

## DCUSA Change Proposal Form

This form is provided in accordance with Clause 10.5 of the DCUSA.

Please return completed forms to [DCUSA@electralink.co.uk](mailto:DCUSA@electralink.co.uk) for assessment by the DCUSA Panel.

Document Control	
CP Status	Standard / <del>Urgent</del>
Date Submitted	14/07/10
CP Number	<i>DCP 067</i>
Version Number	1.0
CP Ref	<i>07/10</i>
Attachments	Appendix A Legal Drafting.

Originator Details	
Company Name	ESP Electricity Limited
Originator Name	Donna Townsend
Category	<del>Distributor / Supplier / IDNO / DG / OTSO / Other</del> (please specify)
Email Address	donnat@espipelines.com
Telephone Number	01372 225504

Change Proposal Details	
CP Title	Companies Act 2006 Update
Impacted parties	Distributor / Supplier / IDNO / DG / OTSO / Other (please specify)
Impacted Clause / Schedule	Clauses 6.8.5 6.16.2 7.33.2 and 8.1
Authority Consent Required	Yes – Clauses 6, 7 and 8 are identified, in accordance with Clause 9.5, as a Part 1 matter.
Summary of Change	The DCUSA needs to be updated to reflect the implementation of the Companies Act 2006.
Related Change Proposals	<i>Please indicate if this CP is related to or impacts any other CP already in the DCUSA or other industry Change Process</i> n/a

Change Proposal Intent
<i>Please set out the intent of the CP and the issue it is seeking to address</i>
The Companies Act 1985 has been replaced with the Companies Act 2006. References to the Act in the Agreement need to be updated.

**Business Justification & Market Benefits**

The Change will ensure that the DCUSA is up to date fully reflective of current legislation thus removing any ambiguity.

**Proposed Implementation Date**

*Please specify and give a reason if proposed date is outside the release schedule (February / June / November)*

November 2010

**Proposed Solution**

*Please insert proposed change marked legal drafting here. The Change Proposal Intent will take precedence in the event of any inconsistency*

1. "Affiliate" - replace "Sections 736, 736A and 736B of the Companies Act 1985" with "Sections 1159 of the Companies Act 2006".
2. "Related Undertaking" - replace "Section 260 of the Companies Act 1985" with "regulations made under Part 15 of the Companies Act 2006".
3. Clause 6.8.5 - replace "1985" with "2006".
4. Clause 6.16.2 - replace "1985" with "2006".
5. Clause 7.33.2 - replace "1985" with "2006".
6. Clause 8.1 - replace "1985 (as amended)" with "2006".

**DCUSA Objectives**

*Please state which DCUSA Objective(s) will be better facilitated by this CP and give supporting reasons*

It is considered that the Change Proposal will better facilitate DCUSA Objective 3.1.4<sup>1</sup> by ensuring the Agreement fully reflects current legislation.

**DCUSA Objectives for Change Proposals to Charging Methodologies only**

*Please state which DCUSA Objective(s) will be better facilitated by this CP and give supporting reasons*

n/a

**Environmental Impact**

*Please indicate whether you consider that there may be any environmental impact as a consequence of this CP being implemented*

n/a

<sup>1</sup> The promotion of efficiency in the implementation and administration of this Agreement and the arrangements under it

