

Phase

Initial Written Assessment

Definition Procedure

Assessment Procedure

Report Phase

Implementation

'Housekeeping and making the BSC gender neutral'

This housekeeping Modification proposes to correct a total of 52 non-material errors and inconsistencies across 31 Sections (including Annexes) of the Balancing and Settlement Code (BSC). It also seeks to replace gender specific references with references that are gender neutral to bring the BSC in line with modern best practice and other energy codes.



Elxon recommends the Panel raises the attached Modification Proposal in accordance with the provisions of Section F - Modification Procedures F2.1.1 (d)(iv)



Elxon recommends this Modification is progressed as a Fast Track Self-Governance Modification (a housekeeping modification) and should be approved



Elxon does not consider that this Modification impacts the European Electricity Balancing Guideline (EBGL) Article 18 terms and conditions held within the BSC

This Modification is expected to impact:

- Elxon

344/03

Initial Written Assessment

05 January 2023

Version 1.0

Page 1 of 9

© Elxon Limited 2023

Contents

1	Summary	3
2	Why Change?	4
3	Solution	5
4	Proposed Progression	7
5	Impacts and costs	8
6	Recommendations	9

About This Document



Not sure where to start? We suggest reading the following sections:

- Have 5 minutes? Read section 1
- Have 10 mins? Read all sections
- Have 30 mins? Read all sections and Attachment B
- Have longer? Read all sections and all Attachments
- *You can find the definitions of the terms and acronyms used in this document in the [BSC Glossary](#)*

This document is a recommendation to the Balancing and Settlement Code (BSC) Panel to raise a Modification Proposal (Attachment A) in accordance with BSC Section F2.1.1(d)(iv).

Elxon will present this paper to the Panel on 12 January 2023. If the Panel agrees to raise the Modification Proposal:

- the Panel will consider the recommendations and agree how to progress this Modification;
- this document will form the Initial Written Assessment (IWA); and
- The Proposal Form will be updated and published on the Elxon website accordingly.

There are four parts to this document:

- This is the main document. It provides details of the Modification Proposal, an assessment of the potential impacts and a recommendation of how the Modification should progress.
- Attachment A contains the Proposal Form.
- Attachment B contains a summary of the proposed changes.
- Attachment C contains the draft BSC legal text.



Contact

Kayleigh Neal

020 7380 4175

bsc.change@elxon.co.uk

kayleigh.neal@elxon.co.uk



344/03

Initial Written Assessment

05 January 2023

Version 1.0

Page 2 of 9

© Elxon Limited 2023

1 Summary

What is the issue?

Elxon has identified a total of 52 minor errors and inconsistencies across 31 Sections of the BSC (including 9 Annexes). These cause a lack of clarity and quality within the BSC legal text. In addition, the BSC uses gender specific references and terminology, which represents an inconsistency between the Code and currently accepted practice for legal text which uses gender neutral references and terminology.

What is the proposed solution?

This Modification seeks to correct minor errors and inconsistencies identified in the BSC and make the BSC gender neutral.

Impacts and costs

As all of the changes proposed under this Modification are minor housekeeping changes, there will be no material impacts on any existing Core Industry Documents, BSC Systems, BSC Parties, consumers or the environment.

The estimated cost to amend the BSC Sections is expected to be under £5k. No ongoing costs are expected.

Implementation

Elxon recommends that this Modification is implemented on 23 February 2023 as part of the February 2023 standard BSC Release, as this is the most efficient Release to target.

Recommendation

We recommend the Panel raise this Modification Proposal as it will rectify manifest errors and correct minor inconsistencies to the BSC. Should the Panel agree to raise the Modification, we recommend that this Modification progress as a Fast Track Self-Governance Modification, as we believe it meets the Fast Track Self-Governance Criteria.

Please note that in order for a Modification Proposal to progress as a Fast Track Self-Governance Modification Proposal the Panel must unanimously agree to this progression route.



What is the issue?

Elexon has identified a total of 52 minor errors and inconsistencies across 31 Sections of the BSC (including 9 Annexes). Such errors are identified in the Code from time to time and are recorded by Elexon to be addressed at an appropriate time in the future. These errors, although minor, may affect the reading of the Code.

In addition, the BSC uses gender specific references and terminology. There is a total of 315 instances where masculine pronouns or terms are used, such as “Chairman”, “he”, “his” and “him”. This represents an inconsistency between the Code and currently accepted practice for legal text which uses gender neutral references and terminology.

Background

Although masculine pronouns have traditionally been used in legal text to refer to people regardless of their gender, it has now become standard practice to use language that is gender neutral. For example, in 2007, it became government policy to use gender neutral language when writing legislation.

The use of gender-neutral language removes gender bias, inequality, and discrimination. It promotes equality and diversity, and conveys respect to all people. For these reasons, in March 2022, National Grid ESO implemented modifications to the [Connection and Use of System Code \(CUSC\)](#), [Grid Code](#) and National Electricity Transmission System (NETS) [Security and Quality of Supply Standard \(SQSS\)](#) Industry Governance Framework to remove any gender specific references or terminology, making them gender neutral. Codes that were created more recently, such as the Smart Energy Code and the Retail Energy Code, already adhere to this modern practice.

What is Housekeeping?

Housekeeping involves the correction of manifest errors, minor errors and inconsistencies, including typographical errors (e.g. punctuation errors, spelling mistakes, incorrect font, incorrect capitalisation) incorrect cross-referencing, and the removal of redundant text.

Proposed solution

This Modification proposes a total of 52 non-material housekeeping changes to the Code. It also proposes that all gender-specific references are amended to be gender neutral. When amending gender-specific references, the following techniques will be used¹:

- (a) Gender-specific pronouns will be amended to be gender neutral as per the table below:

Current gender-specific terminology	Gender neutral alternative
he	they
him	them
his	their
Chairman	Chairperson

- (b) The noun will be repeated to avoid the need for pronouns. For example, Section H4.3.3 shall be amended as follows:

'BSCCo and the BSC Clearer undertake to each of the other Parties that, having regard to the activities in which any employee of BSCCo or the BSC Clearer is engaged and the nature and effective life of the Confidential Information divulged to ~~him~~ said employee by virtue of such activities...'

- (c) The sentence will be rephrased to avoid the need for a noun or pronoun.

Due to the minor and non-material nature of the proposed changes, these have been combined into a single Modification Proposal for efficiency. The use of the BSC Digital Code has also made the impact assessment for this change much easier, as we are able to search across the entire document collection. The full list of changes proposed under this Modification are summarised in **Attachment B**. The draft BSC legal text can be found in **Attachment C**.

Benefits

The correction of minor typographical, formatting, referencing, and consistency errors in the BSC improves clarity and reduces the potential for misinterpretation of the Code. This helps to ensure that visitors to the Code receive a smooth and effective user experience. Also, making the BSC gender neutral will remove gender bias and inequality within the Code, thus having a positive impact on society as a whole.

Applicable BSC Objectives

Applicable BSC Objective (d)

This Modification will promote efficiency in the implementation of the balancing and Settlement arrangements by correcting minor errors and inconsistencies, which will make

What are the Applicable BSC Objectives?

(a) The efficient discharge by the Transmission Company of the obligations imposed upon it by the Transmission Licence

(b) The efficient, economic and co-ordinated operation of the National Electricity Transmission System

(c) Promoting effective competition in the generation and supply of electricity and (so far as consistent therewith) promoting such competition in the sale and purchase of electricity

(d) Promoting efficiency in the implementation of the balancing and settlement arrangements

(e) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency [for the Co-operation of Energy Regulators]

(f) Implementing and administering the arrangements for the operation of contracts for difference and arrangements that facilitate the operation of a capacity market pursuant to EMR legislation

(g) Compliance with the Transmission Losses Principle

344/03

Initial Written Assessment

05 January 2023

Version 1.0

Page 5 of 9

© Elexon Limited 2023

¹ This approach follows the '[Guide to Gender-Neutral Drafting \(2019\)](#)' produced by the Office of the Parliamentary Counsel and the Government Legal Department.

the reading and interpretation of the BSC easier. It will also improve efficiency by removing unnecessary distractions such as the use of gender specific language.

Implementation approach

Elexon recommends that this Modification is implemented on **23 February 2023** as part of the February 2023 standard BSC Release.

This is the next available standard release, which would be the most efficient way to implement this change.

A further Change Proposal (CP) will be raised at an appropriate time in the future to make similar changes to the BSC Code Subsidiary Documents. This has not been done as part of this proposal, to make the change more manageable.



Next steps

This IWA will be presented to the BSC Panel at its meeting on 12 January 2023, where we will invite the Panel to raise this Modification under Section F 2.1.1(d)(iv)² – as we believe it will rectify manifest errors and correct minor inconsistencies to the BSC.

Under BSC [Section F 'Modification Procedures'](#) 2.1.1(d)(iv), Elexon can recommend a Modification Proposal to the Panel to rectify manifest errors, to correct minor inconsistencies and/or make other consequential changes to the Code.

Should the Panel agree to raise this proposal, Elexon recommends that this Modification should progress as a **Fast Track Self-Governance Modification**.

It does not materially impact on any of the Self-Governance criteria and is comprised of non-material housekeeping changes that correct minor errors and inconsistencies in the BSC. This includes an inconsistency between the Code and currently accepted practice for legal drafting. Notably, there has been a factual change in that accepted drafting is now different from when the Code was originally drafted. As such, we believe this proposal meets the Fast Track Self-Governance criteria.

Fast Track Self-Governance Modifications are housekeeping modifications to the BSC that do not go out for consultation. Rather, parties have 15 Working Days to raise an objection to the Panel's determination of a Fast Track Self-Governance Modification, following Elexon sending a notification of such a determination.

Timetable

Proposed Progression Timetable	
Event	Date
Present Initial Written Assessment to Panel	12 January 23
Final Modification Report published	13 January 23
Appeal Window	13 January 23 – 03 February 23

What is the Self-Governance Criteria?

A Modification that, if implemented:

(a) does not involve any amendments whether in whole or in part to the EBGL Article 18 terms and conditions; except to the extent required to correct an error in the EBGL Article 18 terms and conditions or as a result of a factual change, including but not limited to:

- (i) correcting minor typographical errors;
 - (ii) correcting formatting and consistency errors, such as paragraph numbering; or
 - (iii) updating out of date references to other documents or paragraphs;
- (b) is unlikely to have a material effect on:
- (i) existing or future electricity consumers; and
 - (ii) competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution, or supply of electricity; and
 - (iii) the operation of the national electricity transmission system; and
 - (iv) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and
 - (v) the Code's governance procedures or modification procedures; and

(b) is unlikely to discriminate between different classes of Parties.

344/03

Initial Written Assessment

05 January 2023

Version 1.0

Page 7 of 9

© Elexon Limited 2023

² The Panel may modify the Code "on the recommendation of BSCCo to rectify manifest errors in or to correct minor inconsistencies (or make other minor consequential changes) to the Code"



What is the Fast Track Self-Governance Criteria?

A Modification Proposal which:

(i) if implemented would satisfy the Self-Governance Criteria; and

(ii) falls within the scope of Section F2.1.1(d)(iv) (without limiting the right of any person specified in paragraph 2.1.1 to propose a Fast Track Self-Governance Modification Proposal) and which is required to correct an error in the Code or as a result of a factual change, including but not limited to:

- (a) updating names or addresses listed in the Code;
- (b) correcting minor typographical errors;
- (c) correcting formatting and consistency errors, such as paragraph numbering; or
- (d) updating out of date references to other documents or paragraphs.

As all of the changes proposed under this Modification are minor housekeeping changes, there will be no material impacts on any existing Core Industry Documents, BSC Systems, BSC Parties, consumers or the environment.

Impact on BSCCo

This Modification will be a document only change to update 31 Sections of the BSC (including 9 Annexes). The estimated cost to amend the BSC Sections is expected to be under £5k. No ongoing costs are expected.

Impact on EBGL Article 18 terms and conditions

Some of the changes proposed (specifically, changes to Sections K1.2, K3.3, T3 and T4) amend BSC provisions identified as constituting European Balancing Guideline (EBGL) Article 18 Terms and Conditions, as listed in [BSC Section F, Annex F-2](#). However, these amendments should not be required to follow the EBGL change process as they constitute non-material housekeeping changes. Non-material housekeeping changes are exempt from the EBGL change process (in accordance with the Self-Governance Criteria).

Impact on a Significant Code Review (SCR) or other significant industry change projects

We believe this proposal should be treated as a SCR Exempt Modification Proposal, as it has no material impact on any open SCRs. At the time of writing, we are waiting to hear from Ofgem whether they agree with this or not.

6 Recommendations

We invite the Panel to:

- **RAISE** this Modification Proposal in Attachment A, in accordance with BSC Section F2.1.1 (d) (iv);
- **AGREE** that this Modification **DOES NOT** impact the EBGL Article 18 terms and conditions held within the BSC;
- **AGREE** that this Modification should be progressed as a Fast Track Self-Governance Modification;
- **AGREE** that this Modification:
 - **DOES** better facilitate Applicable BSC Objective (d);
- **AGREE** that this Modification should be **approved**;
- **APPROVE** an Implementation Date of:
 - **23 February 2023**, if no objections are notified;
- **APPROVE** the draft legal text; and
- **NOTE** that Elexon will issue the Fast Track Self-Governance Modification Report (including the BSC legal text), which will then be subject to a 15 Working Day objection period.