

Joint Office

Enquiries@gasgovernance.co.uk

30th March 2021

Dear Joint Office,

Re: UNC 0741S Updating specific gender references to neutral terms

Thank you for the opportunity to provide representation on the above noted Modification Proposal. Please find below Northern Gas Network's (NGN) comments in respect of this Modification.

NGN offers Qualified Support in relation to this Modification proposal

Reasons for Support/Opposition:

We support this modification as the changes proposed should ensure that the UNC remains relevant and removes dated gender specific pronouns, furthering Relevant Objective f) promotion of efficiency in the implementation and administration of the Code.

We qualify this support as we believe that the legal text, as drafted, does not fully meet the intent of the modification, further detail is given below.

Self-Governance Statement

We agree that this modification should be subject to self-governance procedures as it is primarily seeking to update code to align with current legislation.

Implementation:

We believe this modification could be implemented as soon as possible after UNC Panel approval, subject to no appeal being made.

Impact and costs:

We have not identified any potential costs or impacts to NGN as a result of this change.

Legal Text:

We believe that the majority of the legal text should deliver the intent of the modification, however there are some instances where, as drafted, the clause becomes ambiguous or does not make sense; change marked examples are provided below. I am aware that the legal text provider is going to carry out a further sense check of all of the changes to identify any additional errors.

GTA – Dispute resolution

The changes in the clause below leave it ambiguous as to which party is being referred to especially in relation to 'ensure that terms of the contract of appointment of the expert are agreed'.

2.3.4 The parties shall use their best endeavours to ensure that the terms of the contract of appointment of the expert are agreed with ~~him~~them within 10 Business Days following ~~his~~their confirmation of ability and willingness to act, and agree that if the parties are unable to agree with the expert the amount of ~~his~~ their remuneration or any other terms of ~~his~~ their appointment then:

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The last words of the below clause end with 'requirements they or they may have' which does not seem to make grammatical sense.

2.4.1 No later than 5 Business Days following ~~his~~ their appointment, the expert shall by giving reasonable notice to each party convene a meeting with the parties at which ~~he~~ they shall raise any matters upon which ~~he~~ they requires clarification and discuss with the parties any additional procedural requirements ~~he~~ they or they may have

Are there any errors or omissions in the Modification Report?

None identified.

Any additional analysis or comments?

We have not carried out a full assessment of the remainder of the legal text changes, as would expect the proposer and legal text advisor to work through the document to ensure that each clause is re-read with the changes included to ensure that it remains clear and continues to make sense, and identify and correct any further amendments when correcting those identified above.

We hope these comments will be of assistance and please contact me should you require any further information in respect of this response.

Yours sincerely,

Tracey Saunders (via email)
Market Services Manager (Industry Codes)

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