

MARKET CODE / OPERATIONAL CODE CHANGE PROPOSAL

Form
version 2.3

Change Proposal reference
(To be completed by the TP Sec.)

MCCP217

Version No.

D.1

PART A — SUBMISSION

A.1. GENERAL DETAILS

A.1.a. TITLE Market Code Changes

A.1.b. COMPANY CMA

Change Proposals must be authorised by the person designated by the signatory to the Market Code Framework / Accession Agreement

A.1.c. AUTHORISED SIGNATURE Amanda Hancock

NAME

A.1.d. CONTACT NAME Amanda Hancock

CONTACT EMAIL;
TEL/MOB.

Amanda.hancock@cmascotland.co.uk

A.1.e. ASSOCIATED MCCP / OCCP

A.1.f. ASSOCIATED DOCS.

A.1.g. PROPOSED URGENCY NON-URGENT

A.1.h. REASONS FOR URGENCY

The CMA CEO will review this information and make a decision as to whether to take this MCCP / OCCP forward as urgent as defined under Market Code Part 8.9.1

A.2. MCCP / OCCP DETAILS		
A.2.a. ISSUE OR DEFECT WHICH THIS MCCP / OCCP SEEKS TO ADDRESS Required under Market Code Parts 8.7.1 (ii) (b) and 8.8.1 (ii) (b)		
Following the CMA governance review, and a subsequent discussion at the April 2017 TP, it was identified that Clause 8.6.14 and 8.6.16 of the Market Code were no longer fit for purpose given the increased number of Market Participants. The TP requested that the CMA undertake a review, and draft proposals for consideration at the next Technical Panel.		
A.2.b. DESCRIPTION OF THE NATURE AND PURPOSE OF THE MCCP / OCCP AND HOW IT MEETS THE MARKET CODE / OPERATIONAL CODE OBJECTIVES AND PRINCIPLES FOR THE MARKET DOCUMENTS Required under Market Code Parts 8.7.1 (ii) (c) and 8.8.1 (ii) (c)		
General Description		
This MCCP proposes to amend the quorum as set down in Clause 8.6.14 from three (3) TP Members to seven (7) TP Members. This proposal also looks to remove the requirement for a Qualifying Majority, replacing it with a Simple Majority. Given votes are not weighted in any way, there is no benefit in having a Qualifying Majority.		
Principles and Objectives affected CMA Guidance Note GN009 may be referred to for assistance with this section		
PRINCIPLE	AFFECTED (Y/N)	DESCRIPTION
Proportionality	N	
Transparency	N	
Simplicity, Cost-effectiveness, and Security	N	
Non-exclusivity	N	
Barriers to Entry	N	
Customer Contact	N	
Non-discrimination	N	
Non-detrimental to SW Core Functions	N	

MC / OC OBJECTIVES		
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A.2.c. IMPACT Required under Market Code Parts 8.7.1 (ii) (d), (f) and (g), and 8.8.1 (ii) (d) and (f)		
CONFIGURED ITEM	IMPACTED (Y/N)	DESCRIPTION
MC / OC	Y	Updates to Clause 8.6
CSDs	N	
Wholesale Services Agreements	N	
Licenses	N	
CMA Central Systems	N	
CMA business processes	N	
Trading Party systems	N	
Trading party business processes	N	

A.2.d. DRAFT LEGAL TEXT
Required under Market Code Parts 8.7.1 (ii) (d) and 8.8.1 (ii) (d)

Market Code Updates

8.6.14 No business shall be transacted at any meeting of the TP unless a quorum is present at the meeting. A quorum shall be ~~three-seven~~ (37) TP Members, each of whom must be entitled to vote at that meeting, and the chairman of the TP (or his alternate). Where there is only one Licensed Provider the quorum shall be two (2) TP Members who are all entitled to vote at that meeting and the chairman of the TP (or his alternate).

8.6.16 Any matter to be decided shall be decided by:-

- (i) a unanimous vote of those votes cast at the meeting by TP Members (and an abstention shall not be counted as a cast vote); or
- (ii) being voted for by a Qualifying Simple Majority.

~~For the purposes of this Section 8.6.16 a Qualifying Majority shall be calculated as follows:- Total No. of Licensed Providers represented on the TP at the time of the Vote
Qualifying Majority 1 1 member nominated by Licensed Providers 2 or 3 2 members nominated by Licensed Providers 4 3 members nominated by Licensed Providers 5 or 6 at least 4 members nominated by Licensed Providers 7 or 8 at least 5 members nominated by Licensed Providers 9 or more at least 6 members nominated by Licensed Providers~~

~~"Qualifying Majority" such number of TP Members as indicated in column 2 of the table in Section 8.6.15;~~

A.3. IMPLEMENTATION DETAILS

A.3.a. PROPOSED IMPLEMENTATION DATE OR LEAD TIME
Timescale must not overlap with the period of consultation with the Commission and should take account of the impacts identified in Section A.2.c. Any quoted lead time should commence from date of Approval.

September 2017

A.3.b. ANY LIMITATIONS OR DEPENDENCIES FOR IMPLEMENTATION

A.4. ANY OTHER COMMENTS

PART B — TP ASSESSMENT

B.1. ASSESSMENT PROCESS			
B.1.a.	ASSESSMENT START DATE	2017-06-15	ASSESSMENT END DATE 2017-06-15
B.1.b.	IMPACT ASSESSMENT REQUIREMENT	IA NOT REQUIRED	
B.1.c.	CONSULTATION REQUIREMENT	TP CONSULTATION NOT REQUIRED	
B.1.d.	ASSOCIATED DOCUMENTS (to this Part B)		
B.2. ASSESSMENT DETAILS			
B.2.a. CHANGE SPEC AND IMPACT (IF DIFFERENT FROM THAT ORIGINALLY SUBMITTED)			
B.2.b. CMA INTERNAL SYSTEMS IMPACT			
B.2.c. DRAFT LEGAL TEXT (if different from that originally submitted)			
B.2.d. TP ASSESSMENT Taking into account complexity, importance and urgency, and having regard to whether or not such proposal is within the relevant Objectives and Principles as required under Market Code Parts 8.7.1 (v) and 8.8.1 (iv)			
Impact on Principles and Objectives (if different from that originally submitted)			
Cost Estimate			
Benefit Estimate (L: < 10k, M: £10k to £100k, H: > £100k)			
B.3. TP DECISION		TP APPROVED	
B.4. FINAL TP VIEWS		Unanimously approved	
B.5. PLANNED IMPLEMENTATION DATE		September 2017	

WITHDRAWN BY PROPOSER?	NO
COMMENTS	
DATE OF WITHDRAWAL	

PART C — COMMISSION APPROVAL

C.1. DATE FINAL REPORT ISSUED TO COMMISSION	2017-06-29
C.2. APPROVAL STATUS	APPROVED CHANGE
C.3. DATE OF APPROVAL STATUS	2017-07-21
C.4. COMMISSION RESPONSE REFERENCE	

PART D — IMPLEMENTATION

D.1. IMPLEMENTATION DATE	Proposed Sept 2017
D.2. IMPLEMENTATION DETAILS (MC version, CSD versions, CMA Central Systems release number, etc.)	
Market Code v36	