

MARKET CODE / OPERATIONAL CODE CHANGE PROPOSAL

Form
version 2.3

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

MCCP228

Version No.

D.1

PART A — SUBMISSION

A.1. GENERAL DETAILS

A.1.a. TITLE

Market Code Updates on Failure to Pay Terms

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

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)		
Currently, the Market Code drafting in Section 7.8.1(i) stipulates that the CMA must notify all Trading Parties and the Commission within 2 business days of non-payment by a trading party. In reality, most late payments are addressed directly with the Trading Party and resolved in due course. At the point the late payment becomes non payment, then Clause 7.8.3A would apply and notice would be issued to all Trading Parties and the Commission within 2 days of defaulting on payment.		
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 is designed to make a clear distinction between late payment and non payment. Where the matter relates to late payment, the CMA does not deem it necessary to advise all Trading Parties, and this change looks to modify the Market Code to make this distinction.		
Principles and Objectives affected CMA Guidance Note GN009 may be referred to for assistance with this section		
PRINCIPLE	AFFECTED (Y/N)	DESCRIPTION
Proportionality	N	Applies to all Trading Parties
Transparency	Y	Provides greater clarity on the process.
Simplicity, Cost-effectiveness, and Security	N	No impact
Non-exclusivity	N	No impact
Barriers to Entry	N	No impact
Customer Contact	N	No impact
Non-discrimination	N	No impact
Non-detrimental to SW Core Functions	N	No impact
MC / OC OBJECTIVES		

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	Changes to the MC drafting
CSDs	N	
Wholesale Services Agreements	N	
Licenses	N	
CMA Central Systems	N	
CMA business processes	Y	Alignment of documentation and process.
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)
As set out in Annex 1
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 2018 as part of the Release
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	2018-04-26	ASSESSMENT END DATE	2018-08-23
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)

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B.2.b. CMA INTERNAL SYSTEMS IMPACT

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B.2.c. DRAFT LEGAL TEXT (if different from that originally submitted)

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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	£0
Benefit Estimate (L: < 10k, M: £10k to £100k, H: > £100k)	L
B.3. TP DECISION	TP APPROVED
B.4. FINAL TP VIEWS	Unanimously approved by the TP on 23 August 2018
B.5. PLANNED IMPLEMENTATION DATE	Sept 2018

WITHDRAWN BY PROPOSER?	No
COMMENTS	
DATE OF WITHDRAWAL	

PART C — COMMISSION APPROVAL

C.1. DATE FINAL REPORT ISSUED TO COMMISSION	2018-09-05
C.2. APPROVAL STATUS	APPROVED CHANGE
C.3. DATE OF APPROVAL STATUS	2018-09-19
C.4. COMMISSION RESPONSE REFERENCE	

PART D — IMPLEMENTATION

D.1. IMPLEMENTATION DATE	2018-09-27
D.2. IMPLEMENTATION DETAILS (MC version, CSD versions, CMA Central Systems release number, etc.)	
CMA CS v5.2	