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MP288 ‘Erroneous Section J Default Notices’

Annex 1

Legal text – Version 0.5

About this document

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

Section J - Charges

These changes have been redlined against Section J version 12.0.

Amend Section J2 (PAYMENT DEFAULT AND DISPUTES) as follows:

Notification of Payment Failure

J2.1 Subject to Section J2.1A, w~~h~~ere a Party fails to pay an amount set out in an Invoice by the relevant Due Date, then the DCC shall, on the Working Day following the Due Date, issue a notice to that Party:

- (a) setting out the unpaid amount; and
- (b) referring to the matters set out in Sections J2.2, J2.4, J2.5, J3.16 (where applicable), and M8.1(c) (Events of Default).

J2.1A The DCC shall not issue an Event of Default notice to a Party in situations where the failure to pay an amount set out in an Invoice is attributable to the DCC's failure to take the payment. In such cases, the DCC shall:

- (a) promptly investigate the cause of the payment failure;
- (b) notify the affected Party of the investigation and its findings; and
- (c) take all necessary steps to rectify the payment failure and collect the payment as soon as reasonably practicable.

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