

Amendment Proposal Form

Those wishing to propose an Amendment to the CUSC should do so by filling in this “Amendment Proposal Form” that is based on the provisions contained in Section 8.15 of the CUSC. The form seeks to ascertain details about the Amendment Proposal so that the CUSC Panel can determine more clearly whether the proposal should be considered by a Working Group or go straight to wider National Grid Consultation.

The Panel Secretary will check that the form has been completed, in accordance with the requirements of the CUSC, prior to submitting it to the Panel. If the Panel Secretary accepts the Amendment Proposal form as complete, then he will write back to the Proposer informing him of the reference number for the Amendment Proposal and the date on which the Proposal will be considered by the Panel. If, in the opinion of the Panel Secretary, the form fails to provide the information required in the CUSC, then he may reject the Proposal. The Panel Secretary will inform the Proposer of the rejection and report the matter to the Panel at their next meeting. The Panel can reverse the Panel Secretary’s decision and if this happens the Proposer will be informed by the Panel Secretary.

The completed form should be returned to:

Mark Cox
Panel Secretary
Commercial Development
National Grid Company plc
National Grid House
Kirby Corner Road
Coventry, CV4 8JY

Or via e-mail to:

CUSC.Team@uk.ngrid.com

(Participants submitting this form by email will need to send a statement to the effect that the proposer acknowledges that on acceptance of the proposal for consideration by the Amendments Panel, a proposer which is not a CUSC Party shall grant a licence in accordance with Paragraph 8.15.7 of the CUSC. A Proposer which is a CUSC Party shall be deemed to have granted this Licence.)

Proposers Name:

(Name of party making the proposal. An Amendment Proposal may be made by a CUSC Party, a BSC Party or by “energywatch”)

National Grid

Proposers Representative:

(The name of the person representing the Proposer (and their alternate) for the purposes of the Amendment Process)

Mike Metcalfe (Mark Cox)

Organisations Name and Address:

(Organisation on whose behalf the Amendment is proposed)

National Grid House
Kirby Corner Road
Coventry
CV4 8JY

Capacity in which the Organisation Proposes to make an Amendment:

(i.e. CUSC Party, BSC Party or “energywatch”)

CUSC Party

Description of the issue or defect which the proposed Amendment seeks to address:

(This should be in reasonable, but not excessive detail)

In the current wording of the CUSC (Paragraphs 8.11.1 and 8.11.3) the scope of indemnity as defined may leave Indemnified Persons open to liability if it is found that they were not acting in the proper exercise of the discretions of their office. It is therefore possible that Indemnified Persons would feel it necessary to seek legal advice to clarify the scope of their powers before embarking on any of their duties and functions which would hold up Panel business and adversely affect the efficiency of the CUSC Amendment Process.

Description of the proposed Amendment and of its nature and purpose:

(This should be in reasonable but not excessive detail)

This Amendment Proposal seeks to extend the indemnity set out in the CUSC to cover actions taken by Indemnified Persons in good faith.

Proposal for revised words to amend the CUSC:

8.11.1 *“Subject to Paragraph 8.11.2 all CUSC Parties shall jointly and severally indemnify and keep indemnified each Panel Member, the Panel Secretary and each member of a Working Group and Standing Group (“Indemnified Persons”) in respect of all costs (including legal costs), expenses, damages and other liabilities*

*properly incurred or suffered by such Indemnified Persons when acting in or in connection with his office under the CUSC, or in **what he in good faith believes to be** the proper exercise and discharge of the powers, duties, functions and discretions of that office in accordance with the CUSC, and all claims, demands and proceedings in connection therewith other than any such costs, expenses, damages or other liabilities incurred or suffered as a result of the wilful default or bad faith of such Indemnified Person.*

8.11.3 *The CUSC Parties agree that no Indemnified Person shall be liable for anything done when acting properly in or in connection with his office under the CUSC, or anything done in **what he in good faith believes to be** the proper exercise and discharge of the powers, duties, functions and discretions of that office in accordance with the CUSC. Each CUSC Party hereby irrevocably and unconditionally waives any such liability of any Indemnified Person and any rights, remedies and claims against any Indemnified Person in respect thereof.”*

The proposed insertion of “*what he in good faith believes to be...*” would serve to extend indemnity and hence reduce the need for potentially costly and inefficient procedures to be developed in order to ensure that all decisions put to the Panel for their consideration are consistent with their powers. The Proposal would enable both Panel business and the Amendment Process to be managed more efficiently.

An indication of those parts of the CUSC which would require amendment in order to give effect to (or would otherwise be affected by) the proposed amendment and an indication of the nature of those amendments or effects:

(This should be given where possible)

Change to Paragraphs 8.11.1 and 8.11.3 should not affect any other sections of the CUSC.

Reasons why the Proposer believes that the proposed Amendment would better facilitate achievement of the Applicable CUSC Objectives as compared with the current version of the CUSC with background information in support thereof:

The terms of its Transmission Licence require National Grid to establish and operate procedures for modification of the CUSC (including procedures for modification of the modification procedures themselves), so as to better facilitate achievement of the Applicable CUSC Objectives. An extension of the indemnity contained in the CUSC as put forward in this Amendment Proposal would better facilitate the obligation to operate the CUSC amendment procedures efficiently and hence achievement of the Applicable CUSC Objectives.

An indication of the impact of the proposed Amendment on Core Industry Documents:

(This should be given where possible)

None identified.

An indication of any existing Modifications to Core Industry Documents that are related to this Amendment Proposal:

(Please provide information if known)

Modification Proposal P5 to the BSC has recently received direction from the Authority to be implemented. The BSC Modification was substantially the same as this amendment proposal to the CUSC in that it has extended indemnity for the Indemnity Beneficiaries under the BSC.

An indication of the impact of the proposed Amendment on relevant computer systems and processes used by CUSC Parties:

(This should be given where possible)

None identified.

A statement to the effect that the Proposer acknowledges that on acceptance of the proposal for consideration by the Amendments Panel a Proposer shall grant a Licence in accordance with Clause 8.15.7 of the CUSC:

(A signature to this effect must be given by a proposer which is not a CUSC Party)

The Proposer is a CUSC Party.