

**PNG GAS CONVEYANCE (DISTRIBUTION) LICENCE**  
**DRAFT MODIFICATIONS PROPOSED FOR IME3 IMPLEMENTATION**

**Condition 1.1: Interpretation and Construction**

In Condition 1.1.6, add the following definition (in alphabetical order)

<b>“working day”</b>	means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.
<b>“distribution system operator”</b>	means any person authorised to convey gas through distribution pipelines by virtue of holding a licence granted under Article 8(1)(a) of the Order.

DRAFT

**[Amended] Condition 1.6: Restriction on Use of Certain Information**

**1.6.1 Use of protected information**

Where the Licensee or any affiliate or related undertaking of the Licensee receives protected information, the Licensee shall (and shall procure that such affiliate or related undertaking shall) procure:

- (a) that the Licensee shall not obtain any unfair commercial advantage from its possession of protected information with respect to any Separate Business;
- (b) that protected information is not used by any other person for the purpose of obtaining for that person:
  - (i) any unfair commercial advantage from its possession of protected information;
  - (ii) any licence;
  - (iii) any exemption;
  - (iv) control of any body corporate which, directly or indirectly, has the benefit of any such licence or exemption; and
- (c) that protected information is not disclosed except with the prior consent in writing of the relevant person to whose affairs the protected information relates;

provided that the obligation on the Licensee:

- (d) to procure the above in relation to an affiliate or related undertaking which has control of the Licensee (control being defined by Section 416 of the Income and Corporation Taxes Act 1988), shall be to do so by using reasonable endeavours and obtaining an appropriate contractual undertaking from that affiliate or related undertaking in respect of such protected information; and
- (e) not to obtain any unfair commercial advantage from its possession of protected information under Condition 1.6.1(a) shall be construed to exclude protected information received by any Separate Business not engaged in the conveyance of gas independently of the Separate Business engaged in the conveyance of gas.

**1.6.2 Compliance with directions**

The Licensee shall implement such measures and procedures and take all such other steps as shall be specified in directions issued by the Department from time to time under Article 45 of the Order or otherwise for the purposes of this Condition as reasonably appear to the

Department to be requisite or expedient for the purpose of securing compliance by the Licensee with its obligations under Condition 1.6.1 in the conduct of its business to convey gas.

1.6.3 Limitation of non disclosure obligations

Condition 1.6.1(c) shall not apply to any disclosure of information:

- (a) authorised by Article 63(3) or (4) of the Energy Order;
- (b) made in compliance with the duties of the Licensee or any affiliate or related undertaking of the Licensee under the Order or the Energy Order or with any other requirement of a competent authority;
- (c) made in compliance with the Conditions of this Licence Document or any document referred to in this Licence Document with which the Licensee or any affiliate or related undertaking of the Licensee is required by virtue of the Order or the Energy Order or this Licence Document to comply;
- (d) necessary in order to enable the person to whom such information is disclosed to enter into arrangements with the Licensee for the conveyance of gas, or in order to give effect to such arrangements; or
- (e) necessary in order to enable any agent appointed by the Licensee to fulfil the Licensee's balancing obligations under the Licence.

1.6.4 Additional definition In this Condition:

**"protected information"**

means any commercially confidential information which relates to the affairs of a person who is not an affiliate or related undertaking of the Licensee holding a licence or exemption to convey, store or supply gas (or any affiliate or related undertaking of that person) and which has been furnished to or otherwise acquired by the Licensee under or pursuant to or in the course of any dealings with that person or any affiliate or related undertaking of his, other than information which is in, or comes into, the public domain other than as a result of a breach by the Licensee of this Condition or of any Conditions of this Licence Document.

**[Amended] Condition 1.16: Independence of the Licensed Business**

1.16.1 Application

This Condition shall apply where the Licensee (or any affiliate or related undertaking of the Licensee) is at any time carrying on the activities of an Associated Business.

1.16.2 Managerial and Operational Independence

Where this Condition applies the Licensee shall:

- (a) unless it has already done so prior to this Condition coming into force, establish; and
- (b) at all times thereafter maintain,

the full managerial and operational independence of the Authorised Business from any Associated Business.

1.16.3 Branding of the Licensed Business

Where this Condition applies the Licensee shall use its best endeavours to ensure that:

- (a) any Brand used by the Licensed Business; and
- (b) any communication (including advertising) that:
  - (i) includes or refers to a Brand used by the Licensed Business; and
  - (ii) is issued, published or sent to any person by or on behalf of the Licensed Business,

does not create confusion as to the separate identities of:

- (c) the Licensed Business; and
- (d) any Associated Gas Supply Business.

1.16.4 Conduct of the Authorised Business

Where this Condition applies the Licensee shall ensure that the Authorised Business is conducted in the manner best calculated to secure that it does not unduly discriminate as between any persons or any classes of person, or unduly prefer itself (or any affiliate or related undertaking) over any other persons or any classes of person.

1.16.5 Means of achieving Managerial and Operational Independence

In order to facilitate its compliance with Condition 1.16.2, the Licensee shall use all reasonable endeavours to ensure that:

- (a) the Authorised Business is provided with such premises, systems, equipment, facilities, property, personnel, data and management resources as are necessary for its efficient and effective managerial and operational independence;
- (b) it does not hold or acquire shares in any Associated Gas Supply Business or in any Holding Company of any such Associated Gas Supply Business;
- (c) subject to any financial supervisory rights of a Holding Company of the Licensee as provided for in the Licensee's financial plan, commercial and operational decisions relating to the operation, maintenance and development of the Licensee's Network are taken only by those persons who are employed by, and are engaged in the operation and management of, the Authorised Business;
- (d) any Associated Business may not use or have access to:
  - (i) premises or parts of premises occupied by persons engaged in the management or operation of the Authorised Business;
  - (ii) systems for the recording, processing or storage of data to which persons engaged in the management or operation of the Authorised Business also have access;
  - (iii) commercially sensitive or confidential information relating to, or derived from, the Authorised Business;
  - (iv) equipment, facilities or property employed for the management or operation of the Authorised Business;
  - (v) the services of persons who are (whether or not as their principal occupation) engaged in the management or operation of the Authorised Business (save to the extent the Authority consents to such use or access); and
- (e) it can and does, insofar as is legally possible:
  - (i) ensure that any director of the Licensee is not at the same time also a director of a company which carries on an Associated Gas Supply Business; and
  - (ii) prevent any person who has ceased to be engaged in the management or operation of the Authorised Business from being employed by, or engaged in the activities of, any Associated Business until the expiry of an appropriate

time from the date on which he ceased to be engaged by the Authorised Business.

#### 1.16.6 Provision and Use of Information

In order to facilitate its compliance with condition 1.16.4 the Licensee shall ensure that:

- (a) any communications made by the Licensee, or on its behalf, in the course of the Licensee's Marketing Activities:
  - (i) do not mislead consumers;
  - (ii) do not enable the Associated Gas Supply Business to obtain any unfair commercial advantage; and
  - (iii) are fair, and do not show any undue preference towards or undue discrimination against any gas supplier, including the Associated Gas Supply Business, both in terms of their content and presentation; and
- (b) commercially sensitive or confidential information relating to a licence holder and furnished to or otherwise acquired by the Authorised Business is not disclosed or accessible to any Associated Business without the prior written consent of the relevant licence holder.

#### 1.16.7 Additional Definitions

In this Condition:

**“Act”** means the Gas Act 1986, as amended from time to time;

**“Associated Business”** means any business, other than the Authorised Business, of the Licensee (or of any affiliate or related undertaking of the Licensee) which is carrying out any activity, that requires authorisation in accordance with either Article 6(1) of the Order or section 5(1) of the Act or which is involved in the production or purchase of gas;

**“Associated Gas Supply Business”** means any Gas Supply Business not forming part of the Authorised Business;

**“Authorised Business”**

means the Licensed Business, taken together with any other business of the Licensee (or of any affiliate or related undertaking of the Licensee) which is carrying on activities requiring authorisation in accordance with Article 6(1)(a) of the Order or section 5(1)(a) of the Act and which:

- (a) relate to the conveyance of gas through distribution pipelines; and
- (b) where the Licensee has so notified the Department and the Authority, relate to the conveyance of gas through transmission pipelines;

**“Brand”**

means any name, trade name, term, sign, symbol or design or any combination of them that identifies the Licensed Business;

**“Gas Supply Business”**

means any business carrying out activities that require authorisation in accordance with Article 6(1)(c) of the Order or section 5(1)(b) of the Act;

**“Holding Company”**

has the meaning given to it in Article 4 of The Companies (Northern Ireland) Order 1986; and

**“Marketing Activities”**

means any activities of the Licensee that are directed at, or incidental to identifying and communicating with, consumers for the purpose of promoting the activities of the Licensed Business to them.



**[Amended Existing] Condition 1.17: Business Separation Compliance Plan**

1.17.1 Application

This Condition shall apply where Condition 1.16 applies to the Licensee.

1.17.2 Submittal of plan

The Licensee shall, no later than 28 days after Condition 1.16 first applies to the Licensee, prepare and submit to the Authority (for its approval) a compliance plan (the “**Compliance Plan**”) setting out the practices, procedures, systems and rules of conduct which the Licensee has adopted, or intends to adopt, together with the timescales for adoption, to ensure its compliance with Condition 1.16.

1.17.3 Complying with Compliance Plan

The Licensee shall use its best endeavours to comply with the Compliance Plan as approved by the Authority and revised from time to time in accordance with this Condition 1.17.

1.17.4 Authority's role

The Authority may:

- (a) within 30 days of the Licensee submitting an initial or revised Compliance Plan; or
- (b) following any review of the Compliance Plan that the Authority may conduct from time to time,

serve notice on the Licensee:

- (c) informing the Licensee that, in the Authority's opinion, the Compliance Plan is not, or is no longer, sufficient for the purposes of the Licensee's compliance with Condition 1.16; and
- (d) directing the Licensee to make such revisions to the Compliance Plan as, in the Authority's opinion, are necessary or expedient in order for the Compliance Plan to be sufficient for the purposes of ensuring the Licensee's compliance or continued compliance with Condition 1.16.

1.17.5 Brand Separation

Without prejudice to the generality of Condition 1.17.4, the Authority may, where it is satisfied that a Brand being used by the Licensed Business, or the manner in which that Brand is being used, causes confusion as to the separate identities of the Licensed Business and any Associated Gas Supply Business, give notice directing the Licensee to make such revisions

to the Compliance Plan as will provide for the Licensee to ensure that the Licensed Business does not:

- (a) use any Brand that is the same as a Brand used by the Associated Supply Business;  
or
- (b) use any Brand that has characteristics which are the same as or similar to those of a Brand used by the Associated Supply Business.

#### 1.17.6 Revision of Compliance Plan

Where the Licensee receives a notice in accordance with Condition 1.17.4 or Condition 1.17.5, it shall within 30 days or by such later date, if any, as may be specified in the direction, revise the Compliance Plan, in such manner and to such extent as will reflect the Authority's direction and ensure that it is sufficient for the purposes of ensuring the Licensee's compliance with Condition 1.16.

#### 1.17.7 Review of Compliance Plan

The Licensee shall, on at least an annual basis during the period in which Condition 1.16 is in force, review its Compliance Plan so as to ensure:

- (a) its continued compliance with its obligations under Condition 1.16; and
- (b) that the information set out therein shall continue to be accurate in all material respects.

#### 1.17.8 Authority approval

Where the Licensee revises its Compliance Plan, either in accordance with Condition 1.17.6 or following a review conducted by it in accordance with Condition 1.17.7, it shall submit the revised Compliance Plan to the Authority for its approval.

#### 1.17.9 Facilitating compliance with the Compliance Plan

The Licensee shall ensure that persons engaged in the management and operation of the Licensed Business:

- (a) are made aware of the practices, procedures, systems and rules of conduct set out in the Compliance Plan;
- (b) have the necessary information and facilities to comply with their respective obligations as provided for in the Compliance Plan; and

- (c) are aware of the disciplinary procedures that may be activated should they fail to comply with their obligations under the Compliance Plan.

#### 1.17.10 Compliance Manager

The Licensee shall, following consultation with the Authority, appoint an independent person (the “**Compliance Manager**”) for the purpose of facilitating compliance with its obligations under Condition 1.16 and with its Compliance Plan.

#### 1.17.11 Assisting the Compliance Manager

The Licensee shall ensure that the Compliance Manager has access to such staff, premises, systems, information, documentation, equipment, facilities and other resources as he might reasonably expect to require to fulfil the duties and tasks assigned to him.

#### 1.17.12 Duties of the Compliance Manager

The duties and tasks assigned to the Compliance Manager shall include:

- (a) providing relevant advice and information to the Licensee for the purpose of ensuring its compliance with Condition 1.16 and with the Compliance Plan;
- (b) monitoring the effectiveness of, and the Licensee’s compliance with, the Compliance Plan;
- (c) investigating any complaint or representation received by the Licensee from any person in respect of any matter arising under or by virtue of Condition 1.16 or in relation to the Compliance Plan;
- (d) recommending and advising upon the remedial action which any such investigation has demonstrated to be necessary or desirable, including where necessary revising the Compliance Plan to reflect such recommendation and advice; and
- (e) reporting, at such frequency as is determined in writing by the Authority, to the directors of the Licensee on his activities during the period covered by the report, the investigations he has conducted and on progress implementation of the Compliance Plan.

#### 1.17.13 Report of Compliance Manager

The Licensee shall, at such frequency as is determined in writing by the Authority, but no less than twice every twelve months, submit a report to the Authority:

- (a) detailing the activities of the Compliance Manager during the period covered by the report;

- (b) providing a progress update on the Licensee's implementation of the Compliance Plan;
- (c) setting out the details of any investigations conducted by the Compliance Manager, including:
  - (i) the number, type and source of the complaints or representations on which such investigations were based;
  - (ii) the outcome of such investigations; and
  - (iii) any remedial action taken by the Licensee following such investigations.

#### 1.17.14 Additional Definitions

In this Condition the terms Associated Gas Supply Business, Brand, and Gas Supply Business have the meaning given to them in Condition 1.16.

**[New] Condition 1.23: Systems to Facilitate Change of Supplier**

1.23.1 Practices, Procedures and Systems

The Licensee shall ensure that its practices, procedures and systems facilitate Supplier Transfers taking place within 15 working days of the Licensee receiving a Registration Request from a gas supplier.

1.23.2 Maintaining Records and Reporting

The Licensee shall no later than fourteen days after the end of each quarter year ending on 30 June, 30 September, 31 December and 31 March, give to the Authority a report which sets out –

- (a) the number of Registration Requests received by it in each month of that quarter,
- (b) the number of actual Supplier Transfers completed in each month of that quarter, and
- (c) of the number of Supplier Transfers completed in each month of that quarter, the number which took:
  - (i) 1-2 working days;
  - (ii) 3-5 working days;
  - (iii) 6-10 working days;
  - (iv) 11-15 working days;
  - (v) 16-20 working days;
  - (vi) 21-30 working days; and
  - (vii) more than 30 working days,

to complete from the date of the Registration Request being received by the Licensee.

1.23.3 Notifying the Authority

The Licensee shall inform the Authority as soon as it becomes aware that its practices, procedures and systems may, as a result of the number of Registration Requests likely to be received by it, cease to be adequate to ensure the Licensee's compliance with paragraph 1.23.1.

1.23.4 Authority Directions

The Authority may, following such consultation with the Licensee as the Authority considers appropriate, direct the Licensee to take such steps as may be specified in a written direction, and in such manner as may be so specified, to review and improve the practices, procedures and systems it has established to comply with this Condition.

#### 1.23.5 Compliance with Directions

The Licensee shall comply with any direction issued under paragraph 1.23.4 from the date specified in the direction.

#### 1.23.6 Definitions

In this Condition –

**“Registration Request”** means an application from a gas supplier for it to be registered as the supplier responsible for supplying gas to the supply meter point at the premises specified in the application; and

**“Supplier Transfer”** means the transfer of responsibility for the supply of gas, to a supply meter point at premises connected to the Licensee’s Network, from one gas supplier to another gas supplier.

**[New] Condition 1.24: Prohibition of Discrimination in provision of services**

1.24.1 Non-Discrimination

The Licensee shall in:

- (a) meeting its obligations under this Licence;
- (b) providing services consisting of, or connected with:
  - (i) the conveyance of gas; and
  - (ii) connections to its Network; and
- (c) providing services under or pursuant to the Network Code,

not show any undue preference towards or undue discrimination against any gas supplier or case or classes of cases of gas supplier, including in particular undue preference towards any affiliate or related undertaking of it which is a gas supplier.

**[New] Condition 1.25: Provision of Information to Gas Suppliers**

1.25.1 Practices, Processes and Systems

The Licensee shall ensure that its practices, processes and systems facilitate the provision of information to, and between, Gas Suppliers which:

- (a) by virtue of or in accordance with the Network Code or other industry code, agreement or practice, is available to or held by the Licensee; and
- (b) relates to or ascertains the consumption of gas by a Customer at premises connected to the Licensee's Network.

1.25.2 Customer Information Requests

The Licensee shall within five working days of receiving a Customer Information Request from a gas supplier, provide to that gas supplier the information specified in the Customer Information Request.

1.25.3 Definitions

In this Condition:

**Customer Information Request** means a request, made in such form and in such manner as may be determined from time to time by the Authority, for information relating to the consumption of gas by the Customer at the premises identified, and for the period specified, in the request.



## **[Amended] Condition 2.7: Conduct of Transportation Business**

### 2.7.1 Conduct of business activities

The Licensee shall conduct its business activities relating to the conveyance of gas (including any activities related to making of arrangements with other network operators for the conveyance of gas through their networks for the purposes of Condition 2.13) in the manner best calculated to:

- (a) facilitate effective competition in the gas supply market in Northern Ireland; and
- (b) secure that neither:
  - (i) the Licensee or any affiliate or related undertaking of it or any company of which the Licensee is an affiliate or related undertaking; nor
  - (ii) any other licence holder or exemption holder;

obtains any unfair commercial advantage in any business in the storage, supply or conveyance of gas including, in particular, any such advantage from a preferential or discriminatory arrangement.

### 2.7.2 Disclosure of information

The Licensee shall:

- (a) use its best endeavours to secure that any information relating to or derived from its business activities relating to the conveyance of gas (including any activities related to the making of arrangements with Other Network Operators for the conveyance of gas through their networks for the purposes of Condition 2.13) is not disclosed for the benefit or used for the purposes of:
  - (i) any trading business, affiliate or (so far as the Licensee can require it) related undertaking of the Licensee;
  - (ii) any company of which the Licensee is an affiliate or related undertaking; and
- (b) subject to paragraph (a) above, not show any undue discrimination against, or undue preference towards, any person or class of person, in disclosing any information relating to its Licensed Business which may be commercially advantageous to any other person.

### 2.7.3 Exempt information

Condition 2.7.2(a) shall not extend to:

- (a) information received by the Licensee which is relevant to any trading business of the Licensee;
- (b) information specified in any consent to non-compliance with that Condition given by the Authority to the Licensee;
- (c) information relating to a particular licence holder or holder of an exemption which that party has consented in writing to being used or disclosed in accordance with the terms of that consent;
- (d) information which it is necessary for the trading business to use or disclose in order to enter into and comply with arrangements for the conveyance of gas;
- (e) information which is in the public domain (other than as a result of contravention by the Licensee of any Condition of any licence granted under this Licence Document);  
or
- (f) information which is required to be disclosed pursuant to a Condition of the licence granted under this Licence Document.

#### 2.7.4 Market Statements

The Licensee shall not, without the prior consent of the Authority, publish any statement or otherwise give any information in writing to consumers which is about or refers to:

- (a) the arrangements for, or the level of, competition in the gas supply market in Northern Ireland; or
- (b) the activities, position or status of any person competing or proposing to compete in the gas supply market in Northern Ireland.

#### 2.7.5 Additional definition

In this Condition "**trading business**" means activities connected with the acquisition and disposal of gas in Northern Ireland other than for the efficient operation of a pipe-line system operated by the Licensee or for replacing gas lost from the Network.

**[New] Condition 2.7A: Distribution Marketing Code**

2.7A.1 Requirement to Prepare etc. a Code

The Licensee shall, no later than three months after this Condition takes effect or such later date as the Authority directs and together with every other distribution system operator, prepare, submit to and have approved by the Authority a code of practice to be known as the Distribution Marketing Code.

2.7A.2 The Code

The Distribution Marketing Code shall:

- (a) be designed to facilitate achievement of the relevant objectives set out in paragraph 2.7A.3; and
- (b) make provision relating to the relevant matters set out in paragraph 2.7A.4.

2.7A.3 The Relevant Objectives

The relevant objectives are that:

- (a) the marketing activities of distribution system operators in respect of the conveyance of gas through distribution pipelines:
  - (i) are conducted in a fair, transparent, appropriate and professional manner;
  - (ii) avoid any preference or discrimination being shown to or against any gas supplier;
  - (iii) do not restrict, distort or prevent competition in the supply of gas;
  - (iv) do not lead to consumer confusion about the relationship between and activities of gas distribution and gas supply; and
- (b) any information provided by the Licensee (whether in writing, by electronic display or verbally) to consumers about the Licensee's business, including in particular about connections between consumers' premises and the Licensee's Network:
  - (i) is complete and accurate;
  - (ii) is capable of being easily understood by consumers;
  - (iii) does not name or otherwise show preference to or discrimination against any gas supplier;

- (iv) does not mislead consumers to whom it is directed and is otherwise fair and accurate both in terms of its content and its presentation.

#### 2.7A.4 The Relevant Matters

The relevant matters are:

- (a) the establishment and implementation of procedures for the selection of staff or other representatives who are employed or engaged in roles which involve or are likely to involve communication with consumers for the purpose of the Licensee's marketing activities;
- (b) the provision or procurement of appropriate training for staff or other representatives who will or are likely to communicate with consumers for the purpose of the Licensee's marketing activities, which training shall at least include training about the role, position and obligations of the Licensee as a gas distributor in respect of the Northern Ireland gas sector and about the Licensee's obligations under this Condition; and
- (c) the establishment and implementation of procedures for the written approval, by a senior officer of the Licensee, that such information as is referred to in paragraph 2.7A.4(b) is compliant with the relevant objectives set out in paragraph 2.7A.3.

#### 2.7A.5 Consultation on the Code

The Licensee shall, before submitting the Distribution Marketing Code to the Authority for its approval, consult with, and consider any representations made by, the General Consumer Council.

#### 2.7A.6 Review of the Code

The Licensee shall, whenever requested to do so by the Authority and together with every other distribution system operator, review the Distribution Marketing Code and the manner in which it has been operated, with a view to determining whether any revisions should be made to it.

In carrying out any such review the Licensee shall consult with, and consider any representations made by, the General Consumer Council.

#### 2.7A.7 Direction to Modify the Code

The Authority, following consultation with the Licensee, other distribution system operators, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may direct the Licensee to make such modifications to the

Distribution Marketing Code as the Authority considers are necessary or expedient to meet the relevant objectives, and where the Authority gives such a direction to the Licensee it will at the same time give the same direction to all other distribution system operators.

#### 2.7A.8 Revision of the Code

Where the Licensee revises the Distribution Marketing Code following a review undertaken in accordance with paragraph 2.7A.6 or following a direction from the Authority given under paragraph 2.7A.7 it shall submit the revised Code to, and have it approved by, the Authority.

#### 2.7A.9 Publication of the Code

The Licensee shall:

- (a) as soon as practicable following the Authority's approval of the Distribution Marketing Code (including following a revision):
  - (i) send a copy of it to the Authority and the General Consumer Council; and
  - (ii) publish it on, and make it readily accessible from, its web-site; and
- (b) give or send free of charge a copy of the Distribution Marketing Code to any person who requests it.

#### 2.7A.10 Compliance with the Code

Subject to paragraph 2.7A.12, the Licensee shall comply with the Distribution Marketing Code as approved by the Authority.

#### 2.7A.11 Monitoring

The Licensee shall provide the Authority with all assistance reasonably necessary to enable the Authority to monitor the implementation and operation of the Distribution Marketing Code and this assistance shall include permitting the Authority access to relevant documentation held by the Licensee.

#### 2.7A.12 Derogation

The Authority may (following consultation with the Licensee and distribution system operators) issue directions relieving the Licensee of any of its obligations under this Condition to such extent as may be specified in those directions and subject to such terms and conditions as the Authority thinks fit.

## **Condition 2.8A: Complaints Handling Procedure**

### 2.8A.1 Requirement to Prepare etc. a Code

The Licensee shall, no later than three months after this Condition takes effect or such later date as the Authority directs, prepare, submit to and have approved by the Authority a code of practice for the handling of consumer complaints (the **Code**).

### 2.8A.2 The Code

The Code shall include arrangements by which the Licensee will establish and operate an accessible, equitable and transparent, simple and inexpensive complaints procedure which shall enable any person who is connected to or requests a connection to the Licensee's Network to bring and have promptly dealt with any complaint he may have in respect of the Licensee's activities in providing such a connection.

### 2.8A.3 Minimum Requirements

The complaints procedure established and operated by the Licensee in accordance with the Code shall as a minimum:

- (a) specify the period, which may differ for different types of complaint but which shall not be longer than three months, within which it is intended that complaints will be processed and resolved;
- (b) be made available to any person without charge; and
- (c) facilitate the fair and prompt settlement of complaints and disputes.

### 2.8A.4 Consultation of the Code

The Licensee shall, before submitting the Code to the Authority for its approval, consult with, and consider any representations made by, the General Consumer Council.

### 2.8A.5 Review of the Code

The Licensee shall, whenever requested to do so by the Authority, review the Code and the manner in which it has been operated, with a view to determining whether any revisions should be made to it.

In carrying out any such review the Licensee shall consult with, and consider any representations made by, the General Consumer Council.

### 2.8A.6 Direction to Modify the Code

The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may direct the Licensee to make such modifications to the Code as the Authority considers are necessary or expedient for the purposes of meeting the requirements of paragraph 2.8A.2.

#### 2.8A.7 Revision of the Code

Where the Licensee revises the Code following a review undertaken in accordance with paragraph 2.8A.5 or following a direction from the Authority given under paragraph 2.8A.6, it shall submit the revised Code to, and have it approved by, the Authority.

#### 2.8A.8 Publication of the Code

The Licensee shall:

- (a) as soon as practicable following the Authority's approval of the Code (including following a revision):
  - (i) send a copy of it to the Authority and the General Consumer Council; and
  - (ii) publish it on, and make it readily accessible from, its web-site; and
- (b) give or send free of charge a copy of the Code to any person who requests it.

#### 2.8A.9 Compliance with the Code

Subject to paragraph 2.8A.12, the Licensee shall comply with the Code as approved by the Authority.

#### 2.8A.10 Monitoring of the Code

The Licensee shall provide the Authority with all assistance reasonably necessary to enable the Authority to monitor the implementation and operation of the Code and this assistance shall include permitting the Authority access to relevant documentation held by the Licensee.

#### 2.8A.11 Derogation

The Authority may (following consultation with the Licensee) issue directions relieving the Licensee of any of its obligations under this Condition to such extent as may be specified in those directions and subject to such terms and conditions as the Authority thinks fit.

## **Condition 2.9A: Consumer Information Code**

### 2.9A.1 Requirement to Prepare etc. a Code

The Licensee shall, no later than three months after this Condition takes effect or such later date as the Authority directs prepare, submit to, and have approved by the Authority a code of practice to be known as the Consumer Information Code.

### 2.9A.2 The Code

The Consumer Information Code shall:

- (a) be designed to facilitate achievement of the relevant objectives set out in paragraph 2.9A.3; and
- (b) make provision relating to the relevant matters set out in paragraph 2.9A.4.

### 2.9A.3 The Relevant Objectives

The relevant objectives are that:

- (a) consumers are on a regular basis provided with and have regular access to information about:
  - (i) the Licensee's business and the services that consumers can receive or expect to receive from the Licensee; and
  - (ii) the Licensee's performance, including performance against any applicable mandatory or voluntary standards, in relation to the provision of such services; and
- (b) any information provided by the Licensee (whether in writing, by electronic display or orally) to consumers about the Licensee's business, including in particular about connections between consumers' premises and the Licensee's Network is complete, accurate, transparent and capable of being easily understood by consumers.

### 2.9A.4 The Relevant Matters

The relevant matters are the provision of information to consumers in relation to:

- (a) the processes and procedures which consumers need to follow in order to obtain a connection between their premises and the Licensee's network;
- (b) the standard terms and conditions governing such connections;



- (c) the handling of consumer complaints; and
- (d) the provision of contact details or other special services in the event of an emergency.

2.9A.5 Standard Form

The Licensee shall in conjunction and co-operation with every other distribution system operator ensure that the Consumer Information Code includes such content and is presented in such a format as is consistent with and comparable to the consumer information code of each such other distribution system operator.

2.9A.6 Consultation of the Code

The Licensee shall, before submitting the Consumer Information Code to the Authority for its approval, consult with, and consider any representations made by, the General Consumer Council.

2.9A.7 Review of the Code

The Licensee shall, whenever requested to do so by the Authority review the Consumer Information Code and the manner in which it has been operated, with a view to determining whether any revisions should be made to it.

In carrying out any such review the Licensee shall consult with, and consider any representations made by, the General Consumer Council.

2.9A.8 Direction to Modify the Code

The Authority, following consultation with the Licensee, other distribution system operators, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may direct the Licensee to make such modifications to the Consumer Information Code as the Authority considers are necessary or expedient to meet the relevant objectives.

2.9A.9 Revision of the Code

Where the Licensee revises the Consumer Information Code following a review undertaken in accordance with paragraph 2.9A.7 or following a direction from the Authority given under paragraph 2.9A.8 it shall submit the revised Code to, and have it approved by, the Authority.

2.9A.10 Publication of the Code

The Licensee shall:

- (a) as soon as practicable following the Authority's approval of the Consumer

Information Code (including following a revision):

- (i) send a copy of it to the Authority and the General Consumer Council; and
  - (ii) publish it on, and make it readily accessible from, its web-site; and
- (b) give or send free of charge a copy of the Consumer Information Code to any person who requests it.

2.9A.11 Compliance with the Code

Subject to paragraph 2.9A.13, the Licensee shall comply with the Consumer Information Code as approved by the Authority.

2.9A.12 Monitoring the Code

The Licensee shall provide the Authority with all assistance reasonably necessary to enable the Authority to monitor the implementation and operation of the Consumer Information Code and this assistance shall include permitting the Authority access to relevant documentation held by the Licensee.

2.9A.13 Derogation

The Authority may (following consultation with the Licensee and other distribution system operators) issue directions relieving the Licensee of any of its obligations under this Condition to such extent as may be specified in those directions and subject to such terms and conditions as the Authority thinks fit.

**[Amended]Condition 2.14: System Operator Designation**

2.14.1 Distribution system operator

In accordance with Article 24 of Directive 2009/73/EC, the Licensee is designated as distribution system operator in respect of the Network.

2.14.2 Definition

In this Condition 2.14:

“Directive 2009/73/EC” means Directive 2009/73/EC of the European Parliament and of the Council concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC.

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