

MODIFICATION 0683 – PHASE 1 AMENDMENT OF THE OFFTAKE ARRANGEMENTS DOCUMENT

LEGAL DRAFTING - EXPLANATORY TABLE

Note: The table is based on the final legal text for Modification 0683 published on the Joint Office website on [●] 2020.

OFFTAKE ARRANGEMENTS DOCUMENT		
OAD Reference	Topic	Explanation
SECTION A – SCOPE AND CLASSIFICATION		
Paragraph 2.2.3(a)	LDZ/LDZ Offtakes	The existing definition amended to "LDZ/LDZ Closed Offtake" to distinguish it from a NTS/LDZ Closed Offtake.
New paragraph 2.2.3(b)	LDZ/LDZ Offtakes	A new definition of "NTS/LDZ Closed Offtake" added.
Paragraphs 3.1.1 and 3.1.6	Supplemental Agreements	These paragraphs are amended to reflect the movement of the template Supplemental Agreement, which is currently in the OAD Appendix to a new Offtake Subsidiary Document to be called the OAD Template Agreements Document.
Paragraph 3.2.2	New and changed Offtakes	This paragraph is amended to address a scenario where any Closed Offtake ceases to be a Closed Offtake; in which case a new or amended Supplemental Agreement needs to be put in place.
New paragraph 3.2.3	New and changed Offtakes	A new paragraph setting out the requirement for different parties located on a Shared Site to enter into a Shared Site Agreement where an Offtake Site ceases to be an Offtake site and becomes a Shared Site.
SECTION B – CONNECTION FACILITIES		
Paragraph 1.2.2	Offtake Site	This paragraph is amended to account for Offtake Sites on which more than one NTS/Offtake is located which connect different LDZs which are owned and operated by different parties, i.e. a 'tripartite site'.

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Paragraphs 1.2.6 and 1.5.1	Offtake Site	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new Offtake Subsidiary Document.
Paragraph 1.5.2	Supplemental Agreement	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new Offtake Subsidiary Document.
Paragraph 2.1.2	Required Connection Facilities	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new Offtake Subsidiary Document.
Paragraph 2.2.3	Right to Alter, Replace or Relocate	This paragraph is amended to set out examples of instances where a proposed alteration, replacement or relocation of a Connection Facilities impacts another User materially, and therefore clarifies when the requirements under of paragraphs 2.2.4 (to give 12 months' written notice to the affected party) and 3.4 (the requirement to obtain Site Owner consent when proposing to alter, replace or add to any of the Site User's Facilities) apply.
Paragraph 2.6.3	Site Services	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new Offtake Subsidiary Document.
Paragraph 3.8.1 and new paragraph 3.8.2	Site Security	New paragraph to address arrangements pursuant to which the Site Owner and Site User may agree that the Site User is responsible for security arrangements for all Connection Facilities (including the Site Owner's) on an Offtake Site on which Critical National Infrastructure is located, i.e. at a 'relevant' Offtake Site.
New paragraph 3.8.3	Site Security	Amended to reflect that a notification of a security breach in relation to Connection Facilities must be served by the party responsible for security to the owner and each other owner or occupant of the 'relevant' Offtake Site.
New paragraph 3.8.4	Site Security	Defines meaning of 'relevant' Offtake Site for purposes of paragraph 3.8.2.
ANNEX B-2		

OFFTAKE ARRANGEMENTS DOCUMENT		
OAD Reference	Topic	Explanation
Part 1 and Part 2	Mandatory Site Services and Other Site Services	Electricity Supply Services and Standby Power are now Mandatory Site Services.
SECTION D - MEASUREMENTS		
Paragraph 2 of Annex D-2	Specific Metering Systems	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new separate Offtake Subsidiary Document.
SECTION E – TELEMETRY, ETC		
Paragraph 1.2.3	Telemetry Facilities	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new separate Offtake Subsidiary Document.
SECTION F – DETERMINATION OF CALORIFIC VALUE		
Paragraph 2.3.3	Rights in relation to measurement equipment	Consequential cross-reference amendments to reflect the movement of the template Supplemental Agreement to a new separate Offtake Subsidiary Document.
SECTION G – MAINTENANCE		
New sub-paragraph 1.2.1(e)	Relevant Maintenance	To include in the definition of "Relevant Maintenance" maintenance to the NTS or LDZ that requires the opening of a NTS/LDZ Closed Offtake.
Sub-paragraph 1.2.1(f)(ii)	Relevant Maintenance	Updated so reference is to LDZ/LDZ Closed Offtake.
Sub-paragraph 1.2.1(f)(iii)	Relevant Maintenance	To delete error, text at (iii) applies to both (i) and (ii).
Paragraph 3.5	LDZ/LDZ Offtakes	The title is amended to read "Section J Requirements".
Paragraph 3.5.1	LDZ/LDZ Offtakes	Consequential cross-reference amendment to paragraph 3.5.1 to reflect renumbered sub-paragraph 1.2.1(f) and updated so reference is to LDZ/LDZ Closed Offtake.

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Paragraph 3.6.1	Maintenance Co-Operation	To clarify that the opening and subsequent re-closing of a Closed Offtake may be required in order to carry out Relevant Maintenance.
New paragraph 3.6.5	Maintenance Co-Operation	To make clear maintenance at Offtakes which are bi-directional sites or which involves the opening and re-closing of a Closed Offtake is only permitted after the agreement of the parties (including in relation to liabilities etc).
SECTION J – LDZ/LDZ OFFTAKES – PLANNING AND OPERATIONAL FLOWS		
Paragraph 1.3.3	Offtake Parameter Values	Updated so reference is to LDZ/LDZ Closed Offtake.
Paragraph 4	Closed Offtakes	Updated so reference is to LDZ/LDZ Closed Offtake.
Paragraph 4.1.1	Application of this Section J	Updated so references are to LDZ/LDZ Closed Offtake.
Paragraph 4.1.2	Application of this Section J	Deleted as reference to Relevant Maintenance involving the opening and subsequent re-closing of a LDZ/LDZ Closed Offtake is now addressed in new Section G3.6.1.
SECTION N – GENERAL		
Paragraph 1.2.1	Subsidiary Documents	Add reference to the OAD Templates Agreement Document as a new Offtake Subsidiary Document.
Paragraphs 3.1.2 and 3.4.1	General / Modification of form of Supplemental Agreements	These paragraphs are amended to reflect the movement of the template Supplemental Agreement to a new Offtake Subsidiary Document.
Sub-paragraph 3.4.1(b)	Modification of form of Supplemental Agreements	Governance of the templates in the OAD Template Agreements Document now with the Offtake Committee (so changes will no longer require a Code Modification).
New paragraph 10.1.1	Shared Sites	Establishes new definitions of 'Shared Site', 'Shared Site Facilities', 'Shared Site Agreement' and 'Shared Site Agreement Date'.

OFFTAKE ARRANGEMENTS DOCUMENT		
OAD Reference	Topic	Explanation
New paragraph 10.1.2	Shared Sites	Requirement that Shared Site Agreement should follow the template in the OAD Template Agreements Document.
New paragraph 10.1.3	Shared Sites	A Shared Site Agreement may only be amended by agreement of the parties.
New paragraph 10.1.4	Shared Sites	Requirement for a Shared Site Agreement to be entered into in respect of each Shared Site.
New paragraph 10.1.5	Shared Sites	Requirement to enter into a new or amended Shared Site Agreement or Supplemental Agreement as required.
New paragraph 10.1.6	Shared Sites	Relevant provisions in OAD to apply for the purposes of a Shared Site Agreement, for which purposes defined terms in OAD will have corresponding meaning under paragraph 10.
New paragraph 10.1.7	Shared Sites	Identifies relevant provisions in OAD which apply in relation to a Shared Site.
APPENDIX 1		
Appendix 1	Form of Supplemental Agreement	Deleted following creation of new OAD Template Agreements Document.

TRANSITION DOCUMENT		
TD Reference	Topic	Explanation
PART III		

TRANSITION DOCUMENT		
TD Reference	Topic	Explanation
New paragraph 5	OAD Template Agreements Document	<p>New paragraph 5.1 is inserted to set out the new requirement for the Transporters to enter into:</p> <ul style="list-style-type: none"> (i) a new Supplemental Agreement in respect of each Offtake; and (ii) a Shared Site Agreement in respect of each Shared Site, <p>in the new form set out in the OAD Template Agreements Document.</p> <p>New paragraph 5.2 clarifies that any existing Supplemental Agreements continue in force until a new Supplemental Agreement, in the new form set out in the OAD Template Agreements Document, is entered into.</p>