

(c) where a Trading Dispute is not resolved until after the relevant Final Reconciliation Settlement Run, ~~recommend to the Panel~~ that one of the following steps should be taken:

- (i) that the error should not be corrected, having regard to all the circumstances (including the materiality of the Trading Dispute and the length of time which has elapsed since the occurrence of the event giving rise to the Trading Dispute);
- (ii) that an Extra-Settlement Determination and/or Post-Final Settlement Run should be undertaken.

4.1.1A Following a decision of the Trading Disputes Committee, or (pursuant to a reference under paragraph 3.5) the Panel, in respect of a Trading Dispute that there was a ~~s~~Settlement ~~e~~Error, the Trading Disputes Committee shall determine the materiality of the Trading Dispute and in cases where it is less than the materiality threshold specified in BSCP11 they shall not correct the error.

Amend paragraph 4.1.3 as follows:

4.1.3 ~~The Panel shall determine any matter referred to it pursuant to paragraph 4.1.1, having regard to the recommendations of the Trading Disputes Committee and any other circumstances which it considers relevant~~ Not used.

Amend paragraph 4.1.4 as follows:

4.1.4 Each BSC Agent and (in accordance with paragraph 1.6.3) each Party shall take and procure its Party Agents to take such steps as may be necessary in order to give effect to a determination of the Trading Disputes Committee pursuant to paragraph 4.1.1 ~~(b) or of the Panel pursuant to paragraph 4.1.3.~~

4.2 Post-Final Settlement Runs and Extra-Settlement Determinations following a Trading Dispute

Amend paragraphs 4.2.1 and 4.2.2 as follows:

4.2.1 If the Trading Disputes Committee ~~recommends to the Panel~~ determines that a Post-Final Settlement Run or Extra-Settlement Determination should be performed, the Trading Disputes Committee may recommend to the Panel that a particular Party or Parties shall bear all or part of the cost of any such Post-Final Settlement Run or Extra-Settlement Determination, and if the Panel so decides such Party or Parties shall pay such amounts as were so recommended by the Trading Disputes Committee.

4.2.2 Following a ~~recommendation~~ determination of the Trading Disputes Committee pursuant to paragraph 4.1.1, ~~the Panel shall determine whether or not that~~ a Post-Final Settlement Run or Extra-Settlement Determination should be undertaken the Panel shall ~~and~~, after consultation with the relevant BSC Agents, ~~shall~~ specify the date when such Run or determination is to be undertaken.

Delete paragraph 5.6 as follows:

~~5.6~~ **Miscellaneous**

~~5.6.1 Notwithstanding the Trading Disputes Committee's determination dated 19 August 2004 in the matter of Trading Dispute DA223 (relating to an Emergency~~