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DP299 ‘Update Citizens Advice Scotland to Consumer Scotland’

Annex A

Legal text – version 0.1

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

SEC Section A – Definitions and Interpretation

These changes have been redlined against SEC Section A version 51.0

Amend Section A1.1 as follows:

~~Citizens Advice Scotland~~ ~~means the Scottish Association of Citizens Advice Bureaux.~~

Consumer Scotland the body corporate first established by section 1(1) of the Consumer Scotland Act 2020.

SEC Section C – Governance

These changes have been redlined against SEC Section C version 11.0

Amend Section C3.4 as follows:

Consumer Members

C3.4 The Consumer Members shall be two persons nominated by Citizens Advice or ~~Citizens Advice~~Consumer Scotland by notice to the Secretariat from time to time. Citizens Advice or ~~Citizens Advice~~Consumer Scotland may replace each such person from time to time by prior notice to the Secretariat.

Amend Section C8.14 as follows:

Appeal of Budget

C8.14 Each of the Parties or Citizens Advice or ~~Citizens Advice~~Consumer Scotland may appeal to the Authority the Panel's approval of a budget as the Approved Budget for a Regulatory Year. Any such appeal will only be validly made if notified to the Authority within 10 Working Days following the publication of such Draft Budget pursuant to Section C8.13(e), and if copied to the Panel. In the event an appeal is validly made, the Panel shall arrange for a copy of the appeal to be circulated to all the Parties, and:

- (a) the Authority may give notice that it dismisses the appeal where it considers that the appeal is trivial or vexatious or has no reasonable prospect of success, in which case the budget approved by the Panel shall remain the Approved Budget; or
- (b) the Authority may give notice that it will further consider the appeal, in which case the budget approved by the Panel shall remain the Approved Budget pending and subject to any interim directions issued by the Authority, and:
 - (i) where the Authority determines that the budget approved by the Panel is consistent with the General SEC Objectives, then such budget shall remain the Approved Budget; or
 - (ii) where the Authority determines that the budget approved by the Panel is not consistent with the General SEC Objectives, then either (as directed by the Authority):
 - (A) such budget shall be amended in such manner as the Authority may direct, and such budget as so amended will be Approved Budget; or
 - (B) the Panel shall produce a further Draft Budget and re- commence the process set out in Section C8.13.

SEC Section D – Modification Process

These changes have been redlined against SEC Section D version 12.0

Amend Section D1.3 as follows:

Persons Entitled to Submit Draft Proposals

D1.3 A Draft Proposal may be submitted by any of the following persons (the **Proposer**):

- (a) a Party;
- (b) Citizens Advice or ~~Citizens Advice~~Consumer Scotland;
- (c) any person or body that may from time to time be designated in writing by the Authority for the purpose of this Section D1.3;
- (d) the Authority or the DCC acting at the direction of the Authority, but in each case only in respect of variations to this Code which are in respect of a Significant Code Review;
- (e) the Secretary of State or the DCC acting at the direction of the Secretary of State, but in each case only in respect of variations to this Code which are intended to protect the security of the End-to-End Smart Metering System (or any part of the End-to-End Smart Metering System);
- (f) the Panel (where all Panel Members at the relevant meeting vote unanimously in favour of doing so), but only in respect of variations to this Code which are intended to give effect to:
 - (i) recommendations contained in a report published by the Panel pursuant to Section C2.3(i) (Panel Duties);
 - (ii) recommendations contained in a report published by the Code Administrator pursuant to Section C7.2(c) (Code Administrator); and/or
 - (iii) Fast-Track Modifications (as described in Section D2.8 (Fast-Track Modifications)); and/or
- (g) the REC Code Manager and/or the Code Administrator where a Consequential Change to this Code has been identified.

Amend Section D4.1 as follows:

D4. AUTHORITY DETERMINATIONS

Authority Determination of Modification Path

D4.1 This Section D4.1 applies in respect of each Modification Proposal that the Panel has determined to be an Authority Determined Modification or a Self-Governance Modification. The Authority may:

- (a) at its own initiation, or on the application of a Party or Citizens Advice or ~~Citizens Advice~~Consumer Scotland; and
- (b) having consulted with the Panel,

determine that the Modification Proposal should properly (in accordance with Section D2) be considered (in the case of an Authority Determined Modification) to be a Self-Governance Modification or be considered (in the case of a Self-Governance Modification) to be a Path 2 Modification. Any such determination shall be final and binding for the purposes of this Code.

Amend Section D6.13 as follows:

D6.13 Each Working Group established pursuant to this Section D6 in respect of a Modification Proposal shall undertake at least one formal consultation in respect of the Modification Proposal seeking views on the matters set out in Section D6.8. The Working Group shall consult with the Parties, Citizens Advice or ~~Citizens Advice~~Consumer Scotland and (where appropriate) any interested third parties (including, where relevant, Energy Consumers and/or those who represent or advise Energy Consumers).

Amend Section D8.4 as follows:

Membership of the Change Board

D8.4 The following persons shall serve on the Change Board (each being a **Change Board Member**):

- (a) one person nominated jointly by Citizens Advice and ~~Citizens Advice~~Consumer Scotland;
- (b) one person appointed by each of the Voting Groups within the Party Category representing the Large Supplier Parties;
- (c) three persons appointed by the Party Category representing the Small Supplier Parties;
- (d) three persons appointed by the Party Categories representing Electricity Network Parties and the Gas Network Parties collectively; and
- (e) three persons appointed by the Party Category representing the Other SEC Parties, provided that at least one of the three must represent a Party or Parties eligible to act in the User Role(s) of Other User, Meter Data Retriever and/or Registered Supplier Agent (unless no representatives of such Parties seek appointment, in which case representatives of any Other SEC Parties may be appointed).

Amend Section D8.8 as follows:

Duties of Change Board Members

D8.8 The Consumer Member serving on the Change Board will, when acting as a Change Board Member, act in a manner consistent with the statutory functions of Citizens Advice or ~~Citizens Advice~~Consumer Scotland. Each other Change Board Member will act in the interests of the Voting Group, Party Category or Party Categories (as applicable) by which the Change Board Member was appointed.

Amend Section D9A.3 as follows:

Authority-Led Consultation

D9A.3 The Authority will, in such manner as it considers appropriate, consult on the merits of the proposed Authority-Led Variation with the Parties, Citizens Advice, ~~Citizens Advice~~Consumer Scotland, and any other persons whose interests are materially affected by this Code.

SEC Section H – DCC Services

These changes have been redlined against SEC Section H version 30.0

Amend Section H16.9 as follows:

H16.9 For the purpose of providing the Interoperability Checker Service in accordance with Section H16.8, the DCC shall enter into an agreement in accordance with Sections H16.10 to H16.12 with either:

- (a) Citizens Advice and ~~Citizens Advice~~Consumer Scotland; or
- (b) such other person as may, in substitution for those named in paragraph (a), be specified in a direction issued by the Secretary of State to the DCC.

SEC Section I – Data Privacy

These changes have been redlined against SEC Section I version 14.0

Amend Section I2.16 as follows:

- I2.16 In developing the Privacy Controls Framework, and prior to making any subsequent change to it, the Panel shall consult with and have regard to the views of all Parties, Citizens Advice and ~~Citizens Advice~~Consumer Scotland, and the Authority.