

LEGAL TEXT FOR PROPOSED MODIFICATION P301

SECTION B: THE PANEL (V19.0)

1. ESTABLISHMENT OF PANEL

1.1 Establishment and composition

Amend paragraph 1.1.2 to read as follows:

1.1.2 The Panel shall comprise the following members:

- (a) the person appointed as chairman of the Panel in accordance with paragraph 2.1;
- (b) not more than five persons appointed by Trading Parties in accordance with paragraph 2.2;
- (c) not more than two persons appointed by ~~the National Consumer Council~~ Citizens Advice or Citizens Advice Scotland in accordance with paragraph 2.3;
- (d) the person appointed by the Transmission Company in accordance with paragraph 2.4;
- (e) not more than two persons appointed by the Panel Chairman in accordance with paragraph 2.5; and
- (f) the person appointed (if the Panel Chairman so decides) by the Panel Chairman in accordance with paragraph 2.6.

2. APPOINTMENT OF PANEL MEMBERS

Amend paragraph 2.3 to read as follows:

2.3 Appointment of Panel Members by Citizens Advice or Citizens Advice Scotland ~~the National Consumer Council~~

2.3.1 Citizens Advice and Citizens Advice Scotland ~~The National Consumer Council~~ may appoint two persons as Panel Members (to be determined as between themselves), by giving notice of each such appointment to the Panel Secretary.

SECTION F: MODIFICATION PROCEDURES (V20.0)

2. CODE MODIFICATION PROCEDURES

2.1 Modification Proposals

Amend paragraph 2.1.1 to read as follows:

2.1.1 A proposal to modify the Code may be made by any of the following:

- (a) a Party (other than BSCCo or the BSC Clearer);
- (b) ~~the National Consumer Council~~ Citizens Advice and Citizens Advice Scotland;

- (c) such other bodies representative of interested third parties as may be designated in writing for this purpose by the Authority from time to time;
- (d) the Panel:
 - (i) on the recommendation of BSCCo in accordance with Section C3.8.8 or Section H9.8;
 - (ii) on the recommendation of BSCCo following receipt by BSCCo of a change request proposing a change to a Core Industry Document and/or the System Operator-Transmission Owner Code which would, if made, have an impact on the Code;
 - (iii) on the recommendation of BSCCo where BSCCo becomes aware of a change in circumstances, since approval of a Proposed Modification, which would make the implementation of that Approved Modification impossible or significantly more costly than anticipated at the time such Modification was approved or no longer relevant;
 - (iv) on the recommendation of BSCCo to rectify manifest errors in or to correct minor inconsistencies (or make other minor consequential changes) to the Code;
 - (v) on the recommendation of the Trading Disputes Committee in consequence of a Trading Dispute; and
 - (vi) on the recommendation of the Performance Assurance Board in accordance with Section Z8.2,

provided that, where the Panel decides to make a proposal in any of the circumstances set out in paragraphs (i) to (vi), such proposal shall be without prejudice to the Panel's decision, pursuant to paragraph 2.7, as to whether or not to recommend to the Authority that such modification should be made.

Amend paragraph 2.1.10 to read as follows:

2.1.10 The Modification Secretary shall as soon as reasonably practicable:

- (a) send a copy of the Modification Proposal and (if available) the initial assessment prepared by BSCCo pursuant to paragraph 2.1.8 to:
 - (i) each Party;
 - (ii) each BSC Agent;
 - (iii) the Authority;
 - (iv) each Panel Member;
 - (v) ~~the National Consumer Council~~ Citizens Advice and Citizens Advice Scotland;
 - (vi) any other body designated by the Authority pursuant to paragraph 2.1.1(c);
 - (vii) each Core Industry Document Owner and the STC Committee;

- (b) post a copy of the Modification Proposal on the BSC Website or, failing that, publish the Modification Proposal in such other manner as may be appropriate to bring it to the attention of interested third parties.

SECTION X: DEFINITIONS AND INTERPRETATION (V4.0)

ANNEX X-1: GENERAL GLOSSARY (V58.0)

Delete definition of National Consumer Council as follows:

"National Consumer Council": means the body of that name established by Part I, section I of the Consumers, Estate Agents and Redress Act 2007;

Insert the following new definitions in alphabetical order:

"Citizens Advice": means the National Association of Citizens Advice Bureaux;

"Citizens Advice Scotland": means the Scottish Association of Citizens Advice Bureaux;

SECTION Z: PERFORMANCE ASSURANCE (V3.0)

2 PROCEEDINGS OF THE PERFORMANCE ASSURANCE BOARD

2.1 Panel Committee

Amend paragraph 2.1.2 to read as follows:

2.1.2 Notwithstanding paragraph 2.1.1:

- (a) notice of meetings of the Performance Assurance Board need be given only to members of it and BSCCo except that notice of a meeting within paragraph 2.1.2(h) shall be given to all Performance Assurance Parties, and notice of a meeting within paragraph 2.1.2(i) shall be given to the Performance Assurance Party referred to in that paragraph; and Section B4.1.6 shall be construed accordingly;
- (b) if any member of the Performance Assurance Board wishes to notify additional matters which he wishes to be considered at a meeting of the Performance Assurance Board he shall give notice to all other persons entitled to attend that meeting no later than three (3) Business Days before the date of the meeting (or such lesser period as the Performance Assurance Board may from time to time determine); and Section B4.1.6 shall be construed accordingly;
- (c) minutes of meetings of the Performance Assurance Board shall be confidential and copies of minutes shall be required to be provided only to those persons who were entitled to attend the relevant meeting except in the case of a meeting within paragraph 2.1.2 (i) where only an extract of the minutes for the part of the meeting which a representative of a Performance Assurance Party attends shall be given to such Performance Assurance Party; and Section B4.2.5 shall be construed accordingly;

- (d) the quorum for a meeting of the Performance Assurance Board shall be four (4) of its members present in person or by their respective alternates, and Section B4.3.2 shall be construed accordingly;
- (e) in respect of each meeting of the Performance Assurance Board:
- (i) _____ the Chief Executive (or his duly appointed representative) shall be entitled and obliged to attend and speak (but not to vote) ~~at meetings of the Performance Assurance Board;~~
 - (ii) _____ a representative of the Authority appointed under Section B2.12 shall be entitled to attend and speak (but not to vote); and
 - (iii) _____ a duly appointed representative of each of Citizens Advice and Citizens Advice Scotland ~~the National Consumer Council~~ shall also be entitled to attend and speak (but not to vote);
- (f) upon invitation by the Performance Assurance Board, the BSC Auditor (or his or its respective duly appointed representative) may be entitled to attend and speak at meetings of the Performance Assurance Board and Section B4.5 shall not apply;
- (g) Section B1.2 shall not apply to the Panel Committee established to act as and perform the functions of the Performance Assurance Board;
- (h) in relation to any meeting of the Performance Assurance Board concerning the Risk Evaluation Register at which no confidential information is to be considered all Performance Assurance Parties and other persons entitled to receive notice of such meeting shall be invited to send a representative to such meeting but such representative shall only be entitled to speak at such meeting if so permitted by the chairperson of the meeting (such permission not to be unreasonably withheld); and
- (i) any meetings of the Performance Assurance Board concerning:
- (i) the Risk Evaluation Register where confidential information will be considered;
 - (ii) the Risk Operating Plan;
 - (iii) any Risk Management Plan;
 - (iv) the Annual Performance Assurance Report;
 - (v) any Risk Management Plan Query; or
 - (vi) the performance of a particular Performance Assurance Party,

shall be held in confidence and shall not be open to attendance by representatives of a Performance Assurance Party; except that where the Performance Assurance Board will discuss a Risk Management Plan Query or the performance of a particular Performance Assurance Party, it may invite such Performance Assurance Party to send a representative to attend the relevant part of such meeting.