

0554FT: Gender-neutral terms within the UNC

- 01 Modification
- 02 Workgroup Report
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To amend relevant UNC references from “Chairman” to “Chairperson”



The Panel determined that this fast track self-governance modification be implemented.



Low Impact:
All UNC Parties

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About this document:		
This Final Modification Report was considered by the Panel on 17 September 2015.		
The Panel unanimously determined that this modification should be implemented.		
The Proposer recommended the following timetable:		
Final Modification Report presented to Panel	17 September 2015	
UNC Modification Panel decision	17 September 2015	

1 Summary

Is this a Self-Governance Modification?

The Modification Panel determined that this is a self-governance modification because it simply amends a term within the Modification Rules; General Terms Section B – General; and Offtake Arrangements Document (OAD), it does not have a material impact on consumers, competition or governance procedures.

Is this a Fast Track Self-Governance Modification?

The Modification Panel determined that fast track self-governance does apply to this modification as it is purely a housekeeping change.

Why Change?

The use of 'Chairman' in modern legal documents is, at best, outdated and could infer some gender bias. A comprehensive search has not been performed and only the most significant occurrences (Modification Panel, UNC Committee and Offtake Committee) are addressed by this proposal.

Solution

To amend the term "Chairman" to "Chairperson" within the UNC Modification Rules, General Terms Section B - General and Offtake Arrangements Document (OAD)

Relevant Objectives

This modification will further relevant objective f) efficient implementation and administration of the Code by clarifying a UNC term.

Implementation

As fast track self-governance procedures are proposed, implementation could be sixteen business days after a decision to implement is made.

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

As it is a housekeeping modification there are no impacts on any other industry change.

2 Why Change?

The use of 'Chairman' in modern legal documents is, at best, outdated and could infer some gender bias. A comprehensive search has not been performed and only the most significant occurrences (Modification Panel, UNC Committee and Offtake Committee) are addressed by this proposal.

3 Solution

To amend the references in the UNC Modification Rules, General Terms Section B - General and OAD from “Chairman” to “Chairperson”.

User Pays	
Classification of the modification as User Pays, or not, and the justification for such classification.	No User Pays service would be created or amended by implementation of this modification and it is not, therefore, classified as a User Pays Modification
Identification of Users of the service, the proposed split of the recovery between Gas Transporters and Users for User Pays costs and the justification for such view.	N/A
Proposed charge(s) for application of User Pays charges to Shippers.	N/A
Proposed charge for inclusion in the Agency Charging Statement (ACS) – to be completed upon receipt of a cost estimate from Xoserve.	N/A

4 Relevant Objectives

Impact of the modification on the Relevant Objectives:	
Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	None
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	None
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	None
f) Promotion of efficiency in the implementation and administration of the Code.	Positive
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

The modification clarifies a term within the Code, hence can be seen to further facilitate the administration of the Code

5 Implementation

As fast track self-governance procedures are proposed, implementation could be sixteen business days after a unanimous vote in favour of implementation by the Modification Panel, subject to no objection being raised.

6 Impacts

As it is a housekeeping modification there are no impacts on any other industry change.

7 Legal Text

Text Commentary.

The term "Chairman" is replaced with "Chairperson" throughout the UNC Modification Rules, General Terms Section B - General and within one section of the UNC OAD.

Text

General Terms Section B – General:

4 Uniform Network Code Committee and Sub-Committees

- 4.1.3 The persons who are for the time being ~~Chairman~~ Chairperson and Secretary of the Modification Panel shall be ~~Chairman~~ Chairperson and Secretary of the Uniform Network Code Committee.
- 4.1.4 The Uniform Network Code Committee shall be distinct from the Modification Panel and accordingly:
- (c) the agenda of each meeting of the Uniform Network Code Committee and of the Modification Panel shall be separate;
 - (d) no business of the Uniform Network Code Committee shall be conducted at a meeting of the Modification Panel and vice versa; and
 - (e) at the commencement of each meeting the ~~Chairman~~ Chairperson thereof shall confirm the capacity in which the persons present are meeting.
- 4.3.5 Each Sub-committee shall be comprised of persons representing the Transporters (one of whom shall, unless otherwise agreed, be the ~~Chairman~~ Chairperson of such Sub-committee), persons representing Users, a person representing the Authority (if the Authority shall nominate such a person) and any other persons whom the Uniform Network Code Committee shall determine shall be members thereof.

OAD Section N - General:

8.2 ~~Chairman~~Chairperson

- 8.2.1 The Transporters shall appoint a person (who may but need not be a member appointed under paragraph 8.1.2) from time to time to be ~~Chairman~~ Chairperson of the Committee.
- 8.2.2 The ~~Chairman~~ Chairperson shall not have a second or casting vote at Offtake Committee meetings.
- 8.2.3 The ~~Chairman~~ Chairperson shall chair meetings of the Offtake Committee and shall have such other functions if any as the Offtake Committee shall decide.

Modification Rules:

2.1 Defined terms

"Casting Vote": a vote exercisable by the Panel ~~Chairman~~ Chairperson in favour of or against any matter to be determined by the Modification Panel except the making of a recommendation under paragraph 9.3.3(a);

"Designated Person":

- (a) subject to (b) 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
- (b) any other individual of whose identity the Panel ~~Chairman~~ Chairperson may be notified by the Authority;

"Panel ~~Chairman~~ Chairperson ": the person appointed as ~~Chairman~~ Chairperson of the Modification Panel by the Transporters with the approval of the Authority, and as the context may require, a deputy Panel ~~Chairman~~ Chairperson;

"Panel Majority": in relation to

- (a) a Modification Panel recommendation made pursuant to paragraph 9.3.3(a) to be determined at a quorate and duly convened meeting of the Modification Panel means:
 - a majority (in number) of the votes exercisable by the Voting Members present at that meeting and voting in favour of such matter; and
- (b) any other Modification Panel determination to be determined at a quorate and duly convened meeting of the Modification Panel means:
 - (i) a majority (in number) of the votes exercised by the Voting Members present at that meeting and voting in favour of such matter; or
 - (ii) if there is an equal number of votes by the Voting Members present at that meeting in favour of and against such matter, where the ~~Chairman~~ Chairperson has exercised a Casting Vote in favour of such matter;

3.2.1 The Modification Panel shall be composed of:

- (a) the Panel ~~Chairman~~ Chairperson, being (without prejudice to paragraph 5.8.2) a non-voting Member;

3.6 **The Panel ~~Chairman~~ Chairperson**

The Transporters shall appoint by notice to the Secretary (and as the case may be, remove and reappoint):

where such appointment or reappointment has been approved by the Authority, one (1) person, from time to time, as the Panel ~~Chairman~~ Chairperson; and

one (1) person, from time to time, as the deputy Panel ~~Chairman~~ Chairperson.

4.5.1 Each Member may, from time to time, by notice to the Secretary appoint (or revoke the appointment of) an individual (including, but without limitation, another Member other than the Panel ~~Chairman~~ Chairperson) to be such Member's 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 Secretary.

5.5.1 Members (of whom two (2) shall be Transporters' Representatives and two (2) shall be Users' Representatives (excluding the ~~Chairman~~ Chairperson)) present at a meeting of the Modification Panel who can exercise six (6) votes shall be a quorum.

5.6 **Panel ~~Chairman~~ Chairperson**

5.6.1 The Panel ~~Chairman~~ Chairperson or, in the absence of the Panel ~~Chairman~~ Chairperson, the deputy Panel ~~Chairman~~ Chairperson, shall preside at meetings of the Modification Panel.

5.6.2 The Panel ~~Chairman~~ Chairperson shall conduct all meetings of the Modification Panel in compliance with the Code of Practice.

5.8.2 The Panel ~~Chairman~~ Chairperson may exercise a Casting Vote, where on a vote conducted under paragraph 5.8.1, there is an equal number of votes in favour of and against making a determination.

5.10.1 Any individual (who is not a Member) may attend a meeting of the Modification Panel as an observer on behalf of a User, Transporter or a Non- Code Party and may participate in the business of the meeting unless the Panel ~~Chairman~~ Chairperson determines otherwise

8 Panel Discussions

The Panel Chair summarised that Modification 0554FT would amend relevant UNC references in gender-neutral terms from “Chairman” to “Chairperson”.

Members considered the relevant objectives, agreeing that this change would further objective f) promotion of efficiency in implementation and administration of the Code as it would remove any potential gender bias from Code.

Members voted unanimously to recommend implementation of Modification 0554FT.

9 Recommendation

Panel Recommendation

Having considered the Modification Report, the Panel determined:

- that proposed fast track self-governance Modification 0554FT should be made.