

Guidance Note:

Legal Text Production for Modifications

Introduction

This document sets out the process to produce legal text and the minimum requirement of information that needs to be provided to formulate this for any proposed modifications or alternate modifications by the proposer and / or the modification workgroup.

Legal Text Production

The Code Administrator, as part of National Grid Electricity System Operator (ESO) and therefore as the licensee, has responsibility for the final legal text. The Code Administrator will support the workgroup and the proposer with the legal text where assistance is required to ensure the legal text is robust and complete. However, there is also a responsibility on others during the development of proposals and as part of the legal text drafting process.

There are numerous stages prior to the production of the final legal text that need to be considered. This paper sets out what is expected of the modification proposer, alternative solution proposer and workgroup members to enable production of the final legal text.

The ideal time to produce legal text is once a solution is finalised and complete. Once the proposer and / or workgroup confirm that the solution is finalised the legal text can be produced by the ESO.

It may be, depending on the complexity and development of proposals, that an earlier draft of legal text is possible or advised, or that the proposer is able to provide a starting point. The roles and responsibilities remain however as below.

Roles and Responsibilities for Production of Legal Text

The Proposer

- Clear identification of what the proposal or alternative seeks to achieve
- Identification of the part of the Code that is required to be amended. This is the section identified as being required to change through the identification of the defect i.e. if it is a CUSC charging change it will be a section 14 amendment but we would require the specific section, for example 14.X.X. If the proposer is unaware of this, it can be identified with the workgroup.

The Workgroup

- Development of what the proposal seeks to achieve and clear statement of this in a 'business rules' format
- How the modification or alternate will work in practice; this can include:
 - The process and / or methodology - X gives information to Y, Y uses this to calculate abc etc,
 - Inclusions and exclusions in the legal text, methodology and process
 - Any additional considerations, for example it is a charging change is it pro-rated
- If new definitions are being introduced, an explanation of the new terms. Where a defined term is being amended, what change is needed
- Possible consequential changes either caused or required

- Review of the draft legal text, once provided by ESO, providing commentary and suggested changes and amendments. On-going support through any legal text iterations

The above should be developed in plain English, Layman's terms, not as legal text, therefore no legal training or legal interpretation is required by the workgroup.

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ESO will work with the proposer and workgroup to support them in fulfilling their responsibilities outlined above. Following confirmation by the workgroup of a finalised solution, ESO will review this to confirm that enough detail has been provided to understand the defect, the solutions and the business rules and to then be able to produce the draft legal text.

Review and Finalisation of Legal Text

Once a draft of the legal text has been produced by the ESO this will be supplied to the workgroup for review. The ESO will support the workgroup through any changes and amendments required to the completion of the final legal text.

Once the legal text is finalised the workgroup report will be submitted to the respective Panel, prior to their vote on the workgroup having fulfilled their terms of reference and issue of the report to Code Administrator Consultation (CAC).

If you have any questions on this, please do not hesitate to contact us via codes.mce@nationalgrideso.com