

Draft Legal Text Options

DCP 173 ‘Retrospective changes of Tariff’

Options for additions to Clause 19

Option 1

Changes to Use of System Charge tariffs

- 19.12 Where the User requests that the tariff used to calculate Use of System Charges in respect of an Entry Point or Exit Point is revised, the Company shall consider such request and change such tariff where necessary to ensure that the correct tariff is used.
- 19.13 Where the tariff used to calculate Use of System Charges in respect of an Entry Point or Exit Point is changed (whether or not pursuant to Clause 19.12), the User may request that the change is backdated to a date no earlier than 14 months prior to the date from which the change would otherwise have applied (in which case the User shall provide an explanation for why it considers that it is appropriate to backdate the change). The Company shall not unreasonably withhold or delay its agreement to such backdating. Where the Company does not agree to backdate the change it shall notify the User and explain its reasons.

Option 2

Changes to Use of System Charge tariffs

- 19.12 Where the User requests that the tariff used to calculate Use of System Charges in respect of an Entry Point or Exit Point is revised, the Company shall consider such request and change such tariff where necessary to ensure that the correct tariff is used.
- 19.13 Where the tariff used to calculate Use of System Charges in respect of an Entry Point or Exit Point is changed (whether or not pursuant to Clause 19.12), the User may request that the change is backdated to a date no earlier than six years (or five years where the premises is in Scotland) prior to the date from which the change would otherwise have applied (in which case the User shall provide an explanation for why it considers that it is appropriate to backdate the change). The Company shall not unreasonably withhold or delay its agreement to such backdating. Where the Company does not agree to backdate the change it shall notify the User and explain its reasons.

**Wragge & Co LLP
2 October 2013**