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From: Franck Latrémolière

Sent: 17 December 2014 16:39

To: DCUSA

Cc: Alex Greetham; Amanda Rooney; Maria Hesketh; Sue Calvert; Tony Savka; Angus Rae

Subject: Re: DCP 211 and DCP 211A Legal Text [EFILE-Legal01.588326.2099789]

(Subject to <http://reckon.co.uk/notices/>.)

This does not look right.

I do not support the Wragge legal text for DCP 211 for the following specific reasons:

(a) The Wragge clause 5.3.10 for DCP 211 seems to remove the existing duty to put pre-31 May 2014 papers on the password controlled pages of the website. I cannot understand this or map it to any part of the intent.

(b) The Wragge clause 5.3.10A for DCP 211, read in conjunction with the Wragge clause 5.3.10 for DCP 211, seems to deny the right the request pre-31 May 2014 documents from the Secretariat, which seems in clear conflict with the summary of the intention which Roz took out of the draft change report.

(c) The Wragge amendments to schedule 14 have exceptions about the Revenue Protection Code of Practice which might be ambiguous (the DCP 211 wording could be read as an exclusion from the effect of clauses 57.1 and 57.3.1) and which are not part of the intent (I don't think that a DCP that relates to the revenue protection code of practice should get any automatic special treatment here).

More generally, I do not understand the reason for most of the changes that Wragge has made to the text of either DCP 211 or DCP 211A.

I am surprised to see clauses 57.1 and 57.3.1 applied explicitly to change proposal forms or consultation documents (in Wragge clause 5.3.10(b) for DCP 211). I did not think that it would ever be appropriate for such documents to be claimed confidential.

I seem to remember that some proponents of DCP 211A wanted the wording about confidentiality to encompass "any provision of this agreement" rather than just Clauses 57.1 and 57.3.1. Wragge has reversed that; I happen to agree with that change, but I would be even happier if I understood why it was made.

Wragge has also changed the operation of the threshold date for publication under DCP 211A: it is the date of creation of a document that now matters, instead of the date of publication on the Password Controlled Pages. I think that this Wragge change is a bad one because it makes implementation harder (how is the Secretariat meant to determine the creation date of a document?).

Franck.

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> On 10 Dec 2014, at 09:22, DCUSA <dcusa@electralink.co.uk> wrote:

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> Hi All

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> Please find attached the DCP 211 and DCP 211A legal text that has been reviewed by the DCUSA Legal Advisor.

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> DCUSA Panel paper day is today, therefore, please can you confirm whether you are happy with this legal text by 1pm today. Alternatively, we can issue the Change Report to next month's Panel meeting to enable Working Group members more time to review the legal text.

>

> Kind Regards

> Roz

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