties"** means Suppliers, Supplier Agents, SMRAs, BSCCo, the SVAA and the Teleswitch Agent (but does not include the ~~Certification Agent, the~~ Profile Administrator or the TAA for SVA Metering Systems);

## SECTION S: SUPPLIER VOLUME ALLOCATION RULES (*version 13*)

*Amend paragraph 2.6.3 as follows:*

2.6.3 A Supplier shall (to the extent that it has not already done so in accordance with the ~~Supplier Qualification Entry~~ Process applicable to that Supplier) submit, or procure the submission of, appropriate details to the SVAA of each GSP Group in which the Supplier commences or ceases trading for Supplier Volume Allocation, in accordance with BSCP 507.

*Amend paragraph 6.1 and 6.1.2 as follows:*

### 6.1 Qualification~~Accreditation and Certification~~

6.1.1 A Half Hourly Data Aggregator shall be Qualified~~Accredited and its systems Certified~~:

- (a) to aggregate energy values per Supplier BM Unit in accordance with paragraph 3.6 of Annex S-2; and/or
- (b) to aggregate energy values per Supplier per GSP Group in accordance with paragraph 3.5.9 to 3.5.12 of Annex S-2,

as further provided in this paragraph 6.1 and, in each case, in accordance with the provisions of Section J and BSCP 531 applicable to the function (as described in paragraphs (a) and (b)) which such Data Aggregator is to perform.

6.1.2 Without prejudice to the requirements for Qualification~~Accreditation and Certification~~ set out in paragraph 6.1.1:

- (a) in relation to a GSP Group, a Half Hourly Data Aggregator shall aggregate energy values for all SVA Metering Systems for which such Data Aggregator is responsible in that GSP Group either in accordance with paragraph 3.5.9 to 3.5.12 or paragraph 3.6 of Annex S-2 (but not both);
- (b) where one or more Suppliers within a GSP Group has allocated SVA Metering Systems for which such Data Aggregator is responsible to Additional BM Unit(s) in accordance with paragraph 6.2 and 6.3, such Data Aggregator shall aggregate energy values for all SVA Metering Systems (and all Suppliers) for which it is responsible in that GSP Group in accordance with paragraph 3.6 of Annex S-2.

Amend paragraphs 6.2.5 as follows:

- 6.2.5 No allocation of Half Hourly Metering Systems to Additional BM Units shall become effective or be taken into account for the purposes of Settlement until and unless the relevant Half Hourly Data Aggregator has been Qualified~~Accredited and its systems have been Certified~~ in accordance with paragraph 6.1.2.

Insert new paragraph 8.2.15 after paragraph 8.2.14 as follows:

- 8.2.15 Each Licensed Distribution System Operator shall ensure that it (or any person performing the relevant functions of an UMSO on its behalf) is Qualified to perform the functions of an UMSO in accordance with Section J and BSCP 531 before it (or any person performing the relevant functions on its behalf) provides the functions set out in this paragraph 8.2.

## **SECTION X-1: GENERAL GLOSSARY (version 32)**

Delete the definitions of Accreditation, Accreditation Process, Accreditation Requirements, Accredited Person in their entirety, amend the definition of Applicant and delete the definitions of Agency Systems, Certification, Certification Agent, Certification Documentation, Certification Process and Certification Requirements in their entirety as follows:

<del>"Accreditation":</del>	<del>means, subject to Section J3.7, written confirmation by the Performance Assurance Board that an Applicant has, in the opinion of the Performance Assurance Board, satisfied the relevant Accreditation Requirements (and "Accredited" shall be construed accordingly);</del>
<del>"Accreditation Process":</del>	<del>means the process set out in Section J and BSCP 531 whereby an Applicant is assessed to determine whether it satisfies the Accreditation Requirements;</del>
<del>"Accreditation Requirements":</del>	<del>means, in relation to an Applicant, the requirements which that Applicant is required to satisfy in order to perform the specific function or functions for which it is applying to be Accredited (being one or more of the functions for which Accreditation is required pursuant to Section J) as set out in BSCP 531;</del>
<del>"Accredited Person":</del>	<del>means:</del> <del>(i) a person who is Accredited;</del> <del>(ii) for the purposes of Section J3.7, a person whose Accreditation has been removed by the Performance Assurance Board, or whose Accreditation the Performance Assurance Board has resolved to remove, pursuant to Section J3.4; and</del> <del>(iii) where the context so admits, an Applicant;</del>
"Applicant":	means a person wishing to carry out one or more of the functions for which <u>Qualification</u> <del>Accreditation</del> is required pursuant to Section J and who, in accordance with that

	<p>Section, applies for <del>one Qualification or more of its Agency Systems to be Certified and/or for itself to be Accredited</del> and, where the context so admits, shall include a person applying for re-<del>Qualification</del><u>Certification of any of its Agency Systems</u> in accordance with that Section;</p>
"Agency System":	<p><del>means, in relation to an Accredited Person, the particular systems and procedures of that person (or for which that person is responsible) relevant to the specific function for which it is, or is applying to be, Accredited;</del></p>
"Certification":	<p><del>means written confirmation by the Performance Assurance Board that a particular Agency System has, in the opinion of the Performance Assurance Board, satisfied the Certification Requirements and, where the context so admits, shall include re-Certification of Agency Systems (and "Certify" and "Certified" shall be construed accordingly);</del></p>
"Certification Agent":	<p><del>means the BSC Agent for Certification in accordance with Section E;</del></p>
"Certification Documentation":	<p><del>has the meaning given to that term in Section J3.2.1;</del></p>
"Certification Process":	<p><del>means the process set out in Section J and BSCP 531 whereby a particular Agency System is assessed to determine whether it satisfies the Certification Requirements;</del></p>
"Certification Requirements":	<p><del>means, in relation to any Agency System of a person, the requirements which such Agency System is required to satisfy in order to perform the specific function or functions for which such person has had, or is applying to have, such Agency System Certified (being one or more of the functions for which Agency Systems are required to be Certified pursuant to Section J), as set out in BSCP 531;</del></p>

*Amend the definition of Dissatisfied Accredited Person, delete the definition of Entry Processes in its entirety and amend the definition of Interested Person as follows:*

"Dissatisfied <del>Accredited</del> Person":	<p>has the meaning given to that term in Section J3.7.1;</p>
<del>"Entry Processes":</del>	<p><del>means the Supplier Entry Process and the SMRS Entry Process;</del></p>
"Interested Person":	<p>means a Party, an <u>Applicant for Qualification whose application has been refused</u>, a <del>Qualified</del> <u>Accredited</u> Person or, as the case may be, a person whose <u>Qualification</u><del>Accreditation</del> has <del>terminated</del><u>lapsed</u> or been</p>

removed—~~or the Certification of whose Agency Systems or any of them has lapsed or been removed;~~

*Insert new definition for Material Change and amend the definition of Menu of Certification Fees as follows:*

**"Material Change"**

means a change to a person's systems or processes which is of such a type or magnitude as to raise the reasonable expectation of an impact on that person's ability to meet its obligations under the Code and any Material Changes described as such in Section J and/or BSCP 531.

**"Menu of Qualification Certification Fees"**

means the scale of fees to be charged in connection with the ~~Qualification Certification~~ Process, as set out in BSCP 531;

*Insert new definition for Qualification, Qualification Document, Qualification Process, Qualification Requirements and Qualified Persons as follows:*

**"Qualification ":**

means, subject to Section J3.3, written confirmation by the Panel that an Applicant has, in the opinion of the Panel, satisfied the relevant Qualification Requirements (and "Qualify" and "Qualified" shall be construed accordingly);

**"Qualification Document"**

means the Qualification Documents (as annexed to BSCP 531) that is —to be completed by the Applicant in accordance with Section J3.3.5 and which once completed describes how the Applicant will meet its obligations under the Code and any relevant BSCP.

**"Qualification Process":**

means the process set out in Section J and BSCP 531 whereby an Applicant is assessed to determine whether it satisfies the Qualification Requirements (and for the avoidance of doubt where the context allows also includes re-Qualification);

**"Qualification Requirements":**

means, in relation to an Applicant, the requirements which that Applicant is required to satisfy in order to perform the specific activities or functions for which it is applying to be Qualified being one or more of the activities or functions for which Qualification is required pursuant to Section J, Section S and BSCP 531;

**"Qualified Person":**

means:

(i) a person who is Qualified;

(ii) for the purposes of Section J3.7, a person whose

Qualification has been removed by the Performance Assurance Board, or whose Qualification the Performance Assurance Board has decided to remove, pursuant to Section J3.4; and

(iii) where the context so admits, an Applicant;

*Delete the definitions of SMRS Entry Process and Supplier Entry Process in their entirety as follows:*

"SMRS Entry Process":

means the process set out in BSCP 511 for determining whether a Licensed Distribution System Operator is able to provide its Supplier Meter Registration Service;

"Supplier Entry Process":

means the process set out in BSCP 512 for determining whether a Supplier and its Supplier Agents are able to participate in Supplier Volume Allocation relative to a particular GSP Group;