BSC Modification Proposal Form	At what stage is this document in the process?
# Mod Title: Housekeeping and making the BSC gender neutral	01 Modification 02 Workgroup Report 03 Draft Modification Report 04 Final Modification Report

Purpose of Modification:

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.

Is this Modification likely to impact any of the European Electricity Balancing Guideline (EBGL) Article 18 Terms and Conditions held within the BSC?

☐ Yes ☒ No

Elexon recommends that:

- the Panel raises this Modification Proposal in accordance with the provisions of Section F - Modification Procedures F2.1.1 (d)(iv)
- this Modification be treated as a Fast Track Self-Governance Modification (a housekeeping modification) Proposal and should be approved

This Modification will be presented by the Proposer to the BSC Panel on *12 January 2023*. The Panel will consider the Proposer's recommendation and determine how best to progress the Modification.

High Impact:

N/A

Medium Impact:

N/A

Low Impact:

Elexon

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Contents

1 Why Change? 3

2 Solution 3

3 Relevant Objectives 5

4 Impacts 6

5 Governance 8

Timetable

The Proposer recommends the following timetable:

Initial consideration by Panel	12 January 2023
Final Modification Report published	13 January 2023
Appeal Window Opens	13 January 2023
Appeal Window Closes	03 February 2023

Any questions?

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1 Why Change?

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 drafting which uses gender neutral references and terminology.

Desired outcomes

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

2 Solution

Proposed Solution

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.

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 used depending on the context[1]:

(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

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

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(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 outlined in **Attachment A**. The draft BSC legal text can be found in **Attachment B**.

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.

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3 Relevant Objectives

Impact of the Modification on the Relevant Objectives:	
Relevant Objective	Identified impact
a) The efficient discharge by the Transmission Company of the obligations imposed upon it by the Transmission Licence	Neutral
(b) The efficient, economic and co-ordinated operation of the National Electricity Transmission System	Neutral
(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	Neutral
(d) Promoting efficiency in the implementation of the balancing and settlement arrangements	**Positive**
(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]	Neutral
(f) Implementing and administrating the arrangements for the operation of contracts for difference and arrangements that facilitate the operation of a capacity market pursuant to EMR legislation	Neutral
(g) Compliance with the Transmission Losses Principle	Neutral

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 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.

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4 Impacts

Impacts on Core Industry Documents

Impacted Core Industry Documents			
☐Ancillary Services Document	☐Connection and Use of System Code	☐Data Transfer Services Agreement	☐Use of Interconnector Agreement
☐Retail Energy Code	☐ Transmission License	☐System Operator Transmission Owner Code	☐Supplemental Agreements
☐Distribution Code	☐Grid Code	☐ Other (please specify)	☒ None

This Modification does not impact on any existing Core Industry Documents.

Impacts on BSC Systems

Impacted Systems				
☐CRA	☐CDCA	☐PARMS	☐SAA	☐BMRS
☐EAC/AA	☐FAA	☐TAAMT	☐NHHDA	☐SVAA
☐ECVAA	☐ECVAA Web Service	☐Elexon Portal	☐Other (Please specify)	☒ None

This Modification does not impact any BSC systems.

Impacts on BSC Parties

Impacted Parties			
☐Supplier	☐Interconnector User	☐Non Physical Trader	☐Generator
☐Licensed Distribution System Operator	☐National Electricity Transmission System Operator	☐Virtual Lead Party	☐Other (Please specify)

This Modification does not impact BSC Parties.

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Impacts on consumers and the environment

Impact of the Modification on consumer benefit areas:	
Consumer benefit area	Identified impact
Improved safety and reliability	Neutral
Lower bills than would otherwise be the case	Neutral
Reduced environmental damage	Neutral
Improved quality of service	Neutral
Benefits for society as a whole	**Positive**

Benefits for society as a whole

Making the BSC gender neutral will remove gender bias and inequality within the Code. This promotes equality and diversity and will therefore have a positive impact on society as a whole.

Legal Text Changes

31 Sections (including 9 Annexes) of the BSC will be impacted by this Modification. The full list of documents and changes can be found in **Attachment A**.

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5 Governance

Self-Governance

☐ **Not Self-Governance –** A Modification that, if implemented:	
☐ materially impacts the Code's governance or modification procedures	☐ materially impacts sustainable development, safety or security of supply, or management of market or network emergencies
☐ materially impacts competition	☐ materially impacts existing or future electricity consumers
☐ materially impacts the operation of national electricity Transmission System	☐ is likely to discriminate between different classes of Parties
☐ involves any amendments to the EBGL Article 18 Terms and Conditions related to Balancing; except to the extent required to correct an error or as a result of a factual change	
☒ **Self-Governance –** A Modification that, if implemented:	
Does not materially impact on any of the Self-Governance criteria provided above	

All of the proposed changes are non-material and have no impact on the interpretation of the Code.

Progression route

☐ **Submit to assessment by a Workgroup** –:A Modification Proposal which:	
does not meet any criteria to progress via any other route.	
☐ **Direct to Report Phase** – A Modification Proposal whose solution is typically:	
☐ of a minor or inconsequential nature	☐ deemed self-evident
☒ **Fast Track Self-Governance** – A Modification Proposal which meets the Self-Governance Criteria and:	
is required to correct an error in the Code as a result of a factual change including but not limited to:	
☐ updating names or addresses listed in the Code	☒ correcting minor typographical errors
☒ correcting formatting and consistency errors, such as paragraph numbering	☒ updating out of date references to other documents or paragraphs
☐ **Urgent –** A Modification Proposal which is linked to an imminent issue or current issue that if not urgently addressed may cause:	
☐ a significant commercial impact on Parties, Consumers or stakeholder(s)	☐ a Party to be in breach of any relevant legal requirements.
☐ a significant impact on the safety and security of the electricity and/or gas systems	

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Elexon recommends that this Modification should progress as a Fast Track Self-Governance Modification. It 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.

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

No. We request this Proposal is treated as an SCR Exempt Modification Proposal.

Does this Modification impact any of the EBGL Article 18 Terms and Conditions held within the BSC?

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).

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.

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