

MARKET CODE

01 April 2009~~8 August 2008~~

This version of the Market Code dated 1 April 2009 is the latest in a series of updates since ~~the original version dated 8 August 2008~~ replaces the version of ~~1 August 2008~~ which in turn replaced the version of ~~15 July 2008~~ which in turn replaced the version of ~~1 June 2008~~ which in turn replaced the version of ~~1 August 2007~~ was ~~that~~ designated by the Commission as the Market Code for the purposes of the Water Services (Codes and Services) Directions 2007. Details of changes incorporated in this version are available on the website of the Central Market Agency: www.cmascotland.co.uk.

Change History

<u>Version Number</u>	<u>Date of Issue</u>	<u>Reason For Change</u>	<u>Change Control Reference</u>
<u>1</u>	<u>01/08/2007</u>	<u>Designated by the Commission as the Market Code for the purposes of the Water Services (Codes and Services) Directions 2007</u>	
<u>2</u>	<u>01/06/2008</u>	<u>Monthly Read Meters</u>	<u>MCCP002</u>
		<u>Submission of papers to the TP Secretary</u>	<u>MCCP004</u>
		<u>Correction of Errata</u>	<u>MCCP009</u>
		<u>Customer Reads</u>	<u>MCCP010</u>
		<u>Commission originated change to define the process where Scottish Water become aware of a Gap Site</u>	<u>NA</u>
<u>3</u>	<u>15/07/2008</u>	<u>CMA Articles of Association</u>	<u>MCCP003</u>
<u>4</u>	<u>01/08/2008</u>	<u>Amend text concerning CMA Charges</u>	<u>MCCP011</u>
<u>5</u>	<u>08/08/2008</u>	<u>Commission originated change to define the Allocation mechanism for POLR and gap sites</u>	<u>NA</u>
		<u>Commission originated change to amend the market entry process</u>	<u>NA</u>
<u>6</u>	<u>01/04/2009</u>	<u>Housekeeping; amend address of the CMA; add change history; amend footer; change Section 18 to Schedule 18</u>	<u>MCCP023</u>

Part 1: Commencement, Objectives and Principles

1.1 Scope

Part 2: CMA Duties

2.1 Scope

2.2 CMA Duties

2.3 Appointment and Removal of CMA

2.3.1 Appointment of CMA

- (i) From the Effective Date the first CMA shall be Central Market Agency Limited, a company limited by guarantee with registered number SC328635 and having its registered office at [Enterprise Ochil](#) House, Springkerse Business Park, Stirling, FK7 7UFXE.
- (ii) The Trading Parties shall appoint a Successor CMA where the existing CMA ceases to be a Code Party.
- (iii) The CMA (and any Successor CMA) shall have the Memorandum and Articles of Association set out in Schedule 3 (Establishment of CMA).
- (iv) The CMA shall be a Code Party with effect from the date of its appointment until the date of its removal as set out in Section 2.3.2(ii).

"CMA"

any body established by or under any directions made by the Commission relating inter alia to the central market agency to exercise certain central market functions in relation to the participation of Licensed Providers in the provision of Water Services and Sewerage Services, the first such body being Central Market Agency Limited, a company limited by guarantee with registered number SC328635 and having its registered office at ~~Enterprise Ochil~~ House, Springkerse Business Park, Stirling, FK7 7UFXE;

SCHEDULE 4
ACCESSION AGREEMENTS

Part 1

Market Code Accession Agreement

Part 2

Market Code Framework Agreement

THIS FRAMEWORK AGREEMENT is made between **the persons** whose names and principal offices are set out in the Schedule hereto.

WHEREAS

- (A) Pursuant to a condition of every Licence granted pursuant to section 6 of the Water Services Etc. (Scotland) Act 2005 (the "**Act**"), SWBS and any other holder of each such licence is required to be a party to the Market Code Framework Agreement (being an agreement, in the form approved by the Commission, by which the Market Code is made binding between the parties to that agreement) and to comply with the Market Code;
- (B) Pursuant to a condition of the directions issued to Scottish Water under Section 11(2) of the Act, Scottish Water is required to be a party to the Market Code Framework Agreement and to comply with the Market Code; and
- (C) The Parties are entering into this Agreement for the purpose of giving effect to and binding themselves by the Market Code.

NOW IT IS AGREED as follows:-

1. Interpretation

- 1.1 In this Agreement the following words and expressions shall, except where otherwise expressly stated, have the following meanings:-

"Accession Agreement"	means the agreement entered into from time to time between an Applicant, who intends to be bound by the terms of this Agreement, and CMA;
"Agreement"	means this Agreement including the recitals and schedule annexed hereto;
"Applicant"	has the meaning provided for in the Accession Agreement;
"Authorised Person"	means a person authorised by all of the Parties to sign on behalf of each such Party any Accession Agreement whereby an Applicant is admitted as a new Party;
"Board"	means the board specified in Part 8 (Governance) of the Market Code;
"CMA"	means any body established by or under any directions made by the Commission relating inter alia to the central market agency to exercise certain central market functions in relation to the participation of the Parties in the provision of Water Services and Sewage Services, the first such body being the Central Market Agency Limited, a company limited by guarantee with registered number SC328635 and having its registered office at Enterprise Qehil House , Springkerse Business Park, Stirling, FK7 7UFXE;
"Commission"	means the Water Industry Commission for Scotland as established by the Water Industry (Scotland) Act 2002;

Schedule

**This is the schedule referred to in the
foregoing agreement between the Original Parties**

Central Market Agency Limited

Enterprise Ochi House, Springkerse Business Park, Stirling, FK7 7UFXE

Scottish Water

[insert Scottish Water address]

Licensed Providers:-

SWBS

[insert SWBS address]

Others

[Insert]

SECTION SCHEDULE 18

CSD 0205 (CHARGE CALCULATION, ALLOCATION & AGGREGATION)