

UNC 0750FT:

Amendment to regulations relating to Covid Modifications



***Guidance:** These slides are meant to provide a brief overview for the UNC Panel, to introduce what is trying to be achieved, to help them understand and decide the best process to be followed for new modifications. Please aim to be as brief as possible and not justify nor make the case for the Modification.*

Notes are provided in italics and if this template is being used should be removed.

The Joint Office is available to help and support the drafting of any modifications, including guidance on completion of the Modification template and the wider modification process. Contact: enquiries@gasgovernance.co.uk or 0121 288 2107.

Proposer: Tracey Saunders

Panel Date: 17 December 2020

Why change?



Please use bullets to summarise what in the UNC is wrong and creating problems

- Since the original suite of Covid-19 modifications was raised there have been a lot of changes to the powers around mandated closures.
- Local governments now also have the ability to mandate closures of categories of businesses for Covid-19 reasons
- Whilst a sensible approach has been taken to accept that any mandated closure is covered, regardless of how it was instigated, this may not be clearly covered in code.
- There has been confusion around the party responsible to monitor changes to regulations, so clarity is also needed.

Options



Please use bullets to summarise what options have been considered to fix the identified problem. Is a UNC modification the only route?

- Do nothing and rely on General Terms C2.1.3
- Approve changes via this (Fast Track) Modification
 - *A reference in the Code to any Legal Requirement shall be construed, at any particular time, as including a reference to any modification, extension or reenactment (before or after the date of the Code) of that Legal Requirement in force at that time.*
- Add clarity for Users around responsibility for ensuring Relevant Regulations and Relevant Period are still applicable for any of their sites utilising Covid-19 modifications.

Solution



Please use bullets to briefly outline the solution contained within the modification.

- To amend the definition of Relevant Period and Relevant Regulations in UNC Transition Document Part VI – COVID-19 – Temporary Measures to ensure that these are not only in line with current regulations, but also provides a level of future proofing against further changes.
- To add to the same section an additional line of clarity that it is the Users responsibility (unless otherwise specifically stated) to monitor and reverse any applications as soon as reasonably possible following the ceasing of eligibility under the Relevant Regulations or Relevant Period

Recommended Steps



Please use bullets to summarise the recommended steps. Please indicate how long you think the assessment process should last and if self-governance should apply or not.

- The Proposer recommends that this modification should be:
(delete as appropriate)
 - Subject to Fast Track self-governance because...
 - a) It meets the Self-Governance criteria as it has not material impact on competition or the transportation arrangements between Transporters and Shippers, and
 - b) It is a housekeeping Modification required to update the references to Relevant Regulations in relation to Coronavirus, and to allow Code to be futureproofed in relation to further changes to these regulations .

The legal text has already been through consultation as part of the text provided for UNC Modification 0730, there were no comments raised with reference to the text in any submitted consultation responses.