



# Smart Energy Code

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## Draft Legal Text: SECMP0026 - Changes to the Security Sub-Committee Nomination Process - Attachment A – Draft Legal Text

Set out below is the draft SEC legal text that will deliver the intent of the SECMP0026 proposed solution. The changes have been drafted against SEC Version 5.2<sup>1</sup>.

### **Amend Sections G7.6 to G7.12 as follows**

- G7.6 Each of the eight “**Security Sub-Committee (Supplier) Members**” shall (subject to any directions to the contrary made by the Secretary of State for the purpose of transition on the incorporation of this Section G7 into this Code):
- (a) be appointed in accordance with Section G7.7, subject to compliance by the appointed person with Section C6.9 (Member Confirmation);
  - (b) retire ~~two~~ years after his or her appointment (without prejudice to his or her ability to be nominated for a further term of office); and
  - (c) be capable of being removed from office in accordance with Sections C4.5 and C4.6 (Removal of Elected Members), for which purpose those Sections shall be read as if references to “Elected Member” were to “Security Sub-Committee (Supplier) Member”, references to “Panel” were to “Security Sub-Committee”, references to “Panel Chair” were to “Security Sub-Committee Chair”, and references to “Panel Members” were to “Security Sub-Committee Members”.

<sup>1</sup> Note that if a new version of the SEC is designated before the submission of the Final Modification Report to the Change Board or Authority, the drafting will be checked to make sure there are no consequential impacts. Our current understanding is that the definitions and provisions that SECMP0021 is amending are not expected to change as part of any forthcoming designations.



G7.7 Each of the eight Security Sub-Committee (Supplier) Members shall (subject to Section G7.11A) be appointed in accordance with a process:

- (a) by which six Security Sub-Committee (Supplier) Members will be elected by Large Supplier Parties, and two Security Sub-Committee (Supplier) Members will be elected by Small Supplier Parties; and
- (b) that is otherwise the same as that by which Elected Members are elected under Sections C4.2 and C4.3 (as if references therein to “Panel” were to “Security Sub-Committee”, references to “Panel Chair” were to “Security Sub-Committee Chair”, references to “Panel Members” were to “Security Sub-Committee Members”, and references to provisions of Section C or D were to the corresponding provisions set out in or applied pursuant to this Section G7).

G7.8 Each of the two “**Security Sub-Committee (Network) Members**” shall (subject to any directions to the contrary made by the Secretary of State for the purpose of transition on the incorporation of this Section G7 into this Code):

- (a) be appointed in accordance with Section G7.9, subject to compliance by the appointed person with Section C6.9 (Member Confirmation);
- (b) retire ~~two~~ years after his or her appointment (without prejudice to his or her ability to be nominated for a further term of office); and
- (c) be capable of being removed from office in accordance with Sections C4.5 and C4.6 (Removal of Elected Members), for which purpose those Sections shall be read as if references to “Elected Member” were to “Security Sub-Committee (Network) Member”, references to “Panel” were to “Security Sub-Committee”, references to “Panel Chair” were to “Security Sub-Committee Chair”, and references to “Panel Members” were to “Security Sub-Committee Members”.

G7.9 Each of the two Security Sub-Committee (Network) Members shall (subject to Section G7.11A) be appointed in accordance with a process:

- (a) by which one Security Sub-Committee (Network) Member will be elected by the Electricity Network Parties and one Security Sub-Committee (Network) Member will be elected by the Gas Network Parties; and
- (b) that is otherwise the same as that by which Elected Members are elected under Sections C4.2 and C4.3 (as if references therein to “Panel” were to “Security Sub-Committee”, references to “Panel Chair” were to “Security Sub-Committee Chair”, references to “Panel Members” were to “Security Sub-Committee Members”, and references to provisions of Section C or D were to the corresponding provisions set out in or applied pursuant to this Section G7).

G7.10 The “**Security Sub-Committee (Other User) Member**” shall (subject to any directions to the contrary made by the Secretary of State for the purpose of transition on the incorporation of this Section G7 into this Code):

- (a) be appointed in accordance with Section G7.11, subject to compliance by the appointed person with Section C6.9 (Member Confirmation);
- (b) retire two years after his or her appointment (without prejudice to his or her ability to be nominated for a further term of office); and
- (c) be capable of being removed from office in accordance with Sections C4.5 and C4.6 (Removal of Elected Members), for which purpose those Sections shall be read as if references to “Elected Member” were to “Security Sub-Committee (Other User) Member”, references to “Panel” were to “Security Sub-Committee”, references to “Panel Chair” were to “Security Sub-Committee Chair”, and references to “Panel Members” were to “Security Sub-Committee Members”.

G7.11 The Security Sub-Committee (Other User) Member shall (subject to Section G7.11A) be appointed in accordance with a process:

- (a) by which he or she is elected by those Other SEC Parties which are Other Users; and
- (b) that is otherwise the same as that by which Elected Members are elected under Sections C4.2 and C4.3 (as if references therein to “Panel” were to “Security Sub-Committee”, references to “Panel Chair” were to “Security Sub-Committee Chair”, references to “Panel Members” were to “Security Sub-Committee Members”, and references to provisions of Section C or D were to the corresponding provisions set out in or applied pursuant to this Section G7).

G7.11A The following shall apply in respect of all candidates nominated for election as a Security Sub-Committee (Supplier) Member, Security Sub-Committee (Network) Member or Security Sub-Committee (Other User) Member:

(a) the Security Sub-Committee may, by no later than 5 Working Days following the expiry of the period of time set out in the request for nominations, reject a candidate (by notifying the candidate of such rejection) where the Security Sub-Committee determines that the candidate does not satisfy one or more of the following requirements:

(i) the candidate must have been nominated by a company or other organisation, and the individual who submitted the nomination on behalf of the organisation must hold a senior position within the organisation;

(ii) the organisation which nominated the candidate must have confirmed that it is satisfied that the candidate has the relevant security expertise in relation to the category of membership of the Security Sub-Committee for which the candidate has been nominated;

(iii) the organisation which nominated the candidate must have confirmed that the candidate has successfully

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completed a BS7858 security assessment (or a security assessment named by such organisation which the organisation confirms to be equivalent); and

(iv) the candidate must have sufficient security expertise in relation to the category of membership of the Security Sub-Committee for which the candidate has been nominated;

(b) a candidate who is rejected under paragraph (a) above shall not (subject to paragraph (c) below) be an eligible candidate for the relevant election;

(c) where a candidate disputes a rejection notification under paragraph (a) above, the candidate shall have 3 Working Days following receipt of such notification to refer the matter to the Panel for its final determination of whether the candidate satisfies the requirements set out in paragraph (a) above; and

(d) where necessary, the Secretariat shall delay giving notice of the names of eligible candidates pending expiry of the time periods set out in paragraph (a) and/or (c) or determination by the Panel under paragraph (c) (as applicable).

G7.12 The DCC may nominate one person to be a Security Sub-Committee Member by notice to the Secretariat from time to time. The DCC may replace its nominee from time to time by prior notice to the Secretariat. Such nomination or replacement shall be subject to compliance by the relevant person with Section C6.9 (Member Confirmation).

