

**DRAFT LEGAL TEXT FOR PROPOSED MODIFICATION ‘BSC Panel Modification
Business via Video/Teleconference‘**

SECTION B: THE PANEL (VERSION 26.0)

2. APPOINTMENT OF PANEL MEMBERS

4.3 Quorum

Amend paragraph 4.3.1 to read as follows:

4.3.1 No business shall be transacted at any meeting of the Panel unless a quorum is in attendance at the meeting.

4.4 Voting

Amend paragraph 4.4.7 to read as follows:

4.4.7 Where the Panel Chairman considers it appropriate a meeting of the Panel may be validly held by telephone conference call (or other similar means) where all the Panel members present at such meeting can speak to and hear each other; and any decision taken at such meeting shall be validly taken provided that:

(a) the provisions of this paragraph 4 have otherwise been complied with;~~and~~

~~(e) —such decision does not, subject to paragraph 4.6, relate to Modification Business.~~

4.5 Attendance by other persons

Amend paragraph 4.5.1 and 4.5.2 to read as follows:

4.5.1 Subject to paragraph 4.5.2, any meeting of the Panel or of any Panel Committee shall be open to attendance by a representative of any Party and any other person entitled to receive notice of Panel Meetings under paragraph 4.1.6; and any person so attending such a meeting may speak if invited to do so by the chairman of the meeting, but shall not vote at the meeting.

4.5.2 Paragraph 4.5.1 shall not apply:

(a) to meetings of the Trading Disputes Committee or those meetings of the Performance Assurance Board as stated in Section Z, or to any meeting or part of a meeting of the Panel at which a matter referred and/or appealed to the Panel pursuant to Section W3.5.1 and/or Section Z6.3 (respectively) is to be considered; and

(b) to any other meeting or part of a meeting of the Panel or a Panel Committee at which any particular matter (not including any Modification Business, but without prejudice to paragraph 4.6.1(e)) is to be considered, where the chairman of the meeting considers that it is not appropriate (having regard to the principles set out in paragraph 3.3, or on the grounds of commercial sensitivity in relation to any person which is not a Party) for such matter to be considered in open session;~~or~~.

(c) ~~in the case of a meeting held by telephone conference or similar means in accordance with paragraph 4.4.7; and shall not operate to prevent a resolution from being passed in accordance with paragraph 4.4.6.~~