

MOD462 FTSG Legal text additions

Add the below to 1.1 (g)

(g) determination by the Modification Panel whether a proposal for modification of the Uniform Network Code or an Individual Network Code satisfies the Fast Track Self-Governance Criteria;

Add the below to Definitions:

“Fast Track Self Governance Criteria”: has the meaning given to "fast track self-governance criteria" in Standard Special Condition A11, paragraph 24(a) of the Transporter's Licence;

6.2.1 (c) addition:

(c) (ii) whether, if the Proposer's view is that it should be a Self-Governance Modification, it satisfies the Fast Track Self-Governance Criteria and the Proposer's reasons for such a view;

6.2.1 (m) amendment:

(m) shall, without prejudice to the Modification Panel's right of determination pursuant to paragraph 7.2, state the Proposer's preference as to whether the Modification Proposal should;

(i) be subject to the Request Procedures;

(ii) proceed to Workgroup Assessment; ~~or~~

(iii) proceed to the Consultation; or

(iv) where 6.2.1(c)(ii) applies, be implemented.

7.2.3 to be amended as per the below (a and b swapped and the new (a)(ii) and following text added):

Subject to paragraph 7.2.2 and paragraph 7.2.8, the Modification Panel may, without prejudice to paragraph 7.2.4, determine that:

a) a Modification Proposal:

(i) satisfies the Self-Governance Criteria; and, if applicable

(ii) satisfies the Fast Track Self-Governance Criteria

For the avoidance of doubt, a modification determined under 7.2.3(a)(ii) must be unanimous

b) a Modification Proposal:

(i) subject to paragraph 7.2.3(d), should proceed to Consultation in

- accordance with paragraph 7.3; or
- (ii) should be referred to a Workgroup for Workgroup Assessment in accordance with paragraph 7.5 (and the 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 Workgroup to submit its Workgroup Report); or
 - (iii) should be deferred to a subsequent meeting of the Modification Panel for further discussion; or
 - (iv) be implemented, subject to determination under 7.2.3(a)(ii) that the Fast Track Self-Governance Criteria are satisfied and subject to the Panel determining unanimously that the Modification Proposal be implemented.

Alongside these amendments to 7.2.3 references to 7.2.3(a)/(b) throughout the Modification Rules have been amended

A new paragraph added to Section 7.2:

7.2.9 If the Modification Panel determine that a Modification Proposal satisfies the Fast Track Self Governance Criteria but fail to vote unanimously to implement under 7.2.3(b)(iv) the Modification shall become a Self Governance Modification and be further determined by the Modification Panel under 7.2.3(b)

Three new paragraphs added in Section 9.3:

9.3.16 Where the Modification Panel makes a determination in respect of a Self-Governance Modification Proposal under paragraph 7.2.3(b)(iv) a Party or the Authority may object to such determination and the Self-Governance Modification Proposal shall not be implemented. Any such objection shall be received within 15 working days immediately following the day the implementation notice under 9.3.10(c) was issued

9.3.17 Where a Self-Governance Modification Proposal is objected to under paragraph 9.3.16 then the Self-Governance Modification Proposal shall return to the Modification Panel and be considered as a Modification Proposal under the provisions of paragraph 7.2.3.

9.3.18 If any Modification Proposal is returned to the Modification Panel under 9.3.17, the Modification Panel may not determine that such Modification Proposal meets the Fast Track Self-Governance Criteria in accordance with 7.2.3(a)(ii).