

**Phase**

Initial Written Assessment

Definition Procedure

Assessment Procedure

Report Phase

Implementation

## P405 'Allow notices via email where currently prohibited'

This Modification will allow notices that the BSC currently requires to be sent by post or fax to be sent by email. Due to the COVID-19 pandemic, it is not currently practical to use post or fax. More generally, it is now accepted and more efficient to send notices via email.



The BSC Panel initially recommends **approval** of P405

This Modification is expected to impact:

- All BSC Parties; and
- ELEXON.

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## About This Document

This is the P405 Draft Modification Report, which ELEXON will present to the Panel at its meeting on 14 May 2020. It includes the responses received to the Report Phase Consultation on the Panel's initial recommendations. The Panel will consider all responses, and will make a decision on whether to approve or reject P405.

There are nine parts to this document:

- This is the main document. It provides details of the solution, impacts, costs, benefits/drawbacks and proposed implementation approach.
- Attachment A contains the P405 Proposal Form.
- Attachment B contains the draft redlined changes to the BSC for P405.
- Attachments C-G contain the draft redlined change to the Code Subsidiary Documents for P405.
- Attachment H contains the full responses received to the Panel's Report Phase Consultation.

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### Why Change?

BSC Section H paragraph 9.2.5 does not permit certain specific notices between ELEXON and Parties (as detailed in Appendix 1) to be sent solely by email. To be deemed as officially received and actionable, the BSC requires these notices to be sent by post or fax. However, the existing requirement to send hard copies of these notices is not practical during the COVID-19 pandemic and risks notices being delayed, missed, un-actioned or challenged.

### Solution

Delete all the existing exceptions listed in H9.2.5, which currently prohibit the sole use of email for certain specified notices (see Appendix 1). This will give the sender of these notices the choice whether to use email, post or fax, subject to any other express provision in the BSC or any relevant BSC Procedure (BSCP). This will therefore align them with the existing provisions for all other BSC notices.

Aside from the immediate practicalities of the COVID-19 lockdown, the Panel believes that restricting these notices to post or fax is unnecessary. The Panel propose that this should therefore be an enduring change to the BSC rules rather than a limited contingency provision.

### Impacts & Costs

No material industry costs or impacts have been identified for the implementation of P405. Following the change, ELEXON and BSC Parties will be able to send notices via email where currently prohibited. This may require Parties to update internal processes and documentation.

ELEXON will be required to implement the new legal text and update internal processes. The central implementation costs will be approximately £500, two ELEXON working days of effort.

### Implementation

It is proposed to implement this Modification as soon as possible, to minimise any risks of missed/un-actioned postal notices or any possible challenge to use of email notices during the COVID-19 pandemic. The Panel recommends P405 be implemented on the **8 June 2020** as a standalone release, the Working Day after the Self-Governance appeal window closes.

### Recommendation

The Panel's initial unanimous recommendation is that P405 **does** better facilitate Applicable BSC Objectives **(d)** and so should be **approved** as a Self-Governance Modification.

## 2 Why Change?

### Background

In 2005, [P159 'Extending the scope of e-mail communications under the Code'](#) introduced the list of notices in [BSC Section H 'General'](#) paragraph 9.2.5 that cannot be sent solely by email and must be sent by post or fax. For all other notices under the BSC, P159 introduced the ability for the sender to use email as an alternative to the previously-recognised mechanisms of post or fax. In the 15 years since P159 was implemented, email has become a widely-accepted communication method for formal notices.

### What is the issue?

H9.2.5 does not permit certain specific notices between ELEXON and Parties (as detailed in Appendix 1) to be sent solely by email. To be deemed as officially received and effective, the BSC requires these notices to be sent by post or fax. However, the existing requirement to send hard copies of these notices is not practical during the COVID-19 pandemic for the reasons given below:

- ELEXON's office is currently closed until further notice, limiting its ability to receive post (or faxes, although fax is now rarely, if ever, used as a communication medium under the BSC);
- Similarly, BSC Parties may be unable, or have reduced ability, to receive post (or faxes) where staff are working from home, operations are reduced and/or offices are closed;
- [Royal Mail](#) has indicated potential reductions in postal services levels, impacting the BSC's rule that notices sent by first-class post are deemed to have been received two days after sending; and
- Although the health risk of spreading COVID-19 by posting items may be small, the [Government](#) notes that using alternative communication methods will minimise the need for members of the public or the postal workforce to travel unnecessarily. The Government also notes that potential disruption to the post service may reduce the practicality of sending time-critical formal documents by post.

It should be noted that there are currently provisions in place to address the risks of non-compliance in the short term, until P405 is implemented.

### Desired outcomes

To help make the sending of formal BSC notices quicker and more efficient (and ensure that they can be seen and actioned) during the COVID-19 pandemic.

More generally, and aside from the immediate practicalities of the COVID-19 lockdown, restricting these notices to post or fax is unnecessary. This should therefore be an enduring change to the BSC rules rather than a limited contingency provision.

### Proposed solution

#### Legal text

Delete all the existing exceptions to use of email listed in paragraph H9.2.5, which currently prohibit the sole use of email for certain specified notices (see Appendix 1). This will give the sender of these notices the choice whether to use email, post or fax, subject to any other express provision in the BSC or any relevant BSCP. This will therefore align them with the existing provisions for all other BSC notices.

ELEXON has confirmed that there is no reason in principle why the notices listed in H9.2.5 cannot be sent by email. Electronic signatures or electronically-scanned letters are legally acceptable where notices need to be signed (and there are no other specified requirements to the contrary). Where the notice is a BSCP form that requires an Authorised Signatory, the existing rules in [BSCP38 'Authorisations'](#) for authenticating email forms will apply.

The Panel notes that there may be some practicalities to overcome with one of the existing H9.2.5 exceptions, which relates to the indemnities that ELEXON provides to Panel Members in the form of a deed. This is because the signing of these indemnities by ELEXON (even if electronic) should ideally be physically witnessed (where a witness is required) to ensure they are validly executed.

The Panel notes that other industries are currently having to explore alternatives to physical witnessing during the lockdown, for example for signed mortgage deeds, which may lead to the further development of the law to more explicitly allow for remote/electronic witnessing. The flexibility to use email for these indemnities (in addition to the existing options of using post or fax) would still be beneficial.

The proposed legal text changes can be found in Attachment B.

#### BSC Procedures (BSCPs)

Most of the existing email restrictions in the BSC (Section H9.2.5) have corresponding BSCPs. However, not all of the email restrictions have been explicitly reflected in the associated BSCPs.

[BSCP65 'Registration of Parties and Exit Procedures'](#) mirrors the BSC restriction on use of email for specific notices. The below table shows the process step tables that will be updated to add email as an available medium to send the notices.

BSCPs that mirrors the BSC restriction on use of email for specific communications			
BSCP	Information to be allowed by email	BSCP Section/ Table reference	Related BSC provisions
BSCP65 'Registration of Parties and Exit Procedures'	Sending/receiving BSC Withdrawal Notices and sending withdrawal acceptance letter	4.5.1, 4.5.3, 4.6.1, 4.6.3, 4.6.19, 4.6.21	Section A5.1: Party Withdrawal from the BSC.
	Sending BSC Expulsion Notice/withdrawal of Expulsion Notice	4.7.7, 4.7.8	Section A5.2: Expulsion of a Party
	Sending Novation Application/Agreement/ Panel decision on Novation	4.10.1, 4.10.8	Section A 2.7: Novation Procedure
	Provision of information using BSCP forms in this Procedure	1.1	n/a

It's also proposed to allow email in the associated BSCPs where there is currently a restriction to post and/or fax only, even where this does not relate to the H9.2.5 restrictions, as this is in line with the intent of this Modification Proposal.

BSCPs that prohibit email but not covered under Section H9.2.5			
BSCP	Information to be allowed by email	Section/Table reference	
BSCP11 'Trading Disputes'	Funds Administration Agent (FAA) Advice Note and Dispute Payment Authorisation Form.	5.5.7, 5.5.11	
BSCP38 'Authorisations'	Provision of information using BSCP forms in this Procedure	1.2	
BSCP40 'Change Management'	BSCCo sending Market Index Definition Statement (MIDS) and consultation report to the Authority and Authority sending decision on approving/rejecting MIDS	3.10.6, 3.10.8	
BSCP301 'Clearing, Invoicing and Payment'	FAA sending Quarterly and Ad hoc Statements and confirmation to Parties, Customs and Excise, BSCCo and BSC Auditor	4.5.2.1, 4.5.2.6	
	Parties providing Letters of Credit to FAA	4.6.4.1	

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BSCPs that prohibit email but not covered under Section H9.2.5		
BSCP	Information to be allowed by email	Section/Table reference
	Provision of information using BSCP forms in this Procedure	1.2

A number of housekeeping changes are also proposed to be corrected in these BSCPs. Details can be found in the draft redlined BSCPs found in Attachments C-G.

## Expected Benefits

P405 will:

- Modernise the available communication methods for all notices under the BSC;
- Enable the benefits of email (e.g. speed of communication, reduced use of paper) to apply to all notices; and
- Mitigate the immediate practical issues posed by having to send hard-copy communications during the COVID-19 pandemic.

### Indicative industry costs of P405

No material industry costs or impacts have been identified for the implementation of P405. Following the change, ELEXON and BSC Parties will be able to send notices via email where currently prohibited. This may require Parties to update internal processes and documentation.

### Estimated central implementation costs of P405

ELEXON will be required to implement the new legal text and update internal processes. The central implementation costs will be approximately £500, two ELEXON working days of effort.

### P405 Impacts

#### Impact on BSC Parties and Party Agents

Party/Party Agent	This Modification will impact any Party or Party Applicant that is required to send or receive a notice that is not currently permitted via email. It may require Parties to change processes and documentation to recognise the new ability to send or receive these notices by email.
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#### Impact on Transmission Company

Like Parties, this Modification will impact National Electricity Transmission System Operator (NETSO) as it is required to send or receive a notice that is not currently permitted via email.

#### Impact on BSCCo

Area of ELEXON	Potential Impact
Operational teams	ELEXON will be required to make the corresponding adjustments to its processes and LWIs.

#### Impact on BSC Settlement Risks

No impacts on BSC Settlement Risks identified.

#### Impact on BSC Systems and processes

BSC System/Process	Potential Impact
No impacts identified.	



Impact on BSC Agent/service provider contractual arrangements	
BSC Agent/service provider contract	Potential Impact
No impacts identified	

Impact on Code	
Code Section	Potential Impact
BSC Section H 'General'	Delete the exceptions to sole use of email in Section H paragraph 9.2.5. This will give the sender of these notices the choice whether to use email, post or fax, subject to any other express provision the BSC or in any relevant BSCP.

Impact on Code Subsidiary Documents	
CSD	Potential Impact
BSCP38 'Authorisations'	These BSCPs contain the detailed procedures related to the BSC email restrictions. These will be updated to allow use of email to send notices, where it is currently limited to fax/post only. Please note fax/post will not be removed and will still be permitted.
BSCP11 'Trading Disputes'	
BSCP40 'Change Management'	
BSCP65 'Registration of Parties and Exit Procedures'	
BSCP301 'Clearing, Invoicing and Payment'	

Impact on other Configurable Items	
Configurable Item	Potential Impact
No impacts identified	

Impact on Core Industry Documents and other documents	
Document	Potential Impact
Ancillary Services Agreements	No impact on any other Core Industry Documents, or other documents identified.
Connection and Use of System Code	
Data Transfer Services Agreement	
Distribution Code	
Distribution Connection and Use of System Agreement	
Grid Code	

#### Impact on Core Industry Documents and other documents

Document	Potential Impact
Master Registration Agreement	
Supplemental Agreements	
System Operator-Transmission Owner Code	
Transmission Licence	
Use of Interconnector Agreement	

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

The Panel do not believe there will be an impact on any open SCR or any other significant change projects. A SCR exemption request was sent to Ofgem on 7 April 2020. On the 8 April 2020, Ofgem confirmed P405 was not within the scope of any of its open SCRs.



### Recommended Implementation Date

The Panel recommends an Implementation Date for P405 of:

- 8 June 2020 as a standalone release;

This will ensure the P405 solution is implemented as soon as possible so that the risk of non-compliance or missed notices during the COVID-19 pandemic is minimised.

### Self-Governance

The Panel unanimously believe that this Modification Proposal should be determined by the BSC Panel and not Ofgem. Whilst P405 does impact the Code's governance procedures, it does not constitute a material change. It is proposed to allow the use of email, which is a common form of business communication, and does not require a Party to use the new methods to send notices, unless it wants to, nor does it amend the substance of any notices required.

### What are 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;
- (ii) competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution, or supply of electricity;
- (iii) the operation of the national electricity transmission system;
- (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

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

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April 2020 (301/06). The Panel raised P405 in accordance with BSC Section F2.1.1(d)(i) and agreed with all recommendations set out in section 7 of the Initial Written Assessment. The Panel also agreed to send P405 directly to the Report Phase.

A Panel Member asked whether we could implement this Modification earlier than the recommended date of 8 June 2020. ELEXON noted there are currently workarounds in place to address the risks of current non-compliance in the short term, but these are short term workarounds. These provisions could be used until June; therefore, progressing the Modification as Urgent would not be necessary. ELEXON also noted that there would be a benefit in consulting with industry, and if we wanted to consult industry on this Proposal there is only an 11 Working Day difference between the timeline for an Urgent Modification and one progressed straight to Report Phase.

A Panel Member stated support for the Modification, and asked how can we be sure that the email addresses we would be sending and receiving notices from are the right email addresses. ELEXON confirmed that currently, under BSC Section H9.2, any notices or other communications that are given to a Party shall be sent in accordance with its Party Details, which include e-mail address(s). ELEXON noted Parties can update this information as needed so this should not be an issue.

### Applicable BSC Objectives

The Panel believes by allowing the option to use email for all BSC notices will better facilitate **BSC Applicable Objective (d)**. It will not only remove issues with sending hard copies during the COVID-19 pandemic, but will enable the other benefits of email for these communications.

The Panel believes that P405 will be **neutral** against all other Applicable BSC Objectives.



### 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

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## 7 Report Phase Consultation Responses

This section summarises the responses to the Panel's Report Phase Consultation on its initial recommendations. You can find the full responses in Attachment H.

The P405 Report Phase Consultation was conducted over the period Tuesday 14 April 2019 to Wednesday 29 April 2020.

Summary of P405 Report Phase Consultation Responses				
Question	Yes	No	Neutral/ No Comment	Other
Do you agree with the Panel's initial unanimous recommendation that P405 should be approved?	1	0	0	0
Do you agree with the Panel's initial unanimous view that P405 does better facilitate Applicable BSC Objective (d) than the current baseline?	1	0	0	0
Do you agree with the Panel that the redlined changes to the BSC deliver the intention of P405?	1	0	0	0
Do you agree with the Panel's initial unanimous recommendation that P405 should be approved?	1	0	0	0
Do you agree the redlined changes to the BSCPs deliver the intent of P405?	1	0	0	0
Do you agree with the Panel's recommended Implementation Date?	1	0	0	0
Do you agree with the Panel's initial view that P405 should be treated as a Self-Governance Modification?	1	0	0	0
Will P405 impact your organisation?	0	1	0	0
Will your organisation incur any costs in implementing P405?	0	1	0	0
Do you have any further comments on P405?	0	1	0	0

### Respondent's views

We received one consultation response from a Supplier. The respondent agrees with and supports P405. They agree that P405 will better support the Applicable BSC Objective (d) as it will not only remove issues with sending hard copies during the COVID-19 pandemic, but will enable the other benefits of email for these communications.

The respondent agrees the proposed redlined changes to the BSC and BSCPs would deliver the intention of the Modification Proposal. They further agree with the Panel's recommended Implementation Date of 8 June 2020 and that P405 should be treated as a Self-Governance Modification; as it does not materially impact the Self-Governance criteria.

The respondent confirmed they would not be impacted by the implementation of P405 nor would they incur any costs.

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## 8 Recommendations

We invite the Panel to:

- **AGREE** that P405 :
  - **DOES** better facilitate Applicable BSC Objective (d);
- **DETERMINE** (in the absence of any Authority direction) that P405 is a Self-Governance Modification Proposal;
- **APPROVE** P405;
- **APPROVE** an Implementation Date of:
  - 8 June 2020, the day after the P405 Self-Governance window closes;
- **APPROVE** the draft legal text;
- **APPROVE** the draft redlined change to the Code Subsidiary Documents; and
- **APPROVE** the P405 Modification Report.

## Appendix 1: Section H9.2.5 references

The below table shows the paragraphs referenced in Section H9.2.5. Column 2 is a summary of the notice/communication description and column 3 contains the text from the code.

Section H9.2.5 references		
Paragraph	Description of communication	Code Provision
A2.2.3(b)	Parties' submission of Accession Agreement.	<i>'Upon receipt by BSCCo of an Accession Agreement duly executed by a Party Applicant, BSCCo shall promptly: [...] (b) send a certified copy of such Accession Agreement, duly executed by the Party Applicant and BSCCo, to the Party Applicant'</i>
A2.3.2(a)	NETSO execution of Accession Agreement.	<i>'If BSCCo fails to comply with paragraph 2.3.1 and the Authority directs the NETSO to admit the Party Applicant as a party to the Framework Agreement pursuant to the Transmission Licence:  (a) subject to paragraph 2.2.5, the NETSO shall prepare an Accession Agreement to admit such Party Applicant and shall, on behalf of all Parties, execute and deliver such Accession Agreement, duly executed by the Party Applicant, and provide a copy to BSCCo (to enable it to comply with paragraphs 2.2.3(b) and (c));'</i>
A2.6.1(a)	BSCCo's notice of withdrawal to a Party that does not commence trading	<i>'Subject to the further provisions of this paragraph 2.6 and unless the Panel otherwise agrees, if, by the expiry of a period of 6 months (or any extended period under paragraph 2.6.2) after the effective date of accession of a Party to the Framework Agreement, none of the steps specified in paragraph 2.6.3 has been taken by or in relation to such Party, then:  (a) BSCCo shall give notice to that effect to such Party;'</i>

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Section H9.2.5  
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Paragraph	Description of communication	Code Provision
A5.1.1	Parties' submission of Withdrawal Notice to BSCCo.	<i>'Subject to paragraph 5.1.3, each Party (the "Withdrawing Party") shall be entitled to withdraw from the Code (and cease to be a party to the Framework Agreement) by giving notice in writing (a "Withdrawal Notice") to BSCCo.'</i>
A5.2.4	Panel's Expulsion Notice to a Party.	<i>'Where the Panel decides (and is entitled in accordance with this paragraph 5.2) to expel a Party, such expulsion shall take effect (and the Party shall cease to be a party to the Framework Agreement) at the time and on the date specified by the Panel in a notice (the "Expulsion Notice") to such Party provided that such date (the "Expulsion Date") shall not be earlier than 28 days after the date of such notice.'</i>
B2.5.1	Panel Chairman notices to Panel Secretary of appointment, of Panel Members.	<i>'Subject to the further provisions of this paragraph 2.5, the Panel Chairman shall appoint two persons as Panel Members, by giving notice of each such appointment to the Panel Secretary.'</i>
B2.5.2	Panel Chairman notices to Panel Secretary of appointment, reappointment or removal of Panel Members or Alternates.	<i>'A person shall not be appointed as Panel Member under paragraph 2.5.1 unless he satisfies the requirements as to independence in paragraph 2.5.3, and shall be removed from such office (by notice given by the Panel Secretary) if at any time the Panel Chairman determines (after consultation with other Panel Members) that he has ceased to satisfy those requirements.'</i>



Paragraph	Description of communication	Code Provision
B2.6.1	Panel Chairman notices to Panel Secretary of appointment of Panel Members.	<p><i>'1. If, at any time at which no person is appointed as Panel Member pursuant to this paragraph 2.6, in the opinion of the Panel Chairman:</i></p> <p><i>1. (a) there is any class or category (by type of Plant or Apparatus or otherwise) of person generating or supplying electricity in Great Britain and/or Offshore, whose members (as such a class or category):</i></p> <p><i>(i) are exempt from the requirement to hold a Licence; and</i></p> <p><i>(ii) have interests in respect of the Code; and</i></p> <p><i>(b) those interests:</i></p> <p><i>(i) are not reflected in the composition of Panel Members for the time being appointed, but</i></p> <p><i>(ii) would be so reflected if a particular person were appointed as an additional Panel Member</i></p> <p><i>then the Panel Chairman may appoint that person as a Panel Member by giving notice of such appointment to the Panel Secretary.'</i></p>
B2.6.2	Panel Chairman notices to Panel Secretary of appointment of Panel Members.	<p><i>'If at any time:</i></p> <p><i>(a) the Panel Chairman has decided not to appoint an additional Panel Member pursuant to paragraph 2.6.1, but</i></p> <p><i>b) in his opinion, there are Trading Parties of a particular class and/or participation capacity, whose interests are not reflected in the composition of Panel Members for the time being appointed, but would be so reflected if a particular person were appointed as an additional Panel Member</i></p> <p><i>then the Panel Chairman may appoint that person as a Panel Member by giving notice of such appointment to the Panel Secretary.'</i></p>

Section H9.2.5  
references

Paragraph	Description of communication	Code Provision
B2.8.2	Communications between Panel Members and BSCCo: acceptance letters, and documents relating to contracts.	<i>'A person shall not be appointed as a Panel Member unless he shall have first:</i>  <i>(a) confirmed in writing to BSCCo for the benefit of all Parties that he agrees to act as a Panel Member in accordance with the Code and acknowledges the requirements of paragraphs 2.8.1 and 2.8.3; and</i> <i>(b) where that person is employed, provided to the Panel Secretary a letter from his employer agreeing that he may act as Panel Member, and that the requirement in paragraph 2.8.1(b) shall prevail over his duties as an employee.'</i>
B2.8.3	Communications between Panel Members and BSCCo: disclosure of interests.	<i>'A Panel Member shall, at the time of appointment and upon any change in such interests, disclose (in writing) to the Panel Secretary any such interests (in relation to the Code) as are referred to in paragraph 2.8.1(b).'</i>
B2.8.4	Communications between Panel Members and BSCCo: change of employment and documents relating to contracts.	<i>'Upon a change in employment of a Panel Member, he shall so notify the Panel Secretary and shall endeavour to obtain from his new employer and provide to the Panel Secretary a letter in the terms required in paragraph 2.8.2(b); and he shall be removed from office if he does not do so within a period of 60 days after such change in employment.'</i>
B2.9.3	Communications between Panel Members and BSCCo: indemnity deeds.	<i>'BSCCo shall enter into and deliver to each Panel Member and, on request, each other indemnity beneficiary a deed of indemnity in the terms in paragraph 2.9.1.'</i>
B2.10.1	Panel Member/ Chairman notices to Panel Secretary of appointment of Panel Member alternates.	<i>'It is expected that Panel Members will make themselves available to conduct the business of the Panel; but where the Panel Chairman (on the application of the Panel Member) accepts that particular circumstances warrant such appointment, a Panel Member (other than the Panel Chairman) may, subject to paragraph 2.10.2, appoint a person (whether or not a Panel Member) to be his alternate, and may remove a person so appointed as alternate, by giving notice of such appointment or removal to the Panel Secretary.'</i>

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Section H9.2.5  
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Paragraph	Description of communication	Code Provision
Annex B-2 1.2.1 (Paragraphs 2.3.1 and 2.3.2 have been deleted from the BSC)	BSCCo's notification of Panel election details and voting forms.	<i>'BSCCo shall not later than 1st July in the election year prepare and circulate to all Trading Parties, with a copy to the Authority, an invitation to nominate candidates and a timetable for the election, setting out: (a) the date by which nominations of candidates are to be received, which shall not be less than 3 weeks after the timetable is circulated and shall be after the date of the Annual BSC Meeting; (b) the date by which BSCCo will circulate a list of candidates and voting papers; (c) the date by which voting papers are to be submitted, which shall not be less than 3 weeks after the date for circulating voting papers; (d) the date by which the results of the election will be made known, which shall not be later than 15th September in the election year.'</i>
D1.4.5(a)	Party notification to Panel that it considers its Trading Dispute to justify adjustments in respect of the Volume Allocation data used in determining Funding Shares.	<i>'If: (a) at the time at which a Trading Party first raised a Trading Dispute in accordance with Section W, such Party notified the Panel that the Party wishes this paragraph 1.4.5 to apply; and'</i>
D6.1.1	Notification of bank account details between BSCCo and Parties.	<i>'Each Trading Party shall notify to BSCCo, and BSCCo shall notify to each Party, details of the banks and accounts to which any payments are to be made (to BSCCo or such Party) in respect of BSCCo Charges and Party Charges.'</i>
D6.1.2	BSCCos notification to Parties of bank account.	<i>'BSCCo shall establish and notify under paragraph 6.1.1 separate accounts in respect of BSCCo Charges and Party Charges.'</i>
D6.5.6	Party's notice to BSCCo before instituting any action or proceeding to enforce payments due to it.	<i>'A Trading Party shall give notice to the BSCCo before instituting any action or proceeding to enforce payments due to it under paragraph 6.5.3.'</i>

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Paragraph	Description of communication	Code Provision
D6.6.1	BSCCo's notice to each Trading Party of an emergency amount to be recovered from that Party in addition to its usual Main Funding Shares.	<p><i>If at any time BSCCo is or anticipates that it will be unable to pay any BSC Costs falling due for payment before BSCCo will receive (from Trading Parties pursuant to invoices issued under paragraph 4.5) funds sufficient to enable it to pay such BSC Costs:</i></p> <p><i>(a) BSCCo may, with the approval of the Panel, give notice by way of cash call to Trading Parties:</i></p> <p><i>(i) requiring them to pay in their Main Funding Shares for the month in which such notice is given such amount as BSCCo requires so as to be sufficiently funded; and</i></p> <p><i>(ii) specifying the date (as approved by the Panel) for payment of such cash call, which shall not be less than 3 Business Days after the date of such notice;</i></p> <p><i>(b) each Trading Party shall pay the amount so notified as payable by it, not later than the date specified for payment;</i></p> <p><i>(c) amounts so payable by Trading Parties will be BSCCo Charges, treated as accruing due when so notified, and will be taken into account in determining the amounts subsequently payable as BSCCo Charges in the relevant BSC Year (by being taken into account in the invoicing of such charges pursuant to paragraph 4.3.1);</i></p> <p><i>(d) BSCCo shall promptly after making such cash call provide to all Trading Parties an explanation of the circumstances which required it to be made, and (without prejudice to Section C6.5) a statement of whether the BSC Costs in question represent expenditure in excess of the amount in the Annual Budget</i></p>
F1.1.2	NETSO's notice to Modification Secretary/BSCCo to modify the Code in respect of a Modification Proposal.	<p><i>'Upon service by the NETSO to the Modification Secretary of a notice of modification signed by the NETSO in accordance with a direction of the Authority issued pursuant to the Transmission Licence.'</i></p>

Section H9.2.5  
references

Paragraph	Description of communication	Code Provision
F1.1.4	NETSO's notice to Modification Secretary/BSCCo not to modify the Code in respect of a Modification Proposal.	<i>'If the NETSO is notified by the Authority that the Authority does not intend to direct the NETSO to make a modification following submission of a Modification Report pursuant to paragraph 2.7.6, the NETSO shall notify the Modification Secretary and the Modification Secretary shall notify each of the persons referred to in paragraph 1.1.2(b) accordingly.'</i>
F1.7.2	NETSO's notification to BSCCo that the Authority has directed it to assume responsibility for the BSC Modification Procedures.	<i>'The NETSO shall notify the Modification Secretary as soon as possible after receipt of any direction referred to in paragraph 1.7.1 and the Modification Secretary shall copy such direction forthwith to: (a) each Party; (b) each Panel Member; (c) the Authority; (d) each BSC Agent; and (e) where the Modification Proposal or Approved Modification affects a Core Industry Document and/or the System Operator-Transmission Owner Code, the relevant Core Industry document Owner and/or the STC Committee respectively.'</i>
F2.1.6	Notification from BSCCo to a Party that the Panel has refused to accept submission of a Modification Proposal.	<i>'The Modification Secretary shall notify the Proposer if the Panel refuses to accept the submission of a proposal pursuant to paragraph 2.1.4.'</i>
F2.4.6(b)	Workgroup member's release letter from their employer to BSCCo.	<i>'Prior to establishing the composition of a Workgroup: (b) with the exception of a member appointed pursuant to paragraph 2.4.5(a), where the proposed member is employed, he shall provide to the Modification Secretary a letter from his employer agreeing that he may act as a member of a Workgroup, and that the requirements of paragraph 2.4.9 shall prevail over his duties as an employee.'</i>

Paragraph	Description of communication	Code Provision
F6.3.3	Notification from NETSO to BSCCo to Modify the Code in respect of a Self-Governance Modification Proposal.	<i>'Subject always to paragraph 6.4, following receipt of a Self-Governance Modification Report pursuant to paragraph 6.3.2(a), the NETSO shall serve a notice of modification on the Modification Secretary signed by the NETSO in accordance with the determination of the Panel set out in the relevant Self-Governance Modification Report and furthermore: (a) the Code shall (if applicable) be modified in accordance with the terms of such notice; and (b) the Modification Secretary shall send a copy of such notice to all the persons listed in paragraph 1.1.2(b).'</i>
F6.4.1	Notice from Party to Authority and the Panel of Self-Governance Modification appeals.	<i>'The Panel's determination in relation to a Proposed Self-Governance Modification or any associated Alternative Self-Governance Modification shall be implemented in accordance with paragraph 6.3.3 unless an appeal is notified by any of the persons listed in paragraph 2.1.10(a) to the Authority and the Panel in accordance with paragraphs 6.4.2 and 6.4.10 no later than 15 Business Days after the relevant Panel determination was notified to Parties pursuant to paragraph 6.3.1.'</i>

H3.1.1(a)(ii) H3.1.1(b)(ii) H3.1.1(d)(iii) H3.1.1(d)(iv)(2) H3.1.1(e)(iii) H3.1.1(f)(ii)	Default notices from BSCCo to Parties.	<p><b>3.1.1</b></p> <p><i>For the purposes of this paragraph 3, there shall have occurred a "Default" in relation to a Party (the "Defaulting Party") in any of the following events or circumstances:</i></p> <p><i>(a) where, in respect of the Defaulting Party's liability for amounts in respect of Trading Charges and in relation to any amount which has become due for payment by the Defaulting Party under the Code in respect thereof:</i></p> <p><i>[...]</i></p> <p><i>(ii) on or after the due date for payment BSCCo has given notice to the Defaulting Party requiring payment of such amount; and</i></p> <p><b>3.1.1(b)(ii)</b></p> <p><i>where, in respect of the Defaulting Party's liability for any sums under the Code other than Trading Charges and in relation to any amount which has become due for payment by the Defaulting Party under the Code in respect thereof:</i></p> <p><i>(i) the Defaulting Party has not paid the amount in full on the due date for payment; and</i></p> <p><i>(ii) on or after the due date for payment BSCCo has given notice to the Defaulting Party requiring payment of such amount; and</i></p> <p><b>3.1.1(d)(iii)</b></p> <p><i>d) where:</i></p> <p><i>(i) the Defaulting Party is in breach of any material provision of the Code (other than a provision which is the subject of paragraphs (a), (b) or (c) above); and</i></p> <p><i>(ii) the breach is capable of remedy by the Defaulting Party; and</i></p> <p><i>(iii) BSCCo has given notice (making reference to this paragraph 3) of such breach to the Defaulting Party; and</i></p> <p><b>3.1.1(d)(iv)(2)</b></p> <p><i>(iv) within 14 days (or such longer period as the Panel may approve) after BSCCo's notice under paragraph (iii), the Defaulting Party does not either:</i></p> <p><i>(1) remedy the breach in all material respects, where the breach is capable of remedy within such period; or</i></p> <p><i>(2) where the breach is not so capable of</i></p>
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Paragraph	Description of communication	Code Provision
		<p><i>remedy, provide to BSCCo a programme (setting out the steps to be taken by the Defaulting Party and the timetable for taking such steps) for the remedy as soon as reasonably practicable of the breach; and</i></p> <p><i>3.1.1(e)(iii)</i>  <i>(i) the Defaulting Party is in breach of any material provision of the Code (other than a provision which is the subject of paragraphs (a), (b) or (c) above); and</i>  <i>(ii) the breach is not capable of remedy; and</i>  <i>(iii) BSCCo has given notice (making reference to this paragraph 3) of the breach to the Defaulting Party; and</i></p> <p><i>3.1.1(f)(ii)</i>  <i>(i) the Defaulting Party is in persistent breach of any provision of the Code (other than a provision which is the subject of paragraphs (a), (b) or (c) above) during a period of 6 months; and</i>  <i>(ii) after such 6-month period has elapsed, BSCCo has given notice (making reference to this paragraph 3) of the persistent breach to the Defaulting Party; and'</i></p>
H3.1.3(a)	Notice from Party to BSCCo that it cannot comply with Code provisions due to actions of a BSC Agent/ BSCCo	<p><i>3.1.3</i>  <i>without prejudice to a Party's obligation to make any payments under the Code (including under Section D, Section N and Annex S-1) in accordance with the requirements of and at the times and in the manner specified in the Code, a Party shall not be in breach of any other provision of the Code to the extent that and for so long as it is not possible for that Party to comply with that provision as a result of Section G4 applying or by reason of a failure of a BSC Agent and/or BSCCo to perform any obligation under the Code provided that the Party shall:</i></p> <p><i>(a) promptly notify BSCCo in writing of such impossibility and the reasons why it is not possible for such Party to comply with the relevant provision of the Code; and</i></p>



Section H9.2.5  
references

Paragraph	Description of communication	Code Provision
H7.1.5	Party notice to BSCCo that it has referred a dispute between Parties to arbitration.	<i>Each Party shall give notice to BSCCo promptly upon referring any dispute or difference to arbitration pursuant to paragraph 7.1.1.</i>
W3.5.1	Party referrals of Trading Disputes to the Panel.	<p><i>Subject to paragraphs 3.5.2 and 3.5.3 where:</i></p> <p><i>(a) a Party disagrees with the determination of the Trading Disputes Committee pursuant to paragraph 3.4.3; or (b) the Trading Disputes Committee has sought but failed to reach a majority decision in respect of a Trading Dispute; or (c) a Party disagrees with the determination of the Trading Disputes Committee pursuant to paragraph 4.1.1,</i></p> <p><i>the Party or (as the case may be) the Trading Disputes Committee may (and in a case where the TDC Terms of Reference so require, the Trading Disputes Committee shall) refer the matter to the Panel for determination.</i></p>
W3.6.1	Party referrals of Trading Disputes to arbitration.	<p><i>Subject to paragraph 3.6.2, a Party may refer a matter that is the subject of a Trading Dispute to arbitration in accordance with the provisions of Section H7:</i></p> <p><i>(a) where it disagrees with a decision of the Panel made under paragraph 3.5;</i></p> <p><i>(b) after a decision has been made under paragraph 3.5.3 that the Trading Dispute should not be referred to the Panel.</i></p>

## Appendix 2: Glossary & References

### Acronyms

Acronyms used in this document are listed in the table below.

Acronym	
Acronym	Definition
BSCP	BSC Procedure
COVID-19	Coronavirus disease 2019
EBGL	Electricity Balancing Guideline
SCR	Significant Code Review

### External links

A summary of all hyperlinks used in this document are listed in the table below.

All external documents and URL links listed are correct as of the date of this document.

External Links		
Page(s)	Description	URL
	ELEXON webpage for BSC Section H 'General'.	<a href="https://www.elexon.co.uk/the-bsc/bsc-section-h-general/">https://www.elexon.co.uk/the-bsc/bsc-section-h-general/</a>
4	Royal Mail the webpage outlining changes to their services	<a href="https://www.royalmail.com/d8/coronavirus-changes-service">https://www.royalmail.com/d8/coronavirus-changes-service</a>
4	Summary of UK Government coronavirus bill impacts	<a href="https://www.gov.uk/government/publications/coronavirus-bill-summary-of-impacts/coronavirus-bill-summary-of-impacts">https://www.gov.uk/government/publications/coronavirus-bill-summary-of-impacts/coronavirus-bill-summary-of-impacts</a>
4	ELEXON the webpage to P159 'Extending the scope of e-mail communications under the Code'	<a href="https://www.elexon.co.uk/mod-proposal/p159-extending-the-scope-of-e-mail-communications-under-the-code/">https://www.elexon.co.uk/mod-proposal/p159-extending-the-scope-of-e-mail-communications-under-the-code/</a>
5	ELEXON the webpage to BSCP38 'Authorisations'	<a href="https://www.elexon.co.uk/csd/bscp38-authorisations/">https://www.elexon.co.uk/csd/bscp38-authorisations/</a>
13	ELEXON webpage for BSC Panel 301	<a href="https://www.elexon.co.uk/meeting/bsc-panel-301/">https://www.elexon.co.uk/meeting/bsc-panel-301/</a>