

Appendix 1

7. TAS MODIFICATIONS

7.1 Introduction

7.1.1 The Pipeline Operator may not make TAS Modifications other than in accordance with this paragraph 7.

7.1.2 For the purposes of this Appendix 1:

(a) “**TAS Modification**” means a Pipeline Operator System Modification, a User System Modification or a Manual Modification;

(b) “**The Pipeline Operator System Modification**” means a modification to the specification of TAS or any modification to any equipment or software comprised therein and installed at the Pipeline Operator premises;

(c) “**User System Modification**” means a modification to the specification required under the TAS Manual of the equipment, software and other facilities required to be provided by a TAS User under paragraph 2;

(d) “**Manual Modification**” means any amendment to the TAS Manual.

7.1.3 Except in the case of a Class 3 Modification, or as otherwise provided in this Appendix 1, where any TAS Modification is to be made:

(i) The Pipeline Operator will bear the costs of developing any required change;

(ii) each TAS User will bear the costs of any modification to the TAS User Equipment or (except as provided in paragraph (i)) TAS User Software required to implement the TAS Modification (or to enable the TAS User to continue to comply with this Appendix 1 following such modification), and all other costs incurred by the TAS User in consequence of the TAS Modification;

(iii) The Pipeline Operator will bear all other costs incurred for the purposes of making the TAS Modification.

7.1.4 A Pipeline User will not be in breach of any provision of the Code by reason of any inability of the Pipeline User to comply with such provision which results from disruption to the Pipeline User's use of TAS during and occasioned by the making of a TAS Modification, provided that the TAS User shall have complied with any reasonable requirements proposed by the Pipeline Operator for implementing the modification and for making TAS Communications during the making of such modification.

7.2 Modification Classes

7.2.1 TAS Modifications are classified for the purposes of this paragraph 7 as Class 1, Class 2, ~~and Class 3~~ [and Class 4](#) Modifications in accordance with this paragraph 7.2.

7.2.2 A “**Class 1 Modification**” is:

(a) a Pipeline Operator System Modification which will have no adverse operational or other adverse impact on any TAS User and will not require any TAS User to incur any cost to be borne by it in accordance with paragraph 7.1.3(ii), or which has been consented to by all TAS Users on whom such modification will have such an impact; or

(b) a Manual Modification (other than one within paragraph 7.2.4(b)) required:

(i) as a consequence of any Pipeline Operator System Modification or User System Modification made in accordance with this paragraph 7; or

(ii) to correct any inaccuracy in the TAS Manual so that it correctly describes any aspect of TAS which is not itself the subject of a Pipeline Operator System Modification or User System Modification.

7.2.3 A “**Class 2 Modification**” is:

(a) a User System Modification which is required to enable a Pipeline Operator System Modification which is a Class 2 Modification or a Class 3 Modification to be implemented;

(b) any other TAS Modification (other than a Manual Modification within paragraph 7.2.4(b)) proposed by the Pipeline Operator in any of the following circumstances:

(i) where:

(1) The Pipeline Operator reasonably determines that the functionality or performance of TAS is insufficient to support the implementation of relevant provisions of the Code, and such modification is required to make the required improvement to such performance, and

(2) The Pipeline Operator does not intend that the costs incurred by the Pipeline Operator in making such modification should be recovered from TAS Users, and

(3) the costs (of revising or replacing any computer hardware or software) for TAS Users entailed by the making of the modification are reasonable in the circumstances; or

(ii) where each of the conditions in paragraph 7.2.5 is satisfied in respect of such modification;
~~or~~

~~(iii) where the modification is required by or in connection with a modification to the Code which is made pursuant to the Modification Rules; or~~

~~(iv) where the modification is made to correct a Minor software error in accordance with and subject to paragraph 7.2.4.~~

7.2.4 A “**Class 3 Modification**” is:

(a) any Pipeline Operator system Modification where the Pipeline Operator does not intend to make such modification unless the costs of making the modification are to be recovered from TAS Users;

(b) any of the following Manual Modifications:

(i) a change in the TAS Contingency Procedures which would materially worsen the ability of the Pipeline Operator and TAS Users to communicate pursuant to the TAS Contingency Procedures;

(ii) a modification of any provision of the TAS Manual which is (pursuant to paragraph 1.4.2) expressly identified as binding on the Pipeline Operator or TAS Users;

(iii) a modification in respect of the means (as described in paragraph 1.2.2) of giving a Code Communication, or the form (as described in paragraph 4.1.2), other than the inclusion of an additional such form, of giving any TAS Communication; or

(c) any other TAS Modification which is not a Class 1 or Class 2 Modification or is one which the Pipeline Operator elects to treat as a Class 3 Modification.

7.2.5 The conditions referred to in paragraph 7.2.3(b)(ii) are that, in respect of a proposed TAS Modification:

(i) such modification would not materially increase the scope of information concerning a TAS User to which other TAS Users have access by virtue of TAS;

(ii) such modification would not adversely affect the functions or facilities of TAS which are available to TAS Users, nor reduce the scope of the information which the Pipeline Operator makes available to TAS Users by means of TAS;

(iii) such modification would not result in a TAS User with the Standard TAS Configuration incurring material cost, after taking account of any quantifiable savings in cost which such a TAS User acting reasonably efficiently and prudently would reasonably be expected to enjoy as a result of making the modification; and

(iv) where such modification is a Manual Modification, the modification would not result in any of the following provisions of this Appendix 1 applying or taking effect in a way which is (as respects the interests of TAS Users) materially and adversely different from that in which it applies or takes effect in the absence of such modification: paragraph 1.2.2, 1.6, 1.7, 2.2.7, 6 and this paragraph 7.

7.2.6 The condition in paragraph 7.2.5(ii) shall not be regarded as infringed by reason only of a reasonable level of disruption for the purposes of implementation of a TAS Modification.

7.2.7 Where there is any bona fide doubt as to whether an inconsistency between the operation of the software programming within TAS and the relevant functions described in the TAS Manual is a software error (in accordance with paragraph 6.2) or an inaccuracy in the TAS Manual (in accordance with paragraph 7.2.2(b)(i)):

(i) subject to paragraph (ii), the Pipeline Operator will resolve such doubt in the manner which is most consistent with the proper implementation of

the Code or (failing that) in such manner as the Pipeline Operator shall reasonably determine;

(ii) if upon the application (within 5 Business Days after the Pipeline Operator has notified Pipeline Users of its proposed resolution) of any Pipeline User, the Authority shall give Condition 9(3) Disapproval to the Pipeline Operator resolving the matter in the proposed manner under paragraph (i), the Pipeline Operator will resolve the matter in such other manner to which the Authority shall upon the Pipeline Operator application give Condition 9(3) Approval.

7.2.8 A “Class 4 Modification” is:

(a) any TAS Modification (other than a Manual Modification within paragraph 7.2.4(b)) proposed by the Pipeline Operator in any of the following circumstances:

(i) where the modification is required by or in connection with a modification to the Code which is made pursuant to the Modification Rules; or

(ii) where the modification is made to correct a Minor software error in accordance with and subject to paragraph 7.2.4.

7.3 Class 1 Modifications

7.3.1 The Pipeline Operator shall be entitled to make a Class 1 Modification at any time.

7.3.2 Where possible before or (failing that) as soon as reasonably practicable after making a Class 1 Modification the Pipeline Operator will:

(i) inform TAS Users of that modification if it is a Manual Modification or if TAS Users are likely (in having use of TAS) to become aware of it or if (in the Pipeline Operator opinion) it is likely to be of interest operationally to TAS Users, and

(ii) if it is a Manual Modification, provide an updated version of the relevant part of the TAS Manual to TAS Users without charge.

7.4 Class 2 Modifications

7.4.1 The Pipeline Operator shall be entitled to make a Class 2 Modification subject to and in accordance with this paragraph 7.4.

7.4.2 ~~Before Where~~ the Pipeline Operator ~~proposes to~~ makes any ~~the~~ Pipeline Operator System Modification or User System Modification (other than one required to implement a Class 3 Modification) as a Class 2 Modification, the Pipeline Operator must make a modification proposal in respect thereof in accordance with the Modification Rules.

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~~(a) The Pipeline Operator will notify TAS Users of its complete an INC change proposal, setting out in outline their nature and purpose of the modification and an indicative timetable for implementing the modification which will be sent to the iGT UNC Pipeline Operator's Representative, in accordance with the Modification Rules of the iGT UNC;~~

~~(b) TAS Users may, within a period of 15 Business Days after the Pipeline Operator notification, submit to the Pipeline Operator any comments on the proposal (including its implications for TAS Users);~~

~~(c) The Pipeline Operator may revise its proposal in the light of any comments made by TAS Users (and will not be required to notify under paragraph (a) any such revision);~~

~~(d) after the period referred to in paragraph (b), and after considering any comments made by TAS Users, the Pipeline Operator will (unless it has withdrawn its proposal) prepare a plan (such plan, as from time to time~~

~~revised pursuant to the further provisions of this paragraph 7.4, being the “**Implementation Plan**”) for the implementation of its proposal or revised proposal, setting out in reasonable detail the nature of the proposal and the steps and timetable proposed for its implementation;~~

~~7.4.3 The Pipeline Operator will provide to each TAS User a copy of each Implementation Plan.~~

~~7.4.4 Where a TAS Modification is proposed by the Pipeline Operator for the purposes of enabling it or Pipeline Users to comply with any provision of the Code (including without limitation paragraph 6), it is agreed that the Pipeline Operator and Pipeline Users will be deemed not to be in breach of such provision of the Code as a result of such modification not being made to the extent that the Pipeline Operator is delayed in implementing such proposal by reason of anything done pursuant to this paragraph 7.4.~~

~~7.4.5 Where the Pipeline Operator has notified a TAS User of a proposal under paragraph 7.4.2(a), unless the TAS User notifies the Pipeline Operator otherwise by way of comment pursuant to paragraph 7.4.2(b), the TAS User shall be deemed to have accepted the proposed modification as being a Class 2 Modification.~~

~~7.4.6 TAS Users may propose to the Pipeline Operator modifications which would be made as Class 2 Modifications, and where the Pipeline Operator does not decide to adopt and propose such a proposed modification the Pipeline Operator will so notify the TAS User; and the Pipeline Operator will at reasonable intervals notify all TAS Users of those proposed modifications which the Pipeline Operator has not adopted and proposed, with brief explanations of its decisions.~~

~~7.4.7 Where the TAS Modification is one within paragraph 7.2.3(c)(iii), the requirements of this paragraph 7.4 will be deemed satisfied to the extent that equivalent steps have been taken by the Pipeline Operator pursuant to the Modification Rules.~~

7.5 Class 3 Modifications

7.5.1 For the purposes only of this paragraph 7.5, that part of the TAS Manual which describes or specifies any aspect of TAS which is the subject of a proposed Class 3 Modification shall be deemed to be incorporated into and to form a part of the Code.

7.5.2 Before making a Class 3 Modification, the Pipeline Operator must make a modification proposal in respect thereof in accordance with the Modification Rules.

7.5.3 The Pipeline Operator may make a Class 3 Modification where (in accordance with the Pipeline Operator's Licence and the Modification Rules) the Authority directs or consents to the modification the subject of the modification proposal referred to in paragraph 7.5.2.

7.5.4 If the terms of the modification do not themselves provide for such matters, and subject to the nature of the modification, paragraph 7.4 shall apply in respect of a Class 3 Modification.

7.5.5 The Pipeline Operator acknowledges that Pipeline Users are at liberty to propose modifications to TAS which would be implemented as Class 3 Modifications.

7.6 Class 4 Modifications

7.6.1 Where the Pipeline Operator proposes to make a Class 4 Modification:

(a) The Pipeline Operator will request the Representative to notify TAS Users of its proposal, setting out in outline their nature and purpose of the modification and an indicative timetable for implementing the modification;

(b) TAS Users may, within a period of 15 Business Days after receiving notice from the Representative, submit to the Representative any comments on the proposal (including its implications for TAS Users);

(c) The Pipeline Operator may revise its proposal in the light of any comments made by TAS Users (and will not be required to notify under paragraph (a) any such revision);

(d) after the period referred to in paragraph (b), and after considering any comments made by TAS Users, the Pipeline Operator will (unless it has withdrawn its proposal) prepare a plan (such plan, as from time to time revised pursuant to the further provisions of this paragraph 7.6, being the “**Implementation Plan**”) for the implementation of its proposal or revised proposal, setting out in reasonable detail the nature of the proposal and the steps and timetable proposed for its implementation;

7.6.2 The Pipeline Operator will provide to the Representative a copy of each Implementation Plan, which the Representative will provide to each TAS User.

7.6.3 Where a TAS Modification is proposed by the Pipeline Operator for the purposes of enabling it or Pipeline Users to comply with any provision of the Code (including without limitation paragraph 6), it is agreed that the Pipeline Operator and Pipeline Users will be deemed not to be in breach of such provision of the Code as a result of such modification not being made to the extent that the Pipeline Operator is delayed in implementing such proposal by reason of anything done pursuant to this paragraph 7.6.

7.6.4 Where the Pipeline Operator has requested the Representative to notify a TAS User of a proposal under paragraph 7.6.1(a), unless the TAS User notifies the Representative otherwise by way of comment pursuant to paragraph 7.6.1(b), the TAS User shall be deemed to have accepted the proposed modification as being a Class 4 Modification.