

DRAFT LEGAL TEXT

Extending the scope of e-mail communications under the Code

SECTION A

3. PARTY DETAILS AND PROVISION OF INFORMATION TO BSCCo

3.1 Party Details

3.1.1 For the purposes of the Code, the "**Party Details**" of a Party (which shall include for the purposes of paragraph 2 a Party Applicant) are the following details and documentation of the Party:

- (a) its full name and contact details;
- (b) subject to paragraph 3.1.2, the name, address and facsimile number of the person for whose attention notices issued in accordance with Section H9.2 should be marked;
- (c) details for service of process, where the Party is required to provide such details pursuant to Section H9.9.3;
- (d) whether the Party is (or intends to be) the holder of a Licence and/or benefits (or intends to benefit) from an Exemption, and (if so) details of such Licence or Exemption (including whether the Party is required by a condition in the Exemption to be Party or to comply with the Code) and the circumstances requiring the Party to hold or benefit from the same;
- (e) the participation capacities (if any) which the Party has or (at the time at which such details are notified to BSCCo) intends or expects to have, and the date from which it has or intends or expects to have each such capacity;
- (f) such supporting documentation as BSCCo may reasonably require in order to validate that the Party has or will have such participation capacities; and
- (g) whether the Party was a party to the Pooling and Settlement Agreement at the date of or at any time after the date of execution of the Framework Agreement and, if so, in what capacity(ies);
- (h) the identity of any other Party which is an Affiliate of the Party;
- (i) whether the Party is registered for VAT purposes and if so the Party's VAT registration number.

3.1.2 The Party Details of a Party shall include any e-mail address provided by a Party when it submits its application under paragraph 2.2.1 or if later, in accordance with Section H 9.2.4.

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3.2 Provision of Party Details to BSCCo

3.2.1 Each Party shall:

- (a) provide its Party Details to BSCCo; and

- (b) ensure that its Party Details for the time being provided to BSCCo remain accurate and complete in all material respects.
- 3.2.2 Without prejudice to the generality of paragraph 3.2.1, if at any time:
- (a) a Party wishes to change any of its contact details forming part of such Party Details; or
 - (b) there is or will be any change in the participation capacities of a Party; or
 - (c) there is any change in the circumstances of a Party referred to in paragraph 3.1(d); or
 - (d) the Party Details of a Party otherwise cease for whatever reason to be accurate and complete in all material respects;
- such Party shall notify BSCCo as soon as reasonably practicable and, wherever possible, in advance of such change and shall provide such further information and supporting documentation as BSCCo may reasonably require to evidence such change.

SECTION H

9.2 Notices

- 9.2.1 Save as otherwise expressly provided in the Code any notice or other communication to be given by one Party to another under or in connection with the matters contemplated by the Code or the Framework Agreement shall be addressed to the recipient and sent to the address or facsimile number of such other Party provided under Section A.
- 9.2.2 Such notice or other communication, shall be in writing and shall be given by letter delivered by hand or sent by first class prepaid post (airmail if overseas) or facsimile, and shall be deemed to have been received:
- (a) in the case of delivery by hand, when delivered; or
 - (b) in the case of first class prepaid post, on the second day following the day of posting or (if sent airmail overseas or from overseas) on the fifth day following the day of posting; or
 - (c) in the case of facsimile, on acknowledgement of the addressee's facsimile receiving equipment (where such acknowledgement occurs before 1700 hours on the day of acknowledgement) and in any other case on the day following the day of acknowledgement.
- 9.2.3 The provisions of this paragraph 9.2:
- (a) extend to any notice or other communication to be given by or to the Panel, any Panel Committee, any Modification Group or any secretary to the Panel, any Panel Committee or a Modification Group; and
 - (b) apply, mutatis mutandis, to any notice or communication to be given under any Code Subsidiary Document; and

(c) are subject to Section O.

9.2.4 ~~Save where expressly provided in the Code, notices and communications to be given by one Party to another in connection with matters contemplated by the Code, may be sent by e-mail in accordance with the relevant BSC Procedure(s).~~

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Deleted: to all Parties or a class of Parties by BSCCo or any person or body referred to in paragraph 9.2.3(a)

9.2.5 Any notice or communication which may be sent by e-mail shall be deemed to have been received one hour after being sent.

9.2.6 Other than in relation to a notice or communication sent by e-mail in respect of an Urgent Modification Proposal, if the time at which a notice or communication sent by e-mail is deemed to have been received falls after 1700 hours on a day, the notice or communication shall be deemed to have been received at 0900 hours on the following day.