

## **PART L - MODIFICATION RULES**

### **Introduction**

The Pipeline Operator has agreed with each other Gas Transporter which has incorporated the iGT UNC into its Network Code (the "**Other iGTs**") to establish, develop and operate arrangements pursuant to which the Modification Rules of the Pipeline Operator and the Other iGTs are administered on a common, joint or co-ordinated basis so that inter alia a Modification Proposal made in respect of the Code of one iGT UNC Operator is to be treated as a Modification Proposal in respect of the Codes of all iGT UNC Operators (unless the Modification Proposal has been raised in respect of an Individual Network Code).

### **1 Status of Modification Rules and Application**

- 1.1 Standard Condition 9(5) of the Gas Transporter's Licence requires the establishment and operation by the Pipeline Operator of certain procedures for the modification of the Code so as to better facilitate the achievement of the Relevant Objectives.
- 1.2 The Modification Rules set out in this Part L constitute such procedures and the network code modification procedures (as defined in Standard Condition 9.7(a) of the Gas Transporter's Licence).
- 1.3 The Modification Rules do not apply to any modification which the Pipeline Operator may from time to time be required to make pursuant to Standard Condition 9.11 of the Gas Transporter's Licence.

### **2 Interpretation**

- 2.1 In addition to terms defined elsewhere in the iGT UNC, the following terms and expressions have the following meanings in this Part L:

**"Affected Person"**: in relation to a Modification Proposal, a person (other than a Pipeline User) likely to be materially affected were such a Proposal to be implemented;

**"Agenda"**: an agenda detailing amongst other things the nature of the matters and materials to be discussed at the meeting of the iGT UNC Modification Panel to which the agenda relates;

**"Alternate"**: the meaning set out in Clause 5.4

**"Alternative Modification Proposal"**: the meaning set out in Clause 15.1;

**"Appeal"**: an appeal made by an Appealing Party to the iGT UNC Modification Panel of a determination by the iGT UNC Modification Panel under Clause 23.3.8(a) in respect of a Self-Governance Modification Proposal;

**"Appeal Criteria"**: the following criteria in respect of an Authority Appeal:

- (a) the Authority Appeal has been made within the time specified in these Rules;
- (b) in the opinion of the Authority:
  - (i) the Appealing Party is, or is likely to be, unfairly prejudiced by the implementation or non-implementation of the Self-Governance Modification Proposal;
  - (ii) the Authority Appeal has been made on the grounds that the Appealing Party reasonably believes that:
    - 1) where the iGT UNC Modification Panel has made the determination to implement the proposal, the proposal does not

- better facilitate the achievement of at least one of the Relevant Objectives; or
- 2) where the iGT UNC Modification Panel has made the determination not to implement the proposal, the proposal does better facilitate the achievement of at least one of the Relevant Objectives; and
- (iii) the Authority Appeal has not been made for reasons that are trivial, frivolous or vexatious; and
- (iv) the Authority Appeal has a reasonable prospect of success.

**“Appeal Procedures”**: the procedures for the making of an Appeal and an Authority Appeal as set out in Clause 30;

**“Appealing Party”**: in relation to an Appeal or an Authority Appeal, a Pipeline Operator, a Pipeline User, or a Third Party Participant making such appeal;

**“Authority Appeal”**: an appeal to the Authority made by the Appealing Party under Clause 30.5;

**“Best Practice Guidelines”**: means the Modification Proposal Best Practice Guidelines as published on the iGT UNC webpage;

**“Carbon Costs Guidance”**: guidance published by the Authority from time to time on the treatment of carbon costs and the evaluation of Greenhouse Gas emissions including the document entitled ‘Guidance on the treatment of carbon costs under current industry code objectives’;

**“Chairman’s Guidelines”**: a set of standing guidelines governing the conduct of meetings of the iGT UNC Modification Panel and Work Groups as determined by the iGT UNC Modification Panel and amended from time to time by Panel Majority;

**“Change Administrator”**: means a person appointed by each Pipeline Operator and each Pipeline User to receive Modification Proposals in accordance with Clause 2.6

**“Close out Date”**: means the final date for receiving written comments in relation to Modification Proposals, or any related documentation, that the ~~Representative Code Administrator~~ has issued for comment;

**Comment [G1]**: Change to reflect the use of Code Administrator instead of Representative

**“Code Administrator”**: is the party appointed by the iGT UNC Operators to manage the administration of the iGT UNC and any Individual Network Code;

**“Code of Practice”**: means the Code Administration Code of Practice approved by the Authority and developed, maintained and published by the Code Administrator and other code administrators, as may be amended with the Authority’s approval;

**“Consultation”**: the seeking of the views of the persons referred to in Clause 14.1;

**“Consumers’ Representative”**: the individual if any from time to time notified to the ~~Representative Code Administrator~~ by the National Consumer Council or any successor body thereto or in the absence of the same, such individual as may be designated by the Authority;

**Comment [G2]**: Change to reflect the use of Code Administrator instead of Representative

**“Critical Friend”**: means the obligation of the Code Administrator as set out in the Code Administrator’s Code of Practice to provide assistance, where reasonably practical and on reasonable request, to Pipeline Users (and in particular Small Participants), Pipeline Operators or a Consumers’ Representative;

**“Development”**: the examination in more detail and further development of a Modification Proposal pursuant to the process determined in a particular case by the iGT UNC Modification Panel;

**"Draft Modification Report"**: prepared in accordance with Clause 23.2.1;

**"Fast Track Self-Governance Criteria"**: has the meaning set out in Standard Licence Condition 9, paragraphs 12G and 23 of the Gas Transporter's Licence;

**"Fast Track Self-Governance Modification Proposal"**: means a Modification Proposal meeting the Fast Track Self-Governance Criteria;

**"Final Modification Report"**: prepared in accordance with Clause 23.3.1; **"Greenhouse Gas"**: has the meaning given in section 24(1) of the Climate Change Act 2008 to the term 'targeted greenhouse gas';

**"Group of Companies"**: means a "parent undertaking" and its "subsidiary undertakings" which expressions shall have the meanings in Section 258 of the Companies Act 1985;

**"iGT Shipper Standing Work Group"**: is the forum for iGTs and Shippers to meet and review issues and Modifications in accordance with the Terms of Reference on the iGT UNC Website;

**"iGT UNC"**: Parts A to M of this document and including the Transition Document;

**"iGT UNC Modification Panel"**: the modification panel established and constituted from time to time pursuant to and in accordance with the Modification Rules;

**"iGT UNC Operators"**: the Pipeline Operator and the Other iGTs and "iGT UNC Operator" means any of them;

**"iGT UNC Operators' Representative"**: any individual for the time being appointed by the iGT UNC Operators, or the Relevant Designated Person as a Member;

**"Individual Network Code"**: an iGT UNC Operator's Network Code excluding the terms of the iGT UNC;

**"Large Transporter Representative"**: the individual, if any, from time to time notified to the Code Administrator by the Secretary of the UNC Modification Panel to represent National Grid Gas plc and DN Operators;

**"Member"**: an individual appointed to the iGT UNC Modification Panel;

**"Modification"**: any Modification of the iGT UNC or, as the case may be, an Individual Network Code, made pursuant to these Modification Rules;

**"Modification Proposal"**: a proposal for the modification of the iGT UNC or an Individual Network Code pursuant to the Modification Rules;

**"Modification Report"**: prepared in relation to an Urgent Modification Proposal in accordance with Clause 17.2;

**"Non-voting Member"**: a Member of the iGT UNC Modification Panel which is not a Voting Member;

**"Ofgem Representative"**: the Individual, if any, for the time being appointed by the Authority to the iGT UNC Modification Panel;

**"Panel Chairman"**: the person appointed as chairman of the iGT UNC Modification Panel by the iGT UNC Operators and, as the context may require, shall include a deputy chairman;

**"Panel Majority"**: in relation to any matter to be determined at a quorate and duly convened meeting of the iGT UNC Modification Panel, a majority (in number) of the votes exercisable by the Voting Members present at that meeting and voting in favour of such matter;

**“Pipeline Users’ Representatives”**: each of those individuals for the time being appointed as a Member pursuant to Clause 4.6;

**“Proposer”**: in relation to a Modification Proposal or Review Proposal, the person initiating such Proposal;

**“Regulation”**: has the meaning defined in the Gas Transporter’s Licence;

**“Relevant Designated Person”**: means in the case of:

- (a) the Pipeline Users’ Representatives and the Suppliers’ Representative:
  - (i) subject to paragraph (ii) below, the individual for the time being appointed as the company secretary of the Gas Forum (a company incorporated in England and Wales, with company registration number 2941152);or
  - (ii) any other individual of whose identity the Panel Chairman may be notified by the Authority;
- (b) the iGT UNC Operators Representatives the Association of Independent Gas Transporters (a company incorporated in England and Wales, with company registration number 3591677);

**“Relevant iGT UNC Operator”**: for the purpose of the Modification Rules only, in relation to an Individual Network Code Modification Proposal means the iGT UNC Operator which is the owner or operator of the Pipeline to which the Individual Network Code relates.

**“Relevant Objectives”**: means:

- (a) the relevant objectives defined in Standard Condition 9(1) of the Gas Transporter’s Licence; and
- (b) in relation to a proposed modification of the Modification Rules, the requirements in Standard Condition 9(9) and 9(12) of the Gas Transporter’s Licence (to the extent that they do not conflict with the relevant objectives referred to in (a) above;

**“Relevant Pipeline User”**: for the purposes of the Modification Rules only, in relation to an Individual Network Code Modification Proposal means a Pipeline User which is party to the relevant Framework Agreement by which such Pipeline User becomes bound by the Individual Network Code;

**“Review”**: the consideration and discussion of any matter or any Modification Proposal;

**“Review Group”**: a Work Group which is tasked to carry out a Review;

**“Review Proposal”**: the meaning set out in Clause 18.1.1;

**“Review Proposal Procedures”**: the meaning set out in Clause 22.4;

**“Secretary of the UNC Modification Panel”**: the person appointed as secretary to the Modification Panel as defined in and constituted under the UNC;

**“Self-Governance Criteria”**: has the meaning given to “self-governance criteria” in Standard Licence Condition 9 (paragraphs 12D and 23) of the Gas Transporter’s Licence;

**“Self-Governance Modification Proposal”**: a Modification Proposal or an alternative to such proposal which:

- (a) the iGT UNC Modification Panel has determined satisfies the Self-Governance Criteria under Clause 18.7(e) (including after any variation of such proposal under Clause 16) and in respect of which the Code Administrator on behalf of the iGT UNC Modification Panel has submitted to the Authority a Self-Governance Statement (which has not been withdrawn by the Code Administrator on behalf of the iGT UNC Modification Panel or rejected by the Authority by the Self-Governance Modification Proposal Determination Date); or
- (b) the Authority has determined satisfies the Self-Governance Criteria under Clause 11.5;

**“Self-Governance Modification Proposal Determination Date”**: the date on which the iGT UNC Modification Panel:

- (a) makes a determination to implement or not to implement a Self-Governance Modification Proposal under Clause 23.3.8(a) or a Fast Track Self-Governance Modification Proposal under Clause 23.3.8(a)(12.4); or
- (b) for the purpose of Clause 30.5, decided, under Clause 30.4(a), to confirm its determination under Clause 23.3.8(a);

**Comment [G3]**: Missing reference as highlighted by Ofgem in their decision letter

**“Self-Governance Statement”**: has the meaning given to “self-governance statement” in Standard Licence Condition 9 (paragraphs 12D(a)(i) and 23) of the Gas Transporter’s Licence and which identifies the Proposed Self-Governance Modification Proposal Determination Date in respect of the relevant proposal;

**“Send Back”**: shall have the meaning set out in Clause 26.1;

**“Significant Code Review”**: means complex changes to the Industry Codes led by the Authority and as set out in Standard Licence Condition 9 12A to C (inclusive) of the Gas Transporter’s Licence;

**“Significant Code Review Modification Proposal”**: a Modification Proposal made pursuant to a direction of the Authority which is made further to a Significant Code Review;

**“Significant Code Review Suspended Modification Proposal”**: unless Clause 13.3 applies a Modification Proposal in respect of which the application of the Modification Procedures is suspended pursuant to Clause 13.2 until the end of the Significant Code Review Phase;

**“Significant Code Review Phase”**: has the meaning given in Standard Licence Condition 9 (paragraphs 12A and 23) of the Gas Transporter’s Licence;

**“Small Participant”**: shall have the meaning set out in Standard Licence Condition 9, paragraph 23, of the Gas Transporter’s Licence;

**“Suggested Text”**: means indicative legal text, in respect of a Modification Proposal, which has been provided by the Proposer other than legal text which is prepared under clause 21.1;

**“Suppliers’ Representative”**: the individual if any from time to time notified to the ~~Representative~~ Code Administrator by the Relevant Designated Person to represent independent supplier organisations and not affiliated to a Pipeline User which has a representative on the iGT UNC Modification Panel;

**Comment [G4]**: Change to reflect the use of Code Administrator instead of Representative

**“Terms of Reference”**: means those terms of reference assigned to either a Work Group or iGT Shipper Standing Work Group pursuant to Clause 20;

**“Third Party Modification Proposal”**: a proposal to modify (by adding or removing from the list of operational data items set out in) Part K Appendix K-1 made by a

recognised Third Party Participant which the Proposer considers would better facilitate the achievement of the Relevant Objectives;

**“Third Party Participant”**: any person or body who is not a Pipeline User but who is a representative of interested third parties, as may be designated in writing for this purpose by the Authority, from time to time, and maintained on a register held by the Authority;

**“Urgent Modification Proposal”**: the meaning set out in Clause 17.1.1;

**“User Discontinuance Date”**: is the date with effect from which a Pipeline User ceases to be a Pipeline User;

**“Variation Request”**: the meaning set out in Clause 16.1(c);

**“View”**: the views of the Authority referred to in Standard Condition 9;

**“Voting Member”**: any iGT UNC Operator’s Representative (other than the Panel Chairman and deputy chairman) and any Pipeline Users’ Representative;

**“Work Group”**: a group which includes representatives of Pipeline Users and iGT UNC Operators, for the avoidance of doubt this may include the iGT Shipper Standing Work Group;

**“Work Group Assessment”**: those provisions of the Modification Procedures set out in Clause 19;

**“Work Group Report”**: the report of a Work Group in relation to a Modification Proposal referred to it by the iGT UNC Modification Panel prepared pursuant to Clause 19.3.

- 2.2 References in the Modification Rules to the Pipeline Operator, the iGT UNC Operators or any of them doing certain things within certain time periods shall be construed as the Pipeline Operator, the iGT UNC Operators or such iGT UNC Operator agreeing to endeavour to do such things within such time limits.
- 2.3 Where for the purpose of the Modification Rules the iGT UNC Operators are required to undertake any obligation, such obligation shall be construed as an obligation on the Pipeline Operator to endeavour to undertake such obligation on a common joint or co-ordinated basis with the other iGTs.
- 2.4 The iGT UNC Operators will appoint from time to time a person or persons (the **“Code Administrator”**) (and may remove and replace any person so appointed) to administer the Modification Rules on behalf of the iGT UNC Operators and to act as secretary to the iGT UNC Modification Panel. The identity and contact details of the Code Administrator will be notified as soon as reasonably practicable after appointment, to Pipeline Users and the Authority. The iGT UNC Operators may from time to time appoint (and may revoke the appointment of) a person or persons as a deputy to the Code Administrator and references to the “Code Administrator” include any such deputy.
- 2.5 Where for the purpose of the Modification Rules the Pipeline Operator is or the iGT UNC Operators are required to undertake any obligation, it is acknowledged that it or they may discharge the performance of that obligation through the Code Administrator.
- 2.6 Each Pipeline Operator and each Pipeline User shall notify to the Code Administrator a Change Administrator including details of their electronic mail address.
- 2.7 The Code Administrator shall:

- (a) in conjunction with other code administrators, maintain, publish, review and (where appropriate) amend from time to time the Code of Practice approved by the Authority;
- (b) facilitate these Modification Rules; and
- (c) have regard to, and in particular (to the extent relevant) be consistent with the principles contained in, the Code of Practice.

**2.8** Where the Code Administrator undertakes any obligation for the purposes of these Modification Rules, the Code Administrator shall do so in compliance with the Code of Practice unless it conflicts with these Modification Rules.

### **3 Critical Friend**

**3.1** In carrying out its obligations including under these Modification Rules and in compliance with the Code of Practice, the Code Administrator shall act as Critical Friend and provide such assistance as a Pipeline User (and in particular Small Participants), a Pipeline Operator or a Consumers' Representative may reasonably require, which shall include but not be limited to assistance in relation to:

- (a) the drafting of a Modification Proposal;
- (b) the provision of advice in relation to the operation and effect of the iGT UNC or an Individual Network Code;
- (c) the Pipeline User or Pipeline Operator's participation, involvement and representation in the Modification Procedures (including but not limited to iGT UNC Modification Panel and/or Work Group meetings); and
- (d) accessing information relating to a Modification Proposal, Modifications and the Modification Procedures.

### **4 Composition of the iGT UNC Modification Panel**

**4.1** The iGT UNC Modification Panel shall be composed of:

- (a) the Panel Chairman being a non-voting Member;
- (b) up to three (3) iGT UNC Operators' Representatives being Voting Members;
- (c) if appointed, up to three (3) Pipeline Users' Representatives, being Voting Members;
- (d) if appointed, the Ofgem Representative being a non-voting Member

**4.2** The iGT UNC Modification Panel may invite to attend for a particular meeting or on a standing basis any or all of the following:

- (a) one Consumer Representative;
- (b) one Suppliers' Representative; and
- (c) one Large Transporter Representative.

Subject to Clause 4.3, none of such persons shall have any right to vote or to attend a meeting of the iGT UNC Modification Panel in the absence of any such invitation.

**4.3** If any of the persons referred to in Clause 4.2 wishes to attend a meeting of the iGT UNC Modification Panel to which he has not been invited, he may do so if he has been given permission by the Panel Chairman.

- 4.4 It is expected that each Voting Member shall, as appropriate, represent and inform the iGT UNC Modification Panel of the view of that Member's appointer(s) in relation to Modification Proposals and Review Proposals. It is expected that any Consumers' Representative, Suppliers' Representative and Large Transporter Representative attending a meeting of the iGT UNC Modification Panel shall inform the iGT UNC Modification Panel of the views of those persons whom they represent.
- 4.5 The iGT UNC Operators or in the absence of such appointments the Relevant Designated Person shall appoint up to three (3) representatives to the iGT UNC Modification Panel.
- 4.6 The Relevant Designated Person shall have the right to appoint on behalf of Pipeline Users up to three (3) Pipeline Users' Representatives.
- 4.7 For the avoidance of doubt and without prejudice to Clause 5.1, the processes or rules (if any) pursuant to which a person or body appoints (or revokes the appointment of) an individual as an iGT UNC Operator Representative, Pipeline Users' Representative, Ofgem Representative, Consumer Representative, Suppliers' Representative or Large Transporter Representative are outside of the iGT UNC.
- 4.8 The ~~Representative~~ Code Administrator shall attend meetings of the iGT UNC Modification Panel and any person acting as his deputy may attend any meeting of the iGT UNC Modification Panel at which the ~~Representative~~ Code Administrator is also in attendance.
- 4.9 The iGT UNC Operators shall appoint (and as the case may be remove and reappoint) one person from time to time as the Panel Chairman and one person from time to time as the deputy Panel Chairman. The iGT UNC Operators may appoint the Code Administrator as Panel Chairman or deputy Panel Chairman.
- 4.10 No company or Group of Companies may have more than one Member on the iGT UNC Modification Panel.
- 4.11 The Code Administrator shall notify the Authority of any changes in the composition of the iGT UNC Modification Panel.

**Comment [G5]:** Change to reflect the use of Code Administrator instead of Representative

**Comment [G6]:** Change to reflect the use of Code Administrator instead of Representative

## 5 Period of Appointment and Alternates

- 5.1 Each Member shall remain as a Member until the earlier of;
- the date which is two (2) years after the date on which that Member was appointed;
  - the date on which that Member's appointment is revoked by the person(s) or body appointing them; or
  - date on which the Member ceases to be a Member pursuant to Clause 5.3 and Clause 5.9.
- 5.2 If at any time less than three (3) individuals are appointed:
- as Pipeline Users' Representatives, the Relevant Designated Person ;or
  - as IGT UNC Operators' Representatives, the iGT UNC Operators or the Relevant Designated Person
- may by notice to the Code Administrator identify any individual to fill any vacancy.
- 5.3 If any individual shall for whatever reason notify the Code Administrator that he wishes to cease to be a Member, he shall cease to be a Member in accordance with the notice and the Code Administrator shall send a copy of such notice to the Designated Person and inform in due course, any other relevant persons determined by the Code Administrator.



- 5.4 Each Member may, from time to time, by notice to the Code Administrator appoint (or revoke the appointment of) an individual (including, but without limitation, another Member other than the Panel Chairman) to act on behalf of the Member as their alternate (an “**Alternate**”). The appointment (and revocation of the appointment) of any individual as an Alternate shall be conditional upon and shall only be effective upon receipt of notice by the Code Administrator.
- 5.5 A Member who is, by reason of also being an Alternate of a Voting Member, entitled to exercise more than one (1) vote shall not be required to exercise all the votes which that Member is entitled to exercise, or to exercise all of the votes which that Member is entitled to exercise in the same way.
- 5.6 In addition to notices sent to Members, each Alternate for the time being shall be entitled to be sent notices.
- 5.7 An Alternate may attend any meeting of the iGT UNC Modification Panel which is not also attended by the Member (in his capacity as a Member) who appointed him. If that Alternate is the Alternate of a Voting Member, he may also vote and generally at any such meeting shall have and shall be able to exercise and discharge any and all of the functions, powers and duties of the Member who has appointed that Alternate. Alternates of Voting Members may sign written resolutions pursuant to Clause 7.7 provided that if an Alternate of a Voting Member and the Voting Member who appointed him shall sign a written resolution the signature of the Voting Member shall be effective and the signature of the Alternate shall be disregarded.
- 5.8 If a Member ceases, for whatever reason to be a Member, the appointment of any Alternate of the Member shall also cease.
- 5.9 A Member shall cease to be a Member if:
- (a) the Member fails, in person or by Alternate, to attend three (3) consecutive meetings of the iGT UNC Modification Panel that have been duly convened;
  - (b) an iGT UNC Operator or Pipeline User ceases to be an iGT UNC Operator or Pipeline User, or has its Gas Transporter or Shipper’s Licence revoked, and the Member is employed by either:
    - (i) that iGT UNC Operator or Pipeline User; or
    - (ii) an affiliate of that iGT UNC Operator or Pipeline User;
  - (c) the Member ceases to be in the employment of the iGT UNC Operator or Pipeline User, or an affiliate of the iGT UNC Operator or Pipeline User, that he was employed by when appointed under Clause 4.5 or 4.6 of Section L.

**6 Determinations of and Convening Meetings of the iGT UNC Modification Panel**

- 6.1 Except as otherwise provided in the Modification Rules:
- (a) determinations of the iGT UNC Modification Panel shall be made by Panel Majority;
  - (b) Work Groups may be created or dissolved by Panel Majority.
- 6.2 Other than as expressly provided in the Modification Rules, the iGT UNC Modification Panel shall have no ability to determine any matter and no competence to discharge any function or to exercise any power.

- 6.3 Subject to Clauses 6.7 and 6.8 the Code Administrator shall convene meetings of the iGT UNC Modification Panel by notice to the Members not less frequently than once every month unless there is no matter as an Agenda item for the iGT UNC Modification Panel to discuss. In any event, a meeting of the iGT UNC Modification Panel will be convened once every three (3) months.
- 6.4 Subject to Clauses 6.7, 6.8 and 17, meetings of the iGT UNC Modification Panel will be convened on not less than ten (10) Business Days' notice. This Clause 6.4 is without prejudice to Clause 7.7 which provides that resolutions of the iGT UNC Modification Panel may be made in writing in accordance with the provisions of that Clause ~~7.7~~.
- 6.5 Every notice convening a meeting of the iGT UNC Modification Panel shall specify the place, day and time of the meeting and enclose an Agenda. All relevant materials in respect of a meeting of the iGT UNC Modification Panel will be circulated not less than five (5) Business Days prior to the meeting to which they relate or subject to Clause 6.6 where in the opinion of the Code Administrator a shorter period would better facilitate the exercise by the iGT UNC Modification Panel of its powers, within such shorter period as the ~~Representative~~ Code Administrator shall determine. Each Member shall subject to Clause 28.7 be entitled to receive each notice and the relevant materials. At the same time as any notice is despatched to Members a copy of such notice shall subject to Clause 28.7 be despatched by the Code Administrator to each Pipeline User and each iGT UNC Operator. There may be circumstances where materials to be despatched with a notice have pursuant to the Modification Rules already been sent to Pipeline Users or iGT UNC Operators. In any such circumstances the relevant materials may be, but do not have to be, sent with the notice.
- 6.6 Notwithstanding where the Code Administrator has determined a shorter period to circulate relevant materials in respect of a meeting of the iGT UNC Modification Panel pursuant to Clause 6.5, no new items to the Agenda shall be considered except by determination of the iGT UNC Modification Panel prior to such meeting.
- 6.7 The iGT UNC Modification Panel may at any meeting of the iGT UNC Modification Panel determine that the next following meeting of the iGT UNC Modification Panel be duly convened on shorter notice that specified in Clause 6.4 and where the iGT UNC Modification Panel shall so determine the Code Administrator shall convene a meeting of the iGT UNC Modification Panel in accordance with that determination.
- 6.8 Without prejudice to Clause 6.7, if all Voting Members agree in writing, the Code Administrator shall duly convene a meeting of the iGT UNC Modification Panel on shorter notice than that specified in Clause 6.4.
- 6.9 Members of whom two (2) shall be iGT UNC Operators and two (2) shall be Pipeline Users' Representatives (excluding the Panel Chairman) present at a meeting of the iGT UNC Modification Panel who can exercise four (4) votes shall be a quorum.
- 6.10 If a quorum is not present at the time for the holding of a meeting (specified in the notice convening the meeting) or at any time during the hour following that time, the meeting shall stand adjourned to such place and time which is as soon as is reasonably practicable as the Code Administrator shall notify to each Member and (for information purposes only) each Pipeline User and each iGT UNC operator. If at such place and time the meeting so adjourned shall not be quorate in accordance with Clause 6.9 the Voting Members present shall be a quorum.
- 6.11 Any meeting of the iGT UNC Modification Panel at which a quorum is present shall be competent to discharge any and all of the functions within the competence of the iGT UNC Modification Panel.

**Comment [G7]:** Incorrect reference as highlighted by Ofgem in their decision letter

**Comment [G8]:** Change to reflect the use of Code Administrator instead of Representative

- 6.12** Every year in January the iGT UNC Modification Panel shall agree dates for the twelve meetings to be held in the calendar year commencing at the following January.
- 6.13** Within ten (10) Business Days of the iGT UNC Modification Panel dates being agreed pursuant to Clause 6.12, the Code Administrator shall publish and maintain on the iGT UNC website dates for iGT UNC Modification Panel meetings together with dates for the subsequent publication of Modification Proposals, Draft Modification Reports, Final Modification Reports and Close Out Dates for Modification Proposals proceeding to Consultation in accordance with Clause 18.6(a).

## **7 Form of Meetings of iGT UNC Modification Panel**

- 7.1** The Panel Chairman or, in the absence of the Panel Chairman, the deputy chairman, shall preside at meetings of the iGT UNC Modification Panel.
- 7.2** The Panel Chairman shall conduct all meetings of the iGT UNC Modification Panel in accordance with the Chairman's Guidelines.
- 7.3** Unless the iGT UNC Modification Panel shall in respect of any meeting of the iGT UNC Modification Panel otherwise determine, meetings of the iGT UNC Modification Panel will take place in London.
- 7.4** Meetings of the iGT UNC Modification Panel may take place by means of telephone, conference telephone, video link or any other audio, audio-visual or interactive communication notwithstanding that the Members treated as being present (pursuant to Clause 7.5) by any such means of communication may not all be meeting in the same place provided that each Member shall be able to communicate to each of the other Members and be heard by each of the other Members simultaneously.
- 7.5** Any Member who shall be able to participate in the manner envisaged by Clause 7.4 in any meeting of the iGT UNC Modification Panel shall be treated as being present at such meeting and accordingly shall, if such Member is a Voting Member, be entitled to vote and shall count towards the quorum.
- 7.6** Subject to Clause 7.7, the discharge of all of the functions within the competence to the iGT UNC Modification Panel and expressed to require a determination of the iGT UNC Modification Panel shall be determined by a vote conducted on a show of hands or, the meeting takes place pursuant to Clause 7.4 on a show of hands or such other demonstration of affirmation or consent as may be appropriate. On any vote each Voting Member present shall (subject to Clauses 5.5 and 5.7) be entitled to exercise one (1) vote.
- 7.7** A resolution in writing signed by Voting Members including any Alternates appointed by such Members in accordance with Clause 5.4 shall be valid and effective for the purposes of discharging any function requiring a determination of the iGT UNC Modification Panel as if such vote were conducted in accordance with Clause 7.6 at a duly convened meeting of the iGT UNC Modification Panel provided that votes are received by the Code Administrator from such Members as would, if present, form a quorum in accordance with Clauses 6.9 and 6.10 not later than three (3) Business Days (or such shorter period as the Code Administrator may reasonably notify) following receipt by Voting Members of such documents as are necessary for the purposes of such written resolution. Such determinations may consist of several documents in the same form each such document being signed by one (1) (or more) of the Voting Members or Alternates. The Code Administrator shall, where reasonably practicable, notify Members in advance that such vote will take place and shall send copies of any such written resolutions to all non-voting Members, all Pipeline Users and all iGT UNC Operators.
- 7.8** The iGT UNC Modification Panel may, from time to time, determine to invite any individual to attend all or part of a meeting of the iGT UNC Modification Panel.

7.9 Any invitee to a meeting of the iGT UNC Modification Panel pursuant to Clause 7.8 shall be entitled to receive copies of any relevant minutes, Agendas, notices and Modification Proposals due to be discussed at that meeting (but shall not be entitled to participate in the business of the meeting).

7.10 Each Pipeline User and each iGT UNC Operator shall be entitled to appoint an individual to act as an observer at meetings of the iGT UNC Modification Panel (an observer so appointed shall not be entitled to participate in the business of the meeting). In respect of any such individual, the iGT UNC Modification Panel may from time to time, determine that such individual be excluded from all or part of a meeting of the iGT UNC Modification Panel.

## **8 Minutes of Meetings of the iGT UNC Modification Panel**

8.1 The Code Administrator shall:

(a) ensure that all meetings of the iGT UNC Modification Panel and all determinations of the iGT UNC Modification Panel (at meetings of the iGT UNC Modification Panel) are minuted and, as regards such determinations, that the minutes record the manner in which each Voting Member cast his vote in respect of each matter determined by the iGT UNC Modification Panel; and

(b) issue a report of determinations of the iGT UNC Modifications Panel to each Member, each iGT UNC Operator and each Pipeline User within three (3) Business Days of the meeting of the iGT UNC Modification Panel at which such determinations were made.

8.2 The Code Administrator shall, within ten (10) Business Days following the date of the relevant meeting, send each Member, each iGT UNC Operator and each Pipeline User:

(a) a copy of minutes of that meeting made pursuant to Clause 8.1 and

(b) notification of any determination made pursuant to Clause 18.6.

## **9 Provision of Information**

9.1 The iGT UNC Modification Panel may, from time to time, determine to provide (subject to Clause 28.7) to any person a document derived from the application of the Modification Rules (including but without limitation, any minutes made pursuant to Clause 8.1), or considered in accordance with the Modification Rules.

9.2 If the iGT UNC Modification Panel shall so determine the Code Administrator shall ensure that within a reasonable period of time the document which is the subject of such determination shall be sent to such person.

## **10 Modification Proposals**

### **10.1 Relevant Persons**

- 10.1.1 A Modification Proposal in respect of the iGT UNC may be initiated by any Pipeline User or by an iGT UNC Operator and by a Third Party Participant. A Third Party Participant may only make a Third Party Modification Proposal.
- 10.1.2 A Modification Proposal in respect of an Individual Network Code may be initiated by a Relevant Pipeline User or Relevant iGT UNC Operator.
- 10.1.3 A Modification Proposal in respect of the iGT UNC or an Individual Network Code may be initiated by the Authority in relation only to Modifications which it reasonably considers are necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/ or the Agency for the Co-operation of Energy Regulators.
- 10.1.4 If:
- (a) The Code Administrator in respect of any Modification Proposal considers that such Modification Proposal should be treated as an Urgent Modification Proposal; or
  - (b) The Proposer shall have identified the proposal as one which the Proposer considers should be treated as an Urgent Modification Proposal,
- that Modification Proposal shall be subject to Clause 17
- 10.1.5 The Authority may direct an iGT UNC Operator to make a Significant Code Review Modification Proposal in respect of the iGT UNC and/or the Individual Network Code and without prejudice to Clause 15 or Clause 16, the iGT UNC Operator shall make a proposal in accordance with that direction and such a proposal shall proceed in accordance with the Modification Procedures.
- 10.1.6 An iGT UNC Operator, a Relevant Pipeline User, ~~or a Third Party Participant~~ ~~or a Materially Affected Party~~ may not make a Modification Proposal in respect of the iGT UNC or Individual Network Code during the relevant Significant Code Review Phase if the subject matter of such proposal relates to a matter which is the subject of a Significant Code Review, unless:
- (a) the Authority directs that it may do so, having taken into account, among other things, the urgency of the subject matter of such proposal; or
  - (b) the Modification is made by the iGT UNC Operator in accordance with Standard Licence Condition 9 (paragraphs 12A, 12B or 12C) of the Gas Transporter's Licence.

**Comment [G9]:** Reference to a Materially Affected Party removed as this is no longer relevant

## 10.2 Content of Modification Proposal

- 10.2.1 Each Modification Proposal made pursuant to Clause 10.1.1 or Clause 10.1.2 shall set out the information and be in the form specified on the iGT UNC Website and:
- (a) shall state the Proposer's view as to whether it should be a Self-Governance Modification Proposal and the Proposer's reasons for such a view;
  - (b) shall state the Proposer's view as to whether it should be a Fast Track Self-Governance Modification Proposal and the Proposer's reasons for such a view;
  - (c) shall where it is made pursuant to a direction of the Authority state that it is so made;

- (d) shall be in writing and shall specify whether it relates to the iGT UNC or an Individual Network Code;
- (e) shall set out in reasonable but not excessive detail the case for change and the solution proposed;
- (f) shall set out on the basis upon which the Proposer considers that it would better facilitate the achievement of the Relevant Objectives;
- (g) shall detail the sections and paragraphs of the iGT UNC or the Individual Network Code which are potentially impacted by the Modification Proposal;
- (h) shall, if the Proposer considers that the Modification Proposal should be treated as an Urgent Modification Proposal, identify the Modification Proposal as such and indicate the Proposer's justification for such belief;
- (i) shall state the name of the Proposer and their contact details;
- (j) shall, without prejudice to the iGT UNC Modification Panel's right of determination pursuant to Clause 18 state the Proposer's preference as to whether the Modification Proposal should;
  - i. be subject to the Review Procedures;
  - ii. proceed to Work Group Assessment; or
  - iii. proceed to Consultation.
- (k) may state the Proposer's opinion of the likely impact of the implementation of the Modification Proposal upon Pipeline User's computer systems and/or manual processes and procedures; and
- (l) may include the Proposer's Suggested Text. This Suggested Text will be considered by the iGT UNC Operators when preparing the text of the Modification pursuant to Clause 21;

- 10.2.2 Each Modification Proposal shall be given to the Code Administrator **Representative** who shall ensure that the information has been provided pursuant to Clause 10.2.1.
- 10.2.3 Where a Modification Proposal does not comply with Clause 10.2.1 the Code Administrator may reject such Modification Proposal.
- 10.2.4 Where the Proposer requests that the Modification Proposal should proceed direct to Consultation then the Proposer shall ensure that the Modification Proposal contains all the information required by a Work Group Report in accordance with Clause 19.3 except where such information is not relevant to the Modification Proposal.
- 10.2.5 Where in the opinion of the Proposer, the impact (if any) of the Modification proposed in a Modification Proposal on Greenhouse Gas emissions is likely to be material, the Proposer shall assess the quantifiable impact of such Modification (if any) on Greenhouse Gas emissions (in accordance with Carbon Costs Guidance) for the purposes of information to be submitted in respect of the Modification Proposal.

**Comment [G10]:** Change to reflect the use of Code Administrator instead of Representative

**11 Self-Governance Modification Proposals**

- 11.1 Where the iGT UNC Modification Panel under Clause 18.7(e) determines that a Modification Proposal satisfies the Self-Governance Criteria, the Code Administrator shall on behalf of the iGT UNC Modification Panel submit to the Authority a Self-Governance Statement in respect of such a proposal as soon as reasonably practicable and set a proposed Self-Governance Modification Proposal Determination Date.
- 11.2 The Authority may until the Self-Governance Modification Proposal Determination Date, reject the Self-Governance Statement.
- 11.3 Where the Authority rejects a Self-Governance Statement the Modification Proposal which is the subject of such Self-Governance Statement shall:
  - (a) not be a Self-Governance Modification Proposal; and
  - (b) be subject to the Modification Procedures.
- 11.4 The iGT UNC Modification Panel may withdraw a Self-Governance Statement that it submits under Clause 11.1 at any time before the Self-Governance Modification Proposal Determination Date in respect of the related Self-Governance Modification Proposal.
- 11.5 If the Code Administrator, in respect of a Modification Proposal:
  - (a) does not submit a Self-Governance Statement under Clause 11.1; or
  - (b) withdraws a Self-Governance Statement under Clause 11.4;
 the Authority may determine that the Modification Proposal satisfies the Self-Governance Criteria and is a Self-Governance Modification Proposal and such determination shall be effective upon the giving of notice of such determination to the Code Administrator.
- 11.6 The Authority may, at any time before the Self-Governance Modification Proposal Determination Date in respect of a Self-Governance Modification Proposal, direct that its approval is required in respect of the implementation of such proposal.

## 12 **Fast Track Self-Governance Modification Proposals**

- 12.1 A Modification Proposal may be raised as a Fast Track Self-Governance Modification Proposal where it meets the Self-Governance Criteria and is properly a housekeeping modification required as a result of some error or factual change, including but not limited to:
- (a) updating names or addresses listed in the iGT UNC and/or an Individual Network Code;
  - (b) correcting minor typographical errors;
  - (c) correcting formatting and consistency errors, such as paragraph numbering; or
  - (d) updating out of date references to other documents or paragraphs.
- 12.2 The Proposer shall indicate when submitting their Modification Proposal pursuant to Clause 10, if, in their opinion the proposal meets the requirements of Clause 12.1.
- 12.3 The iGT UNC Modification Panel shall not make a determination in accordance with Clause 12.4 unless a copy of the Fast Track Self-Governance Modification Proposal has been sent to each Change Administrator, each Affected Person (if any) and the Authority in accordance with Clause 14.1(b) at least fifteen (15) Business Days before the meeting of iGT UNC Modification Panel.
- 12.4 Subject to Clause 12.3, in order for a Fast Track Self-Governance Modification Proposal to be accepted as such, the iGT UNC Modification Panel shall:
- (a) unanimously agree to the proposal meeting the Fast Track Self-Governance Criteria; and
  - (b) unanimously support implementation of the proposal.
- 12.5 Any Fast Track Self-Governance Modification Proposal approved by the iGT UNC Modification Panel pursuant to Clause 12.4, shall be implemented in accordance with Clause 27.2.
- 12.6 Where pursuant to Clause 12.4 the iGT UNC Panel does not unanimously agree to a Fast Track Self-Governance Modification Proposal meeting the Fast Track Self-Governance Criteria, does not unanimously support implementation, or an objection is received pursuant to Clause 12.7, the iGT UNC Modification Panel may:
- (a) direct that the proposal is treated as a Self-Governance Modification Proposal subject to Clause 11; or
  - (b) direct that the proposal is treated in accordance with Clause 18.7.
- 12.7 Within fifteen (15) Business Days of a Fast Track Self-Governance Modification Proposal being issued by the Code Administrator pursuant to Clause 14.1(b), a Pipeline User, a Pipeline Operator, ~~a Materially Affected Party (if any)~~ or a Third Party Participant may, in writing to the Code Administrator, object to the proposed Fast Track Self-Governance Modification Proposal being made via the fast track self-governance route. Such notice must identify the Fast Track Self-Governance Modification Proposal which is subject to the objection and include any representations the objecting party wishes to make in support of their objection.

**Comment [G11]:** Reference to a Materially Affected Party removed as this is no longer relevant



**12.8** Where an objection to a Fast Track Self-Governance Modification Proposal is received by the Code Administrator within the period referred to in Clause 12.7, the Code Administrator shall send details of the objection to each Change Administrator, each Affected Person (if any) and the Authority and put discussion of the objection on the Agenda of the next meeting of the iGT UNC Modification Panel.

**13 Modification Proposals made during a Significant Code Review Phase**

**13.1** Where the Authority has received a written assessment of the iGT UNC Modification Panel under Clause 18.6 in respect of a Modification Proposal, the Code Administrator shall inform the Proposer and each iGT UNC Operator, Pipeline User, Third Party Participant and Non-Code Party (if any) of the direction or re-direction it has received from the Authority.

**13.2** Where the direction or re-direction received by the Code Administrator from the Authority is not to proceed with the Modification Proposal that Modification Proposal shall become a Significant Code Review Suspended Modification Proposal and shall continue to be so until either the end of the Significant Code Review Phase or unless the Authority directs otherwise (having taken into account, among other things not limited to, the urgency of the subject matter of such a proposal).

**13.3** Where the Authority:

- (a) has not made a direction within twenty-eight (28) days after it has published its Significant Code Review conclusions, or has made no re-direction to proceed with the Modification Proposal; or
- (b) directs that Standard Licence Condition 9 (paragraphs 12A, 12B or 12C) of the Gas Transporter's Licence applies to such proposal;

such proposal shall not be or shall cease to be a Significant Code Review Suspended Modification Proposal and that Modification Proposal shall proceed in accordance with the Modification Procedures.

**14 Circulation of Modification Proposals**

**14.1** The Code Administrator shall:

- (a) on receipt of a valid Modification Proposal in accordance with Clause 10.2.1 allocate a unique reference number to that proposal;
- (b) by the later of:
  - (i) the end of the third Business Day following receipt of a Modification Proposal made pursuant to Clause 10.1.1; and
  - (ii) the end of the first Business Day following the date on which the Code Administrator receives notification of any decision of the Authority pursuant to Clause 17.1.2 or Clause 17.1.3 as to whether the Modification Proposal should be treated as an Urgent Modification Proposal,

send a copy of that Modification Proposal to each Change Administrator, each Affected Person (if any), the Authority and;

- (c) subject to Clause 17, put initial discussion of the Modification Proposal on the Agenda for the next meeting of the iGT UNC Modification Panel (provided the Modification Proposal is received no later than eight (8) Business Days prior to the date of the next meeting of the iGT UNC Modification Panel (unless the iGT UNC Modification Panel determines it is happy to accept the Modification Proposal as short notice business)) and the next meeting of the iGT UNC

Modification Panel shall (subject to Clause 6.8) be convened pursuant to Clause 6.4; and

- (d) notify the Proposer of the meeting of the iGT UNC Modification Panel at which the Modification Proposal is to be discussed, and request the attendance of the Proposer's representative.

**14.2** Where:

- (a) the Authority decides that a Modification Proposal should not be treated as an Urgent Modification Proposal; and
- (b) at the date on which the Code Administrator receives notification of such decision, no meeting of the iGT UNC Modification Panel will, in accordance with Clause 6.3, take place within ten (10) Business Days of such date,

the ~~Representative~~ Code Administrator shall seek in writing, from Members in accordance with Clause 7.7 a determination of the iGT UNC Modification Panel as to which of the procedures set out in Clause 18.7 should apply to the Modification Proposal.

**Comment [G12]:** Change to reflect the use of Code Administrator instead of Representative

**15** Alternative Proposals

**15.1** In respect of a Modification Proposal which the iGT UNC Modification Panel pursuant to Clause 18.7 has determined should be referred to a Work Group;

- (a) where the Modification Proposal is made in respect of the iGT UNC, any person who is eligible to make an Alternative Modification Proposal under Clause ~~10.1.1~~ 15.2;

**Comment [G13]:** Further error – should be 10.1.1 Also believed to be wrong in the UNC

- (b) where the Modification Proposal is made in respect of an Individual Network Code, any person who is eligible to make an Alternative Modification Proposal under Clause ~~10.1.2~~ 15.2;

**Comment [G14]:** Further error – should be 10.1. 2. Also believed to be wrong in the UNC

being a person other than the Proposer, may make an Alternative Modification Proposal in accordance with Clause 10.2 and the Work Group shall only consider an Alternative Modification Proposal made under this Clause 15.1 if it is made no less than five (5) Business Days before the next meeting of the Work Group.

**15.2** Where a Modification Proposal has been referred to a Work Group and the Work Group requests that the Modification Proposal should be amended but the Proposer of the Modification Proposal does not agree to amend the Modification Proposal, any person (other than the Proposer) who is eligible to make an Alternative Modification Proposal under Clause 15.1 may, in accordance with Clause 10.2, make an Alternative Modification Proposal under this Clause 15.2 which shall include the amendment.

**15.3** Where the iGT UNC Modification Panel has determined a Modification Proposal should be referred to a Work Group and:

- (a) the Work Group Report in respect of such Modification Proposal has been sent to all Members in accordance with Clause 19.4; or
- (b) the iGT UNC Modification Panel has made a determination to refer the Work Group Report in respect of such Modification Proposal back to the Work Group for revision or further work under Clause 19.5 (b) and such Work Group Report has been sent to all Members in accordance with Clause 19.4 after such revision or further work;

an Alternative Modification Proposal shall not be made in respect of the Modification Proposal or be considered by the Work Group.

- 15.4** Where the iGT UNC Modification Panel has determined a Modification Proposal should be referred to a Work Group under Clause 18.6(b) and the Work Group Report in respect of such Modification Proposal has been sent to the iGT UNC Modification Panel an Alternative Modification Proposal shall not be made in respect of such Modification Proposal or be considered by the Work Group under Clause 15.1.
- 15.5** An Alternative Modification Proposal may not be made in respect of a Modification Proposal after the iGT UNC Modification Panel pursuant to Clause 18.6 has determined such Modification Proposal should proceed to Consultation.
- 15.6** In respect of any Modification Proposal which is withdrawn pursuant to Clause 16.1, or deemed withdrawn pursuant to Clause 16.4 or Clause 16.6, any of the parties (except for the Proposer):
- (a) in Clause 10.1.1 (where such proposal is made pursuant to Clause 10.1.1); or
  - (b) in Clause 10.1.2 (where such proposal is made pursuant to Clause 10.1.2);

may, but shall not be required to, either raise an Alternative Modification Proposal in accordance with Clause 15.2 or adopt the withdrawn Modification Proposal (in which case the adopted Modification Proposal shall continue through the Modification Procedures from the point at which it was withdrawn).

## **16 Withdrawal or Variation of Modification Proposals**

### **16.1** A Proposer may:

- (a) withdraw a Modification Proposal, at any time before the Final Modification Report is circulated to the Authority pursuant to clause 23.3.5 or in respect of a Self-Governance Modification Proposal at any time before the iGT UNC Modification Panel makes a determination under Clause 18.7(e), by notice to the Code Administrator, and subject to Clause 15 any Modification Proposal so withdrawn shall lapse, or
- (b) vary a Modification Proposal of that Proposer, at any time before the iGT UNC Modification Panel has determined to proceed to Consultation pursuant to Clause 18.7 (a), by notice to the Code Administrator, and subject to Clause 15 any Modification Proposal so varied shall replace the original Modification Proposal; or
- (c) subject to Clause 15 request a variation to a Modification Proposal of that Proposer ("**variation request**"), at any time after the iGT UNC Modification Panel has determined to proceed to Consultation pursuant to Clause 18.7(a) and before the iGT UNC Modification Panel has made a determination in respect of such Modification Proposal pursuant to Clause 23.3.3(a), by notice to the Code Administrator, and any such variation request shall contain a description of the nature of the variation.

### **16.2** The Code Administrator shall, within a reasonable period of time following any withdrawal, variation or variation request (except where such variation request is made at the iGT UNC Modification Panel meeting) notify each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person of such withdrawal, variation or variation request (as the case may be).

- 16.3** Following receipt of the notice given pursuant to Clause 16.1(c), the Code Administrator shall submit such variation request to the appropriate iGT UNC Modification Panel which the Proposer shall attend for the purpose of explaining the variation request.
- 16.4** Subject to Clause 15 the Modification Proposal shall be varied to replace the original Modification Proposal which shall be deemed withdrawn where the iGT UNC Modification Panel:
- (a) determines by a unanimous vote that the variation request is immaterial, and in such case the varied Modification Proposal shall continue through the modification procedures from the point at which the original Modification Proposal was deemed withdrawn;
  - (b) does not so determine in accordance with (a), and in such case, the iGT UNC Modification Panel shall make a determination in respect of the varied Modification Proposal in accordance with Clause 18.7.
- 16.5** The Proposer of a variation request may withdraw it any time before the iGT UNC Modification Panel votes in accordance with Clause 16.4.
- 16.6** A Modification Proposal made by a Pipeline User shall be deemed withdrawn:
- (a) on the User Discontinuance Date in accordance with Part K; or
  - (b) on the date upon which the Proposer ceases to hold a Shipper's Licence or Gas Transporter's Licence.
- 16.7** The Authority, upon request by a Proposer of a Significant Code Review Modification Proposal may direct:
- (a) that the Proposer may vary, withdraw or make a variation request in respect of the relevant Significant Code Review Modification Proposal in accordance with Clause 16; or
  - (b) that the Proposer may not vary, withdraw or make a variation request in respect of the relevant Significant Code Review Modification Proposal and that such proposal shall proceed in accordance with the Modification Procedures.

## **17 Urgent Modification Proposals**

### **17.1 Procedure (Urgent Modification Proposals)**

- 17.1.1** If a Modification Proposal has been considered or identified pursuant to Clause 10.1.4 as one which should be treated as an Urgent Modification Proposal the Code Administrator shall within one Business Day send a copy of the Modification Proposal to the Authority, and:
- (a) following consultation with the Authority the Code Administrator shall recommend the procedure and timetable to be followed in respect of each Urgent Modification Proposal;
  - (b) where the Authority requests the iGT UNC Modification Panel to provide the Authority with the opinion of the iGT UNC Modification Panel on whether or not the Modification Proposal should be considered as an Urgent Modification:
    - (i) the Code Administrator shall convene a meeting of the iGT UNC Modification Panel within five (5) Business Days of the Authority requesting the opinion of the iGT UNC Modification Panel and place such request on the Agenda for that meeting; and
    - (ii) the iGT UNC Modification Panel shall provide the Authority with its opinion.

- 17.1.2 If the Authority considers it appropriate that the Modification Proposal referred to in Clause 17.1.1 should be treated as an Urgent Modification Proposal:
- (a) the Code Administrator shall notify each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any);
  - (b) to the extent that the Authority agrees with the recommendation made in the procedure and timetable submitted by the Code Administrator, all or any of the Modification Rules (including, but without limitation, consulting with the iGT UNC Modification Panel and seeking representations from each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any)), may be deviated from or any other procedure accepted by the Authority may be followed;
  - (c) the Code Administrator shall prepare a Modification Report in a format and in accordance with a timetable accepted by the Authority; and
  - (d) the Code Administrator shall send the Modification Report to the Authority.
- 17.1.3 If the Authority does not accept that the Modification Proposal should be treated as an Urgent Modification Proposal the Code Administrator shall notify the Proposer and Clauses 18, 19 (if applicable) and Clause 23 shall apply in respect of the Modification Proposal.
- 17.1.4 Until such time as the Authority makes a decision as referred to in Clause 17.1.2 or Clause 17.1.3, no further action shall be taken pursuant to the Modification Rules in respect of the Urgent Modification Proposal.

**17.2 Modification Report(Urgent Modification Proposals)**

17.2.1 Each Modification Report and attachments (if any) prepared pursuant to Clause 17.1.2(c) shall, in addition to reporting to the extent relevant upon the matters referred to in Clause 24-25 detail:

- (a) the reasons why it is an Urgent Modification Proposal; and
- (b) the procedures that the iGT UNC Operator has followed pursuant to Clause 17.1.2(b) where these differ from the Modification Procedures.

**Comment [G15]:** Incorrect reference – should be to Clause 25

17.2.2 The Code Administrator may submit a Modification Report (in whole or in part) orally and/or in writing. The Code Administrator shall in respect of any Modification Report (or any part thereof) submitted orally as soon as possible confirm that oral submission in writing. The Code Administrator shall as soon as reasonably practicable send a copy of each such report to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant (if any) and each Affected Person (if any).

**17.3 Modification (Urgent Modification Proposals)**

- 17.3.1 The iGT UNC Operators shall modify the iGT UNC and the Relevant iGT UNC Operator shall modify an iGT Individual Network Code in accordance with each direction made and consent given by the Authority.
- 17.3.2 The Code Administrator shall as soon as possible notify each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant (if any) and each Affected Person (if any) of the urgent Modification. Each such notice shall specify the legal text of the modification

**17.4 Report on Modification (Urgent Modification Proposals)**

17.4.1 Where an urgent Modification is implemented, the Code Administrator shall at the next meeting of the iGT UNC Modification Panel report to the iGT UNC Modification

Panel in respect of the urgent Modification. The iGT UNC Modification Panel may determine at that meeting that the subject matter of the urgent Modification so made shall be referred to a Work Group. If the iGT UNC Modification Panel shall so determine, the Code Administrator shall refer such proposal to the relevant Work Group together with the Terms of Reference to be applicable.

## **18 Discussion of Modification Proposals**

- 18.1** Subject to Clause 15 and Clause 17 and without prejudice to Clause 7.7, the iGT UNC Modification Panel shall discuss each new Modification Proposal at a meeting of the iGT UNC Modification Panel.
- 18.2** Subject to Clause 17, each Proposer or party making a Modification Proposal or Review Proposal (as the case may be) shall ensure the attendance of its representative at the meeting of the iGT UNC Modification Panel at which the Modification Proposal or Review Proposal is to be discussed initially; at such meeting the Proposer's representative may give a presentation in respect of the Modification Proposal or Review Proposal and shall endeavour to answer any questions which the iGT UNC Modification Panel may have in respect of the Modification Proposal or Review Proposal and any presentation given.
- 18.3** If a representative of the Proposer or party making a Modification Proposal or Review Proposal does not for whatever reason attend the meeting of the iGT UNC Modification Panel at which the relevant Modification Proposal or Review Proposal is to be discussed initially the iGT UNC Modification Panel may determine that, notwithstanding such non-attendance of the Proposer's representative, the iGT UNC Modification Panel shall proceed to discuss the Modification Proposal or Review Proposal.
- 18.4** If the iGT UNC Modification Panel shall not make a determination pursuant to Clause 18.5, the iGT UNC Modification Panel will not discuss the Modification Proposal or Review Proposal further unless the representative of the Proposer or party making a Modification Proposal or Review Proposal shall have attended a meeting of the iGT UNC Modification Panel pursuant to Clause 18.2 or the iGT UNC Modification Panel shall determine to discuss the Modification Proposal or Review Proposal further.
- 18.5** The iGT UNC Modification Panel shall make a determination under Clause 18.7 having:
- (a) discussed the Modification Proposal and, subject to Clause 18.3;
  - (b) heard the presentation of the Proposer's representative; and
  - (c) had an opportunity to ask the Proposer's representative questions in respect of the Modification Proposal and the presentation of the Proposer's representative;
- or where it has received a referral pursuant to Clause 21.3.
- 18.6** The iGT UNC Modification Panel shall assess whether the subject matter of a Modification Proposal made during a Significant Code Review Phase relates to a matter that is the subject of an ongoing Significant Code Review and instruct the Code Administrator to submit to the Authority as soon as is reasonably practicable a written assessment including:
- (a) representations received as to whether such proposal relates to the matter which is the subject of a Significant Code Review;
  - (b) its determination as to whether such proposal relates to the matter which is the subject of a Significant Code Review;

- (c) its reasons for making such determination;
  - (d) a copy of the relevant Modification Proposal; and
  - (e) its assessment of whether the exceptions under Standard Licence Condition 9 (paragrpah 12A) of the Gas Transporter's Licence may be applicable.
- 18.7** Subject to Clause 18.3 and Clause 18.9, the iGT UNC Modification Panel may, without prejudice to Clause 18.5, determine that a Modification Proposal:
- (a) should proceed to Consultation in accordance with Clause 23.1 or
  - (b) should proceed to Development for Work Group Assessment in accordance with Clause 19 (and the iGT UNC Modification Panel may determine the Terms of Reference for such work (including terms as to the identity of any third parties to be consulted) and the date upon which it requires the Work Group to submit its Work Group Report); or
  - (c) should be deferred to a subsequent meeting of the iGT UNC Modification Panel for further discussion; or
  - (d) be subject to Review, in which case the provisions of Clause 22 shall apply; or
  - (e) satisfies the Self-Governance Criteria, in which case the provisions of Clause 18.7(a) shall apply; or
  - (f) be referred back to the Proposer for further development in which case the provisions of Clause 18.9 shall apply.
- 18.8** If the iGT UNC Modification Panel does not, at the meeting, make a determination pursuant to Clause 18.7 in respect of a Modification Proposal, the iGT UNC Modification Panel shall be deemed to have made a determination pursuant to Clause 18.7(c). If at the subsequent meeting of the iGT UNC Modification Panel a determination is still not made, the iGT UNC Operators will refer the Modification Proposal to Consultation as referred to in Clause 18.7(a).
- 18.9** If the iGT UNC Modification Panel makes a determination pursuant to Clause 18.7(f), the Modification Proposal as further developed by the Proposer shall be regarded as a variation of the original Modification Proposal and, once it is so further developed, shall be placed on the Agenda of the next following meeting of the iGT UNC Modification Panel.
- 19 Modification Procedures – Work Group Assessment (Development)**
- 19.1** Each Work Group shall conduct its business in such manner as to allow any person to attend and participate in meetings of the Work Group.
- 19.2** The Code Administrator shall ensure that the Authority is notified of all meetings of each Work Group. The Authority (or any representative of the Authority) shall be invited to all meetings of all Work Groups;
- 19.3** Composition of Work Group Reports:
- (a) without prejudice to Clause 19.3 (c) the Code Administrator shall prepare a Work Group Report which shall set out the information, and be in the form, specified on the iGT UNC Website;
  - (b) the Code Administrator and the Work Group shall together use their reasonable endeavours to complete the Work Group Report in the timescale determined in accordance with Clause 20.2; and
  - (c) if two (2) or more Modification Proposals shall have been considered together by the Work Group, the Work Group Report shall report on each Modification Proposal.

- 19.4** Each Work Group Report shall (subject to Clauses 6.7 and 6.8) be sent to all Members as soon as reasonably practicable but in any event not less than eight (8) Business Days prior to the meeting of the iGT UNC Modification Panel at which that report is to be discussed.
- 19.5** Having discussed the Work Group Report and allowed any members of the relevant Work Group (in attendance at the meeting of the iGT UNC Modification Panel) to express any views on the substance of the Work Group Report or the conduct of the consideration of the Modification Proposal by the Work Group, the iGT UNC Modification Panel may determine:
- (a) that the Modification Proposal shall proceed to Consultation in accordance with Clause 23.1;
  - (b) to refer the Work Group Report back to the Work Group for revision or further work; or
  - (c) to continue to consider or to consider further the Work Group Report at a subsequent meeting of the iGT UNC Modification Panel.

## **20 Terms of Reference**

- 20.1** The Terms of Reference for each Modification Proposal referred to a Work Group shall:
- (a) detail the Modification Proposal;
  - (b) detail the work to be undertaken by the Work Group, to enable the Work Group to prepare its Work Group Report; and
  - (c) specify any matters, in addition to those referred to in the Chairman's Guidelines (available on the iGT UNC Website), which the Work Group, should address in its Work Group Report
  - (d) detail other matters (if any) to be considered or reviewed by the Work Group;
  - (e) state whether the Work Group, should consult with any other person for the purposes of its Work Group Report, and if so, detail the extent to which and identify which person (or persons) it should consult with, but this shall not require the Code Administrator to engage or remunerate any person so consulted;
  - (f) set a timetable in accordance with which the work of the Work Group is to be done and its Work Group Report prepared; and
  - (g) specify when the Work Group, is to comment upon the legal text of the Modification, provided to the Work Group pursuant to Clause 21.
- 20.2** Unless the iGT UNC Modification Panel shall otherwise determine, the timetable referred to in Clause 20.1(f) shall consist of a period of up to six (6) months. Where the iGT UNC Modification Panel determines that such timetable should be extended so that it exceeds a period of six (6) months in aggregate, it shall notify the Authority and the timetable shall be so extended unless the Authority objects. Where the Authority objects to such extension, the iGT UNC Modification Panel shall make a determination under Clause 18.7 in respect of the relevant Modification Proposal at the next meeting of the iGT UNC Modification Panel.
- 20.3** The iGT UNC Modification Panel may, from time to time, determine:
- (a) to change the Terms of Reference of any Work Group; or
  - (b) if the Terms of Reference of the relevant Work Group so anticipate, that the Work Group should undertake new or further work or consider new matters (whether or not related to any earlier work undertaken by that Work Group).



## **21 Legal Text for Modification**

**21.1** In relation to each Modification Proposal, the iGT UNC Operators shall prepare the legal text of the Modification:

- (a) Where requested by the iGT UNC Modification Panel by way of Panel Majority vote at any time prior to a determination under Clause 23.3.3(a) or where directed by the iGT UNC Modification Panel, for inclusion in the Draft Modification Report prepared pursuant to Clause 23.2.1 (unless the iGT UNC Modification Panel has determined that legal text is not required pursuant to Clause 23.1.1(a) or Clause 23.2.3); or
- (b) If requested or directed to do so by the Authority.

In the case of Clause 21.1(a) the iGT UNC Operators shall provide the legal text within 15 Business Days of such request unless the iGT UNC Operators confirm at that meeting of the iGT UNC Modification Panel that existing legal text provided is suitable for inclusion in the Draft Modification Report.

**21.2** Subject to Clause 17, the Suggested Text and/or any legal text provided by the iGT UNC Operators pursuant to Clause 21.1 prior to a determination under Clause 23.1 of each Modification shall be considered by the relevant Work Group to which such Modification Proposal has been referred in accordance with these Modification Rules. If the Suggested Text and/or legal text provided by the iGT UNC Operators pursuant to Clause 21.1 prior to a determination under Clause 23.1 of a Modification is not considered by Work Group prior to that Work Group's Work Group Report being discussed by the iGT UNC Modification Panel pursuant to Clause 19.5, the Work Group shall, where requested by the iGT UNC Modification Panel, having considered the legal text of a Modification and prior to the preparation of the Draft Modification Report pursuant to Clause 23.2.1, prepare a supplemental report commenting as appropriate on the legal text.

**21.3** If it is considered that the Modification Proposal is not sufficiently clear or complete to enable the preparation of the legal text, a written report setting out the reasons for this will be prepared by the Code Administrator and the Code Administrator shall refer the Modification Proposal to the next iGT UNC Modification Panel for determination pursuant to Clauses 23.2.3 and 23.2.5.

**21.4** At any time following a request for legal text pursuant to Clause 21.1(a) and prior to a determination under Clause 23.3.3(a) the iGT UNC Operators may provide revised legal text in relation to a Modification Proposal and such legal text shall replace all earlier versions of legal text provided by the iGT UNC Operators.

## **22 Review**

### **22.1 Purpose**

22.1.1 These Review Proposal Procedures provide a means by which a person who is eligible to be a Proposer may submit a request for consideration of a matter that may be (but is not as at the date such request is made) the subject of a Modification Proposal in respect of the iGT Uniform Network Code or an Individual Network Code (as the case may be) for consideration by the iGT UNC Modification Panel (a "Review Proposal")

### **22.2 Review Proposals**

- 22.2.1 The iGT UNC Modification Panel may determine that any matter or Review Proposal discussed at a meeting of the iGT UNC Modification Panel should be subject to the Review Proposal Procedures.
- 22.2.2 A Review Proposal may be withdrawn at any time before a Modification Proposal is deemed to have been made in respect of the Review Proposal under Clause 22.4.4(a).
- 22.2.3 The Code Administrator shall allocate to each Review Proposal a unique reference number.

### **22.3 Form of Review Proposal**

22.3.1 Each Review Proposal shall:

- (a) be in writing;
- (b) be in the form set out in the Best Practice Guidelines available on the iGT UNC website; and
- (c) set out in reasonable detail the nature of the matter which is the subject of the Review Proposal.

22.3.2 The Code Administrator may, from time to time, stipulate the form which a Review Proposal should take.

### **22.4 Review Proposal Procedures**

22.4.1 Following the submission of a Review Proposal, the iGT UNC Modification Panel may determine:

- (a) that such Review Proposal be subject to consideration by a Work Group with such Terms of Reference, procedures and such timetable as the iGT UNC Modification Panel shall determine; or
- (b) that such Review Proposal be subject to consideration by the iGT Shipper Standing Work Group; or
- (c) subject to Clauses 22.4.4 (a) and (b), the Review Proposal shall lapse and in such case the Code Administrator shall notify the person making the Review Proposal.

22.4.2 Following review by a Work Group or the iGT Shipper Standing Work Group, the Work Group or iGT Shipper Standing Work Group shall submit a Work Group Report to the iGT UNC Modification Panel which shall set out or append in full any draft form of Modification Proposal developed by the Work Group or iGT Shipper Standing Work Group in relation to the Review Proposal.

22.4.3 Following submission of a Work Group Report under Clause 22.4.2, the iGT UNC Modification Panel shall consider the Work Group Report, and in the event that the iGT UNC Modification Panel does not determine that a further assessment be undertaken by the Work Group or iGT Shipper Standing Work Group, the Code Administrator shall circulate the Work Group Report to the person making the Review Proposal, each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any).

22.4.4 Where the Work Group Report submitted in accordance with Clause 22.4.2 contains a recommendation in the form of a draft Modification Proposal and the iGT UNC Modification Panel:

- (a) determines to support such recommendation, a Modification Proposal shall be deemed to have been made by the person making the Review Proposal and such Modification Proposal shall be dealt with in accordance with Clause 23.1; or

- (b) makes no determination, the Work Group or iGT Shipper Standing Work Group may reconsider and resubmit the Work Group Report (whether or not containing a new recommendation) for reconsideration by the iGT UNC Modification Panel and Clause 22.4.3 shall apply.

## **23 Consultation Procedures**

### **23.1 Modification Proposal to proceed to Consultation**

23.1.1 If the iGT UNC Modification Panel determines pursuant to Clause 18.7(a) that a Modification Proposal should proceed to Consultation:

- (a) the iGT UNC Modification Panel shall be deemed to have requested that the iGT UNC Operators provide legal text unless the iGT UNC Modification Panel determines that legal text is not required for the purposes of the Draft Modification Report or Final Modification Report (which may be the case where Suggested Text has been provided by the Proposer and is sufficient in the view of the iGT UNC Modification Panel); and
- (b) the iGT UNC Modification Panel shall inform the Code Administrator if it determines that the time periods set out in Clauses 19.2 and 19.3 for Consultation should, in its opinion, be deviated from in relation to the relevant Modification Proposal.
- (c) where the Modification Proposal is a Self-Governance Modification Proposal, the Code Administrator may invite each iGT UNC Operator, each User, Affected Person (if any) to make representations in respect of whether such Modification Proposal should be a Self-Governance Modification Proposal.

### **23.2 Draft Modification Report Consultation**

23.2.1 Following determination of the iGT UNC Modification Panel that a Modification Proposal should proceed to Consultation under Clause 23.1, the Code Administrator shall prepare a Draft Modification Report in accordance with Clause ~~24~~25 within:

- (a) fifteen (15) Business Days, where the iGT UNC Modification Panel has determined that legal text is required; or
- (b) three (3) Business Days, where the iGT UNC Modification Panel has determined that legal text is not required,

and such other time period as the iGT UNC Modification Panel shall determine.

23.2.2 Where the iGT UNC Modification Panel has determined that legal text is required, then within one Business Day of receiving such Draft Modification Report the Code Administrator shall circulate the Draft Modification Report to the next meeting of the iGT UNC Modification Panel and subject to Clause 23.2.3, within one (1) Business Day following the date upon which the iGT UNC Modification Panel meeting is convened, the Code Administrator shall circulate it to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) inviting them to make (or withdraw earlier) representations to the iGT UNC Operators within fifteen (15) Business Days following the date of that invitation.

23.2.3 Where the Modification Proposal has been referred to the iGT UNC Modification Panel in accordance with Clause 21.3 it may determine legal text is not required with the Draft Modification Report.

23.2.4 Where the Modification Proposal has been referred to the iGT UNC Modification Panel in accordance with Clause 21.3 it may determine that legal text is required,

**Comment [G16]:** Incorrect reference  
– should be to Clause 25

should this be the case the Code Administrator shall advise either the Proposer or the relevant Work Group of the reason(s) why the legal text cannot be provided, the Proposer or the relevant Work Group shall thereafter liaise with the iGT UNC Operators in order to resolve the issues and allow legal text to be provided.

23.2.5 Where the iGT UNC Modification Panel has determined that legal text is not required:

(a) pursuant to Clause 23.1.1 (a), within one (1) Business Day of receiving the Draft Modification Report;

(b) pursuant to Clause 23.2.3, within one (1) Business Day of such determination;

the Code Administrator shall circulate the Draft Modification Report to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) inviting them to make (or withdraw earlier) representations to the iGT UNC Operators within fifteen (15) Business Days following the date of that invitation.

### 23.3 Final Modification Report Consultation

23.3.1 Within five (5) Business Days following the last day for representations to the Draft Modification Report in accordance with Clause 23.2.2 or 23.2.5 the Code Administrator shall:

(a) subject to 23.3.1 (d), prepare a Final Modification Report in accordance with Clause 24.25 for approval of the iGT UNC Modification Panel;

(b) submit a copy of that Final Modification Report to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) that submitted (and not so withdraw) a representation with regard to the Draft Modification Report pursuant to Clauses 23.2.2 or 23.2.5; and shall attach to that Final Modification Report all representations (if any) so received (and not so withdrawn);

(c) add the Modification Proposal as an Agenda item for the iGT UNC Modification Panel to discuss; and

(d) where the Code Administrator considers that any representation made identifies issues that may arise through implementation of the proposal which have not been identified in other responses to the same proposal then the Code Administrator shall record such issues and include them in the Final Modification Report and the Code Administrator shall submit it to the next iGT UNC Modification Panel for determination pursuant to Clause 23.3.2;

23.3.2 Where the iGT UNC Modification Panel determines that views on such issues should be obtained by the relevant Work Group then the Code Administrator shall:

(a) submit the Final Modification Report to the relevant Work Group and to obtain a report containing their views; and

(b) within three (3) Business Days following receipt of such report submit a copy of the Final Modification Report to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) that submitted (and not so withdraw) a representation with regard to the Draft Modification Report pursuant to Clauses 23.2.2 or 23.2.5; and shall attach to that report all representations (if any) so received (and not so withdrawn); and the report (if any) received pursuant to this Clause 23.3.2; and

(c) add the Modification Proposal as an Agenda item for the iGT UNC Modification Panel to discuss.

**Comment [G17]:** Incorrect reference  
– should be to Clause 25

- 23.3.3 Upon receipt of the Final Modification Report under Clause 23.3.1 or 23.3.2 the iGT UNC Modification Panel shall assess whether the Final Modification Report complies with Clause 25, and if it is compliant, shall:
- (a) determine whether or not to recommend the implementation of the Modification Proposal to the Authority;
  - (b) submit to the Authority its determination under Clause 23.3.3(a) and the factors which (in its opinion), justify its determination and which shall include details of the iGT UNC Modification Panel's reasoning for determining whether or not the Modification Proposal better facilitates achievement of the Relevant Objectives or not;
  - (c) provide a date for the implementation of the Modification Proposal, either by endorsement of the Proposer's recommended implementation date, or pursuant to Clause 23.3.4; and
  - (d) instruct the Code Administrator to send the Final Modification Report, together with its recommendation to the Authority.
- 23.3.4 If the iGT UNC Modification Panel does not determine by unanimous vote to agree the Proposer's recommended implementation date pursuant to Clause 23.3.3 (c), it will unanimously agree a date, beginning with the earliest practical date (if not that recommended by the Proposer) and ending with a date 5 releases from Authority direction to implement. If no agreement can be reached the implementation date shall be 6 releases from Authority direction to implement, unless unanimous agreement can be achieved on a date further in the future.
- 23.3.5 The Code Administrator shall circulate to the Authority, each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) the following:
- (a) a copy of the Final Modification Report and any other attachments; and
  - (b) a copy of the iGT UNC Modification Panel's recommendation to the Authority seeking a determination of the Authority as to whether the Modification should be implemented or not.
- 23.3.6 Where a Final Modification Report is received by the Authority, the Authority may determine whether the proposed Modification shall be implemented and may give notice of its decision to the Code Administrator, in which case on receipt of such notice from the Authority:
- (a) If the notice confirms the Authority's determination not to implement the proposed Modification, the Code Administrator shall circulate to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) a non-implementation notice; and
  - (b) If the notice confirms the Authority's determination to implement the Modification, the Code Administrator shall circulate to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) an implementation notice.
- 23.3.7 Where the Modification Proposal is a Self-Governance Modification Proposal:
- (a) The Code Administrator shall submit all representations received in respect of such proposal during Consultation to the Authority (unless the Authority directs otherwise) at least seven (7) days before the Proposed Self-Governance Modification Proposal Determination Date for such proposal; and

- (b) Clause 23.3.3, Clause 23.3.5, Clause 23.3.6 and Clause 24 shall not apply to such proposal.

23.3.8 The iGT UNC Modification Panel shall upon receipt of the Final Modification Report under Clause 23.3.1 or 23.3.2 in respect of a Self-Governance Modification Proposal:

- (a) assess whether the Final Modification Report complies with Clause 25.3, and if compliant, shall make a determination as to whether or not the Self-Governance Modification Proposal should be implemented (having regard to whether or not the Self-Governance Modification Proposal better facilitates the achievement of the Relevant Objectives) no earlier than the Proposed Self-Governance Modification Proposal Determination Date;
- (b) instruct the Code Administrator to include such determination and the iGT UNC Modification Panel's reasoning for such determination in the Final Modification Report; and
- (c) instruct the Code Administrator to circulate an implementation notice or a non-implementation notice (as the case may be) in respect of such proposal to each iGT UNC Operator, each Pipeline User, each Member, each Third Party Participant, each Affected Person (if any) and the Authority within three (3) Business Days of the Self-Governance Modification Proposal Determination Date.

23.3.9 Subject to Clause 23.3.10, where the iGT UNC Modification Panel makes a determination in respect of a Self-Governance Modification Proposal under Clause 23.3.8(a), an Appealing Party may appeal such determination in accordance with the Appeal Procedures and the Self-Governance Modification Proposal shall not be implemented until:

- (a) the iGT UNC Modification Panel has made a determination under Clause 30.1 and (where no subsequent Appeal is made to the Authority under Clause 30.5) and implementation notice has been sent in accordance with Clause 30.4; or
- (b) the Authority has made a determination in respect of an appeal made under Clause 30.5 and an implementation notice has been sent in accordance with Clause 30.11.

23.3.10 For the avoidance of doubt, an Appealing Party may not submit more than one Appeal and one Authority Appeal in respect of the same Self-Governance Modification Proposal.

23.3.11 Clauses 23.3.8 to 23.3.11 (inclusive) shall not apply to a Self-Governance Modification Proposal where the Authority has directed under Clause 11.6 that its approval is required in respect of the implementation of such proposal.

## **24 Further Consultation**

**24.1** If, in respect of a Modification Proposal which is the subject of a Final Modification Report previously submitted to the Authority by the Code Administrator in accordance with Clause 23.3.5 or Clause 17.2:

- (a) the Authority has not given notice of its decision in respect of that Final Modification Report within two (2) calendar months (in the case of Urgent Modification Proposals), or four (4) calendar months (in the case of non-Urgent Proposals) from the date upon which the relevant Final Modification Report was submitted to it; or

- (b) the Authority, or any Voting Member, by notice to the Code Administrator expresses the reasonable opinion that the circumstances relating to that Modification have materially changed,

the Code Administrator shall place that Modification Proposal on the Agenda for consideration at the next iGT UNC Modification Panel meeting.

**24.2** Having considered the circumstances relating to the Modification Proposal which is subject to Clause 24.1, the iGT UNC Modification Panel may determine that:

- (a) the Code Administrator should request the Authority to give an indication of the likely date by which the Authority's decision shall be made; or
- (b) the Code Administrator should within five (5) days of the date of the iGT UNC Modification Panel meeting prepare and circulate a notice to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any) outlining the change in circumstances or reasons for delay and inviting further representations within ten (10) Business Days of the date of the notice; or
- (c) the Code Administrator should place the Modification Proposal on the Agenda for further consideration at a future meeting of the iGT UNC Modification Panel as determined by the iGT UNC Modification Panel.

**24.3** If the iGT UNC Modification Panel makes a determination in accordance with Clause 24.2(a) then the Code Administrator shall within five (5) Business Days formally request a response from the Authority and place the Modification Proposal on the Agenda for further consideration at the next iGT UNC Modification Panel meeting, it being recognised at all times that the Authority is not obliged, as a result of a request pursuant to Clause 24.2(a), to provide any response or indication.

**24.4** If the iGT UNC Modification Panel makes a determination in accordance with Clause 24.2(b) the Code Administrator shall within five (5) Business Days of the date upon which the invitation for representations closed prepare a supplemental report (which need not be in the form of a Final Modification Report) and submit that report and copies of any representations received to the Authority and circulates a copy to each iGT UNC Operator, each Member, each Pipeline User, each Third Party Participant and each Affected Person (if any).

**24.5** Any report submitted to the Authority under Clause 24.4 shall be supplemental to the Final Modification Report. Supplemental reports may, but need not, express a view and recommendation which confirms those expressed in the Final Modification Report to which it refers.

## **25 Content of Modification Reports**

**25.1** Each Draft Modification Report or Final Modification Report shall set out the information, and be in the form, specified on the iGT UNC Website and:

- (a) shall in relation to a recommendation of the iGT UNC Modification Panel under Clause 23.3.3(b), include details of the iGT UNC Modification Panel's reasoning for determining whether or not the Modification Proposal better facilitates achievement of the Relevant Objectives; and
- (b) state whether or not a determination has been made by the iGT UNC Modification Panel under Clause 23.3.3(a) and the number of Voting Members in favour of, and the number of Voting Members present and not voting in favour of, the implementation of the Modification Proposal;
- (c) where it relates to a Self-Governance Modification Proposal, state that fact and whether the iGT UNC Modification Panel or the Authority determined that such proposal satisfied the Self-Governance Criteria; and

- (d) state whether the Modification Proposal is made pursuant to a direction of the Authority in respect of a Significant Code Review.

**25.2** Where two or more Modification Proposals have proceeded through the Modification Procedures together (and neither proposal has been withdrawn and all work has not been discontinued following a decision of the iGT UNC Modification Panel in respect of either proposal) the Final Modification Report shall, in addition to the analysis referred to in Clause ~~2425~~ 1(b), provide an analysis as to which of the Modification Proposals would in the opinion of the iGT UNC Modification Panel better facilitate the achievement of the Relevant Objectives. Where two (2) Modification Proposals were proceeding through the Modification Procedures together and the iGT UNC Modification Panel shall have determined that only one (1) of the Modification Proposals should proceed, the Final Modification Report shall provide a commentary as to the circumstances in which the iGT UNC Modification Panel so determined.

**Comment [G18]:** Incorrect reference – should be to Clause 25

**25.3** In preparing any Draft Modification Report or Final Modification Report, the Code Administrator shall:

- (a) do so on the basis set out in these Modification Rules; and
- (b) not be required to have regard (other than as expressly provided in these Modification Rules) to the consequences of any Modification on any person or persons.

**25.4** Where a Work Group Report has been prepared in accordance with Clause 19.3 the iGT UNC Modification Panel may determine that it shall constitute the Draft Modification Report.

## **26** Authority Send Back

**26.1** The Authority shall have the power to Send Back a Final Modification Report to the iGT UNC Panel where it determines that it cannot properly form an opinion on the approval of the Modification Proposal.

**26.2** Where pursuant to Clause 26.1 a Final Modification Report is returned to the iGT UNC Panel, the Code Administrator shall circulate as soon as practical the details to each iGT UNC Operator, each Pipeline User, each Member, each Third Party Participant, each Affected Person (if any) and, subject to Clause 6.5, place the matter on the Agenda of the next iGT UNC Panel Meeting for discussion.

**26.3** Pursuant to Clause 26.2 the iGT UNC Panel shall review the comments provided by the Authority and either:

- (a) refer the matter to the appropriate Work Group for further development; or
- (b) re-issue the Modification Proposal for further Consultation, highlighting the concerns raised by the Authority; or
- (c) subject to the agreement of iGT UNC Panel, amend the Final Modification Report to address the concerns raised by the Authority.

**26.4** Any Work Group Report re-issued pursuant to Clause 26.3(a) shall be subject to Clause 19.4 and Clause 19.5.

**26.5** Any Modification Proposal re-issued for further Consultation shall be subject to Clause 23.1.

**26.6** Subject to the conclusion of the relevant referral, pursuant to 26.3, the Code Administrator shall resubmit the amended Final Modification Report to the Authority.



## **27 Modification Proposal Implementation**

- 27.1** The iGT UNC Operators shall in respect of the iGT UNC and the Relevant iGT UNC Operator shall in respect of an Individual Network Code, where so directed by the Authority, or in the case of a Self-Governance Modification Proposal by the iGT UNC Modification Panel, implement subject to Clause 27.2 a Modification Proposal (or Alternative Modification Proposal), and will within 5 Business Days after receipt of a decision from the Authority notify all Pipeline Users of such decision including where there is a direction to implement, details of the implementation date and a copy of the changes to be made.
- 27.2** Unless otherwise determined by the Code Administrator, having consulted the iGT UNC Operators and Pipeline Users, the iGT UNC Operators shall only be entitled in each year to implement Modification Proposals pursuant to Clause 22.1 on three occasions, such occasions to occur on dates to be specified by the Code Administrator in the months of February, June and November. A Modification Proposal shall not be implemented earlier than:
- (a) for changes to documentation only, two months after:
    - (i) the date of direction or consent by the Authority; or
    - (ii) in respect of a Self Governance Modification Proposal a determination made by the iGT UNC Modification Panel, subject to Clause 23.3.9; or
    - (iii) in respect of Fast Track Self-Governance Modification Proposal a determination made by the iGT UNC Modification Panel.
  - (b) for changes that involve operational changes, four months after;
    - (i) the date of direction or consent by the Authority; or
    - (ii) in respect of a Self Governance Modification Proposal a determination made by the iGT UNC Modification Panel, subject to Clause 23.3.9; or
    - (iii) in respect of Fast Track Self-Governance Modification Proposal a determination made by the iGT UNC Modification Panel.
  - (c) in all other cases, six months after;
    - (i) the date of direction or consent by the Authority; or
    - (ii) in respect of a Self Governance Modification Proposal a determination made by the iGT UNC Modification Panel, subject to Clause 23.3.9; or
    - (iii) in respect of Fast Track Self-Governance Modification Proposal a determination made by the iGT UNC Modification Panel.
- 27.3** The Code Administrator will provide to each Pipeline User in the months of January, May and October, a copy of the plan for the next implementation of the Modification Proposals to be implemented pursuant to Clause 27.2.
- 27.4** The iGT UNC Operators will endeavour to publish or release a revised iGT UNC within 30 Business Days after the date of each implementation of Modification Proposals in February, June and November.
- 27.5** The iGT UNC Operators shall not modify the iGT UNC except pursuant to a direction or otherwise with the consent or at the direction of the Authority, or in respect of a Self-Governance Modification Proposal or Fast Track Self-Governance Modification Proposal pursuant to a determination made by the iGT UNC Modification Panel.

## **28 General**

- 28.1** Members may propose amendments to the Chairman's Guidelines from time to time by notice in writing to the Code Administrator who shall place such proposed amendments on the Agenda for the next following meeting of the iGT UNC Modification Panel. If such proposed amendments are approved by determination of the iGT UNC Modification Panel, the Code Administrator shall amend the Chairman's Guidelines as appropriate and circulate to Members, each iGT UNC Operator and Pipeline Users the Chairman's Guidelines within ten (10) Business Days of such meeting.
- 28.2** No accidental omission or neglect in sending any document or notice or other communication to or (other than in the case of any document or notice or communication submitted by the iGT UNC Operators or any of them to the Authority) non-receipt of any document or notice or other communication by, any person shall be capable of invalidating any act or thing done pursuant to these Modification Rules.
- 28.3** All representations (and any withdrawal of the same) made by each Pipeline User and each iGT UNC Operator pursuant to these Modification Rules shall be readily identifiable as representations (or, as the case may be, a withdrawal thereof) shall identify the unique reference designation on the Modification Proposal to which they relate.
- 28.4** Unless otherwise expressly provided, any document, notice or other communication to be given to or made by any person pursuant to or in accordance with the Modification Rules shall be made in accordance with Part K. Unless the iGT UNC Modification Panel determines otherwise, it is agreed that documents, notices or other communications made under the Modification Rules may be submitted by electronic mail.
- 28.5** Notwithstanding any time periods specified in these Modification Rules in respect of any Modification Proposal, Third Party Modification Proposal or Review Proposal the iGT UNC Modification Panel may, from time to time, determine to shorten or lengthen the time period within which any (or all) of the procedures under the Modification Rules are to be undertaken. If the iGT UNC Modification Panel shall so determine, the iGT UNC Operators shall, so far as consistent with the Modification Rules and the Gas Transporter's Licence, do all acts and things which the Modification Rules specify as acts and things to be done by the iGT UNC Operators within such shorter or longer period of time so as to give effect to such determination.
- 28.6** Any person who provides any information for the purposes of or pursuant to the Modification Rules may require that such information may only be made available subject to such confidentiality undertakings as such person may require.
- 28.7** Any question arising under the Modification Rules as to whether:
- (a) (in the context of representations) a Pipeline User or other person is likely to be materially affected by a Modification Proposal were that proposal to be implemented; or
  - (b) representations made (and not withdrawn) pursuant to the Modification Rules in relation to a Modification Proposal have been properly considered by the iGT UNC Operators or Relevant iGT UNC Operator;
- shall be determined by the Authority.

## **29 View from the Authority**

- 29.1** At any stage prior to the production of the Final Modification Report in respect of a Modification Proposal that is not a Self-Governance Modification Proposal or Fast Track Self-Governance Modification Proposal, the iGT UNC Operators or Relevant iGT UNC Operator as the case may be may decide to seek a View from the Authority on any matter connected with such Modification Proposal.
- 29.2** If the iGT UNC Operators or Relevant iGT UNC Operator decide to seek a View pursuant to Clause 28.1, the Code Administrator shall:
- (a) forward an application to the Authority setting out the iGT UNC Operators' or Relevant iGT UNC Operator's own views and reasons for seeking a View from the Authority;
  - (b) if the iGT UNC Modification Panel shall so determine, suspend (in whole or in part) the consideration of the Modification Proposal by a Work Group;
  - (c) notify each iGT UNC Operator, each Pipeline User and each Affected Person (if any) of such decision to seek a View.
- 29.3** If, in respect of a View sought pursuant to this Clause 29, the Authority expresses the View that the Modification Proposal should not proceed, the Modification Proposal shall lapse and the iGT UNC Operators shall within five (5) Business Days following receipt of the View prepare and circulate notification of such lapse.
- 29.4** If, in respect of a View sought pursuant to this Clause 24, the Authority shall not express any View as to how the Modification Proposal should proceed or expresses the View that the Modification Proposal should proceed to Consultation, the Modification Proposal shall proceed to Consultation in which case the provisions of Clause 23 shall apply.
- 29.5** If the Authority expresses any other View the Modification Proposal shall proceed in accordance with such View.

## **30 Self-Governance Appeal Procedures**

- 30.1** No later than fifteen (15) Business Days after the Self-Governance Modification Proposal Determination Date, a User, iGT UNC Operator, ~~Materially Affected Party (if any)~~ or Third Party Participant may make an Appeal by giving written notice of the Appeal to the Code Administrator, such notice to identify:
- (a) the Self-Governance Modification Proposal or which is the subject of the Appeal;
  - (b) any representations which the Appealing Party wishes to make in support of the Appeal; and
  - (c) evidence supporting the Appealing Party's view that it will be unfairly prejudiced by the modification proposed in the relevant Self-Governance Modification Proposal.
- 30.2** Subject to the Appeal being made within the period referred to in Clause 30.1, the Code Administrator shall, on receipt of a notice under Clause 30.1 notify each iGT UNC Operator, User, Member, Third Party Participant and Non-Code Party (if any) and the Authority that an Appeal has been made and the Code Administrator shall put discussion of the Appeal on the Agenda of the next meeting of the iGT UNC Modification Panel which shall be convened pursuant to Clause 6.4.
- 30.3** The iGT UNC Modification Panel shall decide, at the meeting referred to in Clause 30.2, whether to confirm or reverse its determination under Clause 23.3.8(a) having regard to any representations made by the Appealing Party in support of the Appeal.

**Comment [G19]:** Reference to a Materially Affected Party removed as this is no longer relevant

**30.4** The iGT UNC Modification Panel shall, upon deciding whether to confirm or reverse its determination under Clause 23.3.8(a), notify the Code Administrator and the Appealing Party of its decision as soon as reasonably practicable following receipt of the Appeal, and where the iGT UNC Modification Panel:

- (a) confirms its determination under Clause 23.3.8(a), the Code Administrator shall notify each iGT UNC Operator, User, Member, Third Party Participant and Non-Code Party (if any) and the Authority of the iGT UNC Modification Panel's confirmation of its determination and send each such person an implementation or (as the case may be) non-implementation notice under Clause 23.3.8(a) confirming the implementation or (as the case may be) non-implementation of the proposal;
- (b) reverses its determination under Clause 23.3.8(a), the Code Administrator shall notify each iGT UNC Operator, User, Member, Third Party Participant and Non-Code Party (if any) and the Authority of the iGT UNC Modification Panel's determination and send each such person an implementation or (as the case may be) non-implementation notice, which shall have effect in place of the implementation or (as the case may be) non-implementation notice issued pursuant to the iGT UNC Modification Panel's initial determination under Clause 23.3.8(a).

**30.5** Following the determination of the iGT UNC Modification Panel under Clause 30.4(a) but no later than fifteen (15) Business Days after that determination –the Appealing Party may make an Appeal to the Authority; such Appeal to identify the Self-Governance Modification Proposal which is the subject of the Appeal and include any representations which the Appealing Party wishes to make in support of the Appeal.

**30.6** If the Authority determines the Authority Appeal satisfies the Appeal Criteria, the Authority may consider the Authority Appeal having regard (without limitation) to:

- (a) the Self-Governance Modification Proposal;
- (b) the Final Modification Report in respect of the Self-Governance Modification Proposal;
- (c) any representations made by the Appealing Party in support of the Authority Appeal; and
- (d) the determination made by the iGT UNC Modification Panel under Clause 30.4(a).

**30.7** Following such determination in accordance with Clause 30.6, the Authority may:

- (a) confirm the iGT UNC Modification Panel's determination under Clause 30.4(a); or
- (b) quash the iGT UNC Modification Panel's determination under Clause 30.4(a) and rule that the iGT UNC Modification Panel's determination should have no further effect for the purposes of these Modification Rules.

**30.8** The Authority shall notify the Code Administrator and the Appealing Party of its decision under Clause 30.7 in respect of the Authority Appeal as soon as reasonably practicable following receipt of the Authority Appeal, and the decision of the Authority shall be final unless an appeal against the decision is brought to the Competition Commission under Section 173 of the Energy Act 2004 or in accordance with any other right which permits such an appeal against the Authority's decision.

**30.9** Where Clause 30.7(b) applies the Authority may:

- (a) remit the Self-Governance Modification Proposal which is the subject of the iGT UNC Modification Panel's quashed determination under Clause 30.4(a) back to the iGT UNC Modification Panel for reconsideration and re-determination; or
- (b) determine that the proposed modification to the iGT UNC and/or Individual Network Code should be made; or
- (c) determine that the proposed modification to the iGT UNC and/or Individual Network Code should not be made; and

In the case of Clauses 30.9(b) and (c), for the purposes of Standard Licence Condition 9 (paragraph 12D) of the Gas Transporter's Licence, the iGT UNC Modification Panel's determination under Clause 30.4(a) shall be treated as the Final Modification Report submitted to the Authority under Clauses 23.3.3 and 23.3.5 and as a recommendation as to whether or not a Self-Governance Modification Proposal should be implemented.

**30.10** Where the Authority:

- (a) confirms the iGT UNC Modification Panel's determination under Clause 30.4(a), the Code Administrator shall notify each iGT UNC Operator, User, Member, Third Party Participant and Non-Code Party (if any) of the Authority's confirmation of the iGT UNC Modification Panel's determination under Clause 30.4(a) confirming the implementation or (as the case may be) non-implementation of the Self-Governance Modification Proposal;
- (b) quashes the iGT UNC Modification Panel's determination under Clause 30.4(a), the Code Administrator shall notify each iGT UNC Operator, User, Member, Third Party Participant and Non-Code Party (if any) of the Authority's decision and send each such person an implementation notice or (as the case may be) a non-implementation notice, which shall have effect in place of the iGT UNC Modification Panel's determination under Clause 30.4(a).

**30.11** Where the Code Administrator, under Clause 30.9(a) gives notice of the Authority's confirmation of the iGT UNC Modification Panel's determination under Clause 30.4(a) confirming the implementation of a Self-Governance Modification Proposal or under Clause 30.9(b) sends an implementation notice, Clause 27.1 shall apply.