

## DRAFT LEGAL TEXT FOR THE PROPOSED MODIFICATION

### SECTION L: METERING (VERSION 21.0)

#### 1. INTRODUCTION

##### 1.3 Limitation

*Amend paragraph 1.3.1 to read as follows:*

- 1.3.1 The provisions of paragraphs 2.5.4(a), 3.7, 6 and 7 shall only apply to, and in respect of, Metering Systems which are not at Domestic Premises and all visiting, access, inspection, audits, testing and similar rights in such provisions shall be read and construed accordingly.

#### 2. METERING EQUIPMENT – BASIC REQUIREMENTS

*Amend paragraph 2.5.3 to read as follows:*

- 2.5.3 The Registrant of each Metering System shall:
- (a) prepare and maintain for the life of the relevant item of Metering Equipment, complete and accurate records as required by the relevant Code of Practice or the Act (including in relation to the calibration of the Metering Equipment, the dates and results of any tests, readings, adjustments, audits or inspections carried out and the dates on which any seal was applied or broken, the reason for any seal being broken and the persons attending any such tests, readings, inspections or sealings);
  - (b) provide a copy of such records to the BSC Auditor upon request;
  - (c) pass such records or copies of the same to the Meter Operator Agent appointed by its successor as Registrant.

#### 7. TECHNICAL ASSURANCE OF METERING SYSTEMS

##### 7.1. General

*Amend paragraph 7.1.2 to read as follows:*

- 7.1.2 For the purposes described in paragraph 7.1.1 and as instructed by BSCCo from time to time pursuant to paragraph 7.3.1, the TAA shall make arrangements for:
- (a) On-Site Inspections spot-visits ("inspections") by suitably qualified inspectors at the sites where Metering Equipment is installed; or
  - (b) Desktop Audits conducted by suitably qualified inspectors remotely.

## 7.2 Provision of information

*Amend paragraph 7.2.2 to read as follows:*

- 7.2.2 BSCCo shall periodically submit to the TAA, in accordance with BSCP27, a list of the Metering Systems and the associated Registrants, from which sample On-Site Inspections and Desktop Audits~~visits~~ shall be selected in accordance with paragraph 7.3.

*Amend paragraph 7.3 to read as follows:*

## 7.3 Site Selection

- 7.3.1 BSCCo shall determine and instruct to the TAA, in relation to each BSC Year, consistent with any guidance or instructions from the Panel, and in accordance with BSCP27~~;~~:
- (a) the total number of Metering Systems to be ~~audited~~inspected by On-Site Inspection;
  - (b) the total number of Metering Systems to be audited by Desktop Audit; and
  - (c) the criteria for assessing which Metering Systems shall be selected for an On-Site Inspection and which Metering Systems shall be selected for a Desktop Audit.
- 7.3.2 The TAA shall select the sample of Metering Systems to be ~~audited~~inspected by On-Site Inspection or Desktop Audit in each BSC Year in accordance with BSCCo's instructions under paragraph 7.3.1 and consistent with the further provisions of this paragraph 7.3 and in accordance with BSCP27.
- 7.3.3 Until the Performance Assurance Effective Date, the sample selected shall be consistent with the following principles:
- (a) the sample shall allow for:
    - (i) ~~audit~~inspection ("targeted ~~audit~~inspection") of a number of Metering Systems in relation to which non-compliance is suspected, as notified by BSCCo to the TAA or on the basis of the information provided to the TAA by other persons; and/or
    - (ii) ~~audit~~inspection ("re-~~audit~~inspection") of a number of Metering Systems in relation to which non-compliance was previously identified and has subsequently been reported to have been rectified by the Registrant;
  - (b) the sample shall be representative of the Metering Systems respectively registered in CMRS and each SMRS;
  - (c) the sample shall be representative of:
    - (i) ~~\_\_\_\_\_~~ Meter Operator Agent;
    - (ii) type of Metering Equipment;
    - (iii) Code of Practice;

- (iv) Registrant;
- (v) GSP Group (for SVA Metering Systems);
- (vi) previous inspection(s);

and shall not be biased towards any one Registrant, Meter Operator Agent, GSP Group or type of Metering Equipment.

7.3.4 From the Performance Assurance Effective Date the Panel may determine with respect to the sample of Metering Systems to be selected by the TAA under paragraph 7.3.2:

- (a) which of the principles set out in paragraph 7.3.3 shall apply; and/or
- (b) such further principles as are appropriate which shall apply,

provided that unless the Panel decides otherwise with respect to paragraph 7.3.3(c) the sample shall not be biased towards any one Registrant, Meter Operator Agent, GSP Group or type of Metering Equipment.

*Include a new paragraph 7.4A to read as follows:*

#### **7.4A Desktop Audit**

7.4A.1 The TAA shall notify the Registrant whose Metering System(s) are selected for a Desktop Audit, giving the Registrant such period of notice prior to the Desktop Audit as may be required in accordance with BSCP27.

7.4A.2 The Registrant or a nominated representative shall submit the documentation in the format and timescales required under BSCP27.

7.4A.3 The Registrant shall bear all costs of its and its nominated representative's submission.

*Amend paragraph 7.5 to read as follows:*

#### **7.5 Non-Compliance**

7.5.1 The TAA shall determine in respect of those matters or things (including those associated with or connected to a Metering System) which it has been requested to ~~audit~~inspect, that such matter or thing is non-compliant if, after taking account of any applicable Metering Dispensations, the requirements of the Code and the relevant Code(s) of Practice are not being adhered to and/or if configurable meter parameters are not consistent with the Meter Technical Details supplied by the Registrant.

7.5.2 Where a non-compliance has been determined in accordance with paragraph 7.5.1 the Registrant shall:

- (a) ensure that the non-compliance is rectified, to the extent to which it can be rectified directly by the Meter Operator Agent;
- (b) otherwise, take all reasonable steps to ensure that a person which can directly rectify the non-compliance does so.

- 7.5.3 Following the rectification of a non-compliance (as determined in accordance with paragraph 7.5.1) which is materially non-compliant, BSCCo shall, where in its discretion it considers it appropriate to do so having regard to the nature of such rectification, require the Registrant to carry out the relevant Code of Practice Four tests and validation testing in accordance with the relevant BSC Procedures and the TAA may attend and/or request details of any such testing carried out.
- 7.5.4 For the purposes of paragraph 7.5.3, a non-compliance (as determined in accordance with paragraph 7.5.1) is "materially non-compliant" if the TAA considers that the non-compliance is likely to affect the quality of data used in Settlement.
- 7.5.5 The Registrant of a Metering System determined by the TAA to be non-compliant (or of a Metering System in respect of which a matter or thing has been determined to be non-compliant in accordance with paragraph 7.5.1) following an On-Site Inspection or Desktop Audit~~inspection~~ may refer to the Panel the question of whether the requirements referred to in paragraph 7.5.1 are being adhered to in relation to the Metering System.

*Amend paragraph 7.6 to read as follows:*

## **7.6 Reporting**

- 7.6.1 On completion of an On-Site Inspection or Desktop Audit~~inspection~~, the TAA shall issue notices of compliance or non-compliance to the Registrant and BSCCo by the date required under BSCP27.
- 7.6.1A Where BSCCo becomes aware of a non-compliance that has impacted metered volumes then it shall, as soon as reasonably practicable thereafter, notify any CFD Settlement Services Provider and any CM Settlement Services Provider and include in that notice at least the following:
- (a) the MSID(s) (if known) relating to the applicable SVA Metering System or CVA Metering System; and
  - (b) the nature of the non-compliance.
- 7.6.2 Where a non-compliance has been determined in accordance with paragraph 7.5.1, the TAA shall provide the Registrant with a report detailing the areas of non-compliance.
- 7.6.3 The TAA shall provide the Registrant with a reminder, in the form of a re-issued non-compliance report, if the Registrant has failed to rectify the non-compliance by the date required under BSCP27.
- 7.6.4 In relation to each month the TAA shall, by the date required under BSCP27:
- (a) submit a report (in a format approved by BSCCo) summarising all On-Site Inspections or Desktop Audits~~inspections~~ falling due within that month; and
  - (b) after amending the report to take account of any comments of BSCCo, submit the report to the Panel, the Performance Assurance Board and the BSC Auditor.

## ANNEX X-1: GENERAL GLOSSARY (VERSION 88.0)

*Insert the following new definition into the general glossary in alphabetical order to read as follows:*

<b><u>"Desktop Audit":</u></b>	<u>means an audit undertaken by the TAA in accordance with Section L7.4A;</u>
<b><u>"On-Site Inspection":</u></b>	<u>means an audit undertaken by the TAA in accordance with Section L7.4;</u>