SECMP0022 – Modification Report – Attachment A - Legal Text

Expanding SMKI PMA membership and removing Alternate restrictions

Amend Section L1.3 as follows:

Membership of the SMKI PMA

L1.3 The SMKI PMA shall be composed of the following persons (each a~~n~~ "**SMKI PMA Member**"):

(a) the SMKI PMA Chair (as further described in Section L1.5);

(b) ~~three~~ four SMKI PMA (Supplier) Members (as further described in Section L1.6);

(c) ~~one~~ two SMKI PMA (Network) Member (as further described in Section L1.8); ~~and~~

(d) one representative of the Security Sub-Committee and one representative of the Technical Architecture and Business Architecture Sub-Committee (in each case as further described in Section L1.10); and

(e) one SMKI Specialist (appointed as described in the definition of that expression in Section A1 (Definitions)).

Amend Sections L1.6 – L1.9 as follows:

L1.6 Each of the ~~three~~four "**SMKI PMA (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 L1 into this Code):

(a) be appointed in accordance with Section L1.7, subject to compliance by the appointed person with Section C6.9 (Member Confirmation);

(b) retire 2 years after his or her appointment (without prejudice to his or her ability to be nominated for a further term of office); and

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(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 "SMKI PMA (Supplier) Member", references to "Panel" were to "SMKI PMA", references to "Panel Chair" were to "SMKI PMA Chair", and references to "Panel Members" were to "SMKI PMA Members".

L1.7 Each of the ~~three~~ four SMKI PMA (Supplier) Members shall be appointed in accordance with a process:

(a) by which ~~two~~ three SMKI PMA (Supplier) Members will be elected by Large Supplier Parties, and one SMKI PMA (Supplier) Member will be elected by Small Supplier Parties;

(b) by which any person (whether or not a Supplier Party) shall be entitled to nominate candidates to be elected as an SMKI PMA (Supplier) Member; and

(c) 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 "SMKI PMA", references to "Panel Chair" were to "SMKI PMA Chair", references to "Panel Members" were to "SMKI PMA Members", and references to provisions of Section C or D were to the corresponding provisions set out in or applied pursuant to this Section L1).

L1.8 The two "**SMKI PMA (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 L1 into this Code):

(a) be appointed in accordance with Section L1.9, subject to compliance by the appointed person with Section C6.9 (Member Confirmation);

(b) retire 2 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 "SMKI PMA (Network) Members", references to "Panel" were to "SMKI PMA", references to "Panel Chair" were to "SMKI PMA Chair", and references to "Panel Members" were to "SMKI PMA Members".

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L1.9 The two SMKI PMA (Network) Members shall be appointed in accordance with a process:

(a) by which one ~~the~~ SMKI PMA (Network) Member will be elected by the Electricity Network Parties and one SMKI PMA (Network) Member will be elected by the Gas Network Parties ~~together (as if they formed a single Party Category, but so that Electricity Network Party Voting Groups and Gas Network Party Voting Groups each have one vote)~~; 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 "SMKI PMA", to "Panel Chair" were to "PMA Chair", to "Panel Members" were to "SMKI PMA Members", and to provisions of Section C or D were to the corresponding provisions set out in or applied pursuant to this Section L1).

Amend Section L1.12 as follows:

L1.12 Each SMKI PMA Member shall be entitled to appoint an Alternate in accordance with Section C5.19 (as it applies pursuant to Section L1.15); provided that:

(a) the SMKI PMA Chair will be deemed to have nominated the SMKI Specialist to act as Alternate for the SMKI PMA Chair; and

(b) where the SMKI Specialist is unavailable, the SMKI PMA Chair must nominate another person to act as Alternate for the SMKI PMA Chair (which person may not be another SMKI PMA Member, and which person must be sufficiently independent of any particular Party or class of Parties)~~; and~~.

~~(c) the person so appointed by each SMKI PMA Member (other than the SMKI PMA Chair) may not be employed by the same organisation as employs that SMKI PMA Member (or by an Affiliate of that SMKI PMA Member's employer).~~

Amend Section L1.14 as follows:

L1.14 Without prejudice to the generality of Section C5.13(c) (Attendance by Other Persons) as it applies pursuant to Section L1.15:

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(a) ~~the SMKI Specialist and~~ a representative of the DCC shall be invited to attend each and every SMKI PMA meeting (which representative~~each of whom~~ shall be entitled to speak at SMKI PMA meetings without the permission of the SMKI PMA Chair); and

(b) other persons who may be invited to attend SMKI PMA meetings may include:

(i) the Independent SMKI Assurance Service Provider;

(ii) one or more representatives of Device Manufacturers; or

(iii) a specialist legal adviser.

Amend Section L1.16 as follows:

L1.16 Notwithstanding Section C3.12 (Protections for Panel Members and Others), that Section shall not apply to the SMKI Specialist in any circumstances ~~when acting as the SMKI PMA Chair's Alternate~~, and the SMKI Specialist shall have no rights under that Section.

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