

## SECTION A: DEFINITIONS AND INTERPRETATION

### A1 DEFINITIONS

A1.1 In this Code, except where the context otherwise requires, the expressions in the left hand column below shall have the meanings given to them in the right hand column below:

<b><u>Alternative Installation End Date</u></b>	<a href="#">has the meaning given to that expression in Section A4.2(c) (Derogations).</a>
<b>Applicability Period</b>	has the meaning given to that expression in Section <del>A3.26</del> <a href="#">3.29</a> (d) (GB Companion Specification and CPA Security Characteristics).
<b><u>Derogation</u></b>	<a href="#">has the meaning given to that expression at Section A4.2.</a>
<b><u>General Installation End Date</u></b>	<a href="#">has the meaning given to that expression in Section A3.13.</a>
<b>Installation End Date</b>	has the meaning given to that expression in Section A3.12(b) (The Installation Validity Period).
<b>Installation Start Date</b>	has the meaning given to that expression in Section A3.12(a) (The Installation Validity Period).
<b>Installation Validity Period</b>	has the meaning given to that expression in Section A3.11 (The Installation Validity Period).
<b>Maintenance End Date</b>	has the meaning given to that expression in Section <del>A3.16</del> <a href="#">3.19</a> (b) (The Maintenance Validity Period).
<b>Maintenance Start Date</b>	has the meaning given to that expression in Section <del>A3.16</del> <a href="#">3.19</a> (a) (The Maintenance Validity Period).
<b>Maintenance Validity</b>	has the meaning given to that expression in Section

<b>Period</b>	<del>A3.15</del> <a href="#">3.18</a> (The Maintenance Validity Period).
<b>Parse and Correlate Applicability Matrix</b>	has the meaning given to that expression in Section <del>A3.35</del> <a href="#">3.38</a> (The Parse and Correlate Applicability Matrix).
<b>Principal Version</b>	in relation to: <ul style="list-style-type: none"><li>(a) a Technical Specification, has the meaning given to that expression in Section A3.5(a) (Versions of the Technical Specifications); and</li><li>(b) the GBCS or CPA Security Characteristics, has the equivalent meaning, in accordance with and subject to the provisions of Section <del>A3.23</del><a href="#">3.26</a> (GB Companion Specification and CPA Security Characteristics).</li></ul>
<b>Sub-Version</b>	in relation to: <ul style="list-style-type: none"><li>(a) a Technical Specification, has the meaning given to that expression in Section A3.5(b) (Versions of the Technical Specifications); and</li><li>(b) the GBCS or CPA Security Characteristics, has the equivalent meaning, in accordance with and subject to the provisions of Section <del>A3.23</del><a href="#">3.26</a> (GB Companion Specification and CPA Security Characteristics).</li></ul>
<b>TS Applicability Tables</b>	means the document set out in Schedule 11 which has the content described at Section <del>A3.29</del> <a href="#">3.32</a> (The TS Applicability Tables).
<b>Version</b>	in relation to: <ul style="list-style-type: none"><li>(a) a Technical Specification, has the meaning</li></ul>

given to that expression in Section A3.2 (Versions of the Technical Specifications); and

- (b) the GBCS or CPA Security Characteristics, has the meaning given to that expression in Section [A3.223.25](#) (GB Companion Specification and CPA Security Characteristics),

and in each case includes both the Principal Version and Sub-Version of that document.

## **A2 INTERPRETATION**

A2.1 In this Code, unless the context otherwise requires, any reference to:

- (a) a “person” includes a reference to an individual, a body corporate, an association, a partnership or a Competent Authority;
- (b) the singular includes the plural, and vice versa;
- (c) a gender includes every gender;
- (d) a Section or Schedule is a reference (respectively) to the section of, or schedule to, this Code which bears the relevant letter, number or letter and number;
- (e) a numbered Paragraph or a numbered Clause is a reference to the paragraph or clause of the Schedule or Appendix in which such reference occurs;
- (f) a numbered Condition (with or without a letter) is a reference to the licence condition bearing that number (and, where relevant, letter) in the Energy Licence indicated (and, save in the case of the DCC Licence, is a reference to the standard licence conditions of that Energy Licence);
- (g) writing (or similar) includes all methods of reproducing words in a legible and non-transitory form (including email);
- (h) a day, week or month is a reference (respectively) to a calendar day, a week starting on a Monday, or a calendar month;
- (i) a time is a reference to that time in the UK;
- (j) any statute or statutory provision includes any subordinate legislation made under it, any provision which it has modified or re-enacted, and any provision which subsequently supersedes or re-enacts it (with or without modification);
- (k) an agreement, code, licence or other document is to such agreement, code, licence or other document as amended, supplemented, novated or replaced from time to time;
- (l) a Party shall include reference to that Party’s respective successors, (in the case of the DCC) to the person to whom the DCC may novate its rights and

obligations pursuant to Section M9 (Transfer of DCC Licence), and (as the context permits) reference to the respective persons to whom that Party may sub-contract or otherwise delegate its rights and/or obligations under this Code in accordance with Section M11.8 and M11.9 (which shall include, in the case of the DCC, reference to the DCC Service Providers);

- (m) any premises of a Party shall include references to any premises owned or occupied by that Party and (as the context permits) by the respective persons to whom that Party may sub-contract or otherwise delegate its rights and/or obligations under this Code in accordance with Section M11.8 and M11.9 (which shall include, in the case of the DCC, reference to the DCC Service Providers);
- (n) a Competent Authority or other public organisation includes a reference to its successors, or to any organisation to which some or all of its functions and responsibilities have been transferred; and
- (o) an expression that is stated to have the meaning given to it in an Energy Licence (other than the DCC Licence) is a reference to that expression as defined in the standard licence conditions for the Energy Licence indicated.

A2.2 The headings in this Code are for ease of reference only and shall not affect its interpretation.

A2.3 In this Code, the words preceding “include”, “including” or “in particular” are to be construed without limitation to the generality of the words following those expressions.

A2.4 The language of this Code is English. All notices and other communications sent between any of the Parties, the Panel, SECCo, the Code Administrator and the Secretariat shall be in English.

A2.5 Except where expressly stated to the contrary, in the event of any conflict between the provisions of this Code, the following order of precedence shall apply:

- (a) the Sections, as among which Section X (Transition) shall take precedence; then
- (b) the Schedules; then

- (c) the SEC Subsidiary Documents.
- A2.6 Except to the extent that any provision of Section T (Testing During Transition) otherwise provides (in which case that provision shall take precedence), Section A2.7 shall apply, during the period prior to Completion of Implementation, where initial capital letters are used for any expression in this Code that either is not defined in this Code or the definition of which cannot be given effect by reference to the provisions of this Code.
- A2.7 Any expression of the type referred to in Section A2.6 shall be interpreted as having the meaning given to that expression in the decision or consultation document concerning the intended future definition of such expression most recently published by the Secretary of State prior to the date on which this Section A2.7 comes into force.
- A2.8 Where no time period is specified for performance of any obligation under this Code, the obligation shall be performed as soon as reasonably practicable.
- A2.9 Where any expression is defined both in Section A1 (Definitions) and in any Technical Specification:
- (a) the definition in the Technical Specification shall take precedence for the purposes of the Technical Specification; and
  - (b) the definition in Section A1 shall take precedence for all other purposes
- A2.10 For the purposes of Section A2.9, where the meaning of an expression is explained in any glossary (or equivalent section) contained within a Technical Specification, it shall be treated as an expression that is defined in that Technical Specification.
- A2.11 Where any Data is:
- (a) embedded as a file within the electronic copy of any Technical Specification, the DCC User Interface Services Schedule or the Message Mapping Catalogue; and/or
  - (b) represented within the tangible copy of that document as being so embedded,
- it shall be treated for all the purposes of the Code as an integral part of the content of that document.

**A3 TECHNICAL SPECIFICATIONS, THE GB COMPANION SPECIFICATION AND THE CPA SECURITY CHARACTERISTICS**

**Introduction**

A3.1 This Section A3 makes provision in relation to:

- (a) the maintenance in this Code of different versions of each of the Technical Specifications;
- (b) the relationship between each version of a Technical Specification and:
  - (i) the GB Companion Specification; and
  - (ii) the CPA Security Characteristics; and
- (c) the interpretation of the Code in respect of the Technical Specifications, GB Companion Specification, and CPA Security Characteristics.

**Versions of the Technical Specifications**

A3.2 Each Technical Specification may exist in more than one version (a “**Version**”).

A3.3 Each Version of a Technical Specification shall consist of two elements:

- (a) a Principal Version; and
- (b) a Sub-Version of that Principal Version.

A3.4 Each Version of a Technical Specification shall be identified by a numerical reference in a form equivalent to 'SMETS v 1.2', where:

- (a) the number before the decimal point identifies the Principal Version; and
- (b) the number after the decimal point identifies the Sub-Version.

A3.5 In respect of any Technical Specification:

- (a) the expression “**Principal Version**” shall be interpreted in accordance with Sections A3.6 to A3.7; and
- (b) the expression “**Sub-Version**” shall be interpreted in accordance with Sections A3.8 to A3.9.

### **The Principal Version**

A3.6 Where a Technical Specification is amended in a manner that is entirely prospective, that amendment shall be made by creating a new Principal Version, and:

- (a) for this purpose a prospective amendment means one that does not require any change to be made to any Device or apparatus which is already installed;
- (b) in consequence a new Principal Version shall be taken to indicate amendments which have no retrospective effect.

A3.7 The first Principal Version of a Technical Specification shall be allocated the number 1, and subsequent Principal Versions of that Technical Specification shall be allocated sequential numbers in the chronological order in which they are created.

### **The Sub-Version**

A3.8 Where any Principal Version of a Technical Specification is amended in a manner that is intended to have retrospective effect, that amendment shall be made by creating a new Sub-Version, and for these purposes:

- (a) a Sub-Version means a new form of the Principal Version to which it relates;
- (b) an amendment with retrospective effect means one that requires a change to be made to Devices or apparatus which are already installed.

A3.9 The initial form of a Principal Version of a Technical Specification shall be allocated the Sub-Version number of zero, and subsequent Sub-Versions shall be allocated sequential numbers, beginning with 1, in the chronological order in which they are created.

### **The Installation Validity Period**

A3.10 Any Version of a Technical Specification may be assigned an Installation Validity Period.

A3.11 An “**Installation Validity Period**” means the period of time during which any Device or apparatus satisfying the requirements of that Version of the Technical Specification may be installed or provided.



A3.12 An Installation Validity Period shall:

- (a) commence on the “**Installation Start Date**” that is identified in relation to that Version of the Technical Specification in the TS Applicability Tables; and
- (b) end on any “**Installation End Date**” [determined in accordance with Sections A3.13 to A3.15](#).

#### **The Installation End Date**

[A3.13](#) [In the case of each Version of the SMETS with a Principal Version number of 1, the Installation End Date shall, except where Section A3.14 applies, be the date which is identified in relation to that Version of the SMETS in the TS Applicability Tables \(the “\*\*General Installation End Date\*\*”\).](#)

[A3.14](#) [This Section applies where a Derogation is granted to a Supplier Party in accordance with Section A4 \(Derogation from SMETS1 General Installation End Date\) and has not been revoked, in which case:](#)

- (a) [for the purposes of the installation or provision by or on behalf of that Supplier Party of any Device or apparatus; and](#)
- (b) [in so far as any conditions of that Derogation are satisfied,](#)

[the Installation End Date shall be the Alternative Installation End Date specified in the Derogation.](#)

[A3.15](#) [In the case of each Version of the SMETS with a Principal Version number greater than 1, the Installation End Date shall be the date](#) that may be identified in relation to that Version of the Technical Specification in the TS Applicability Tables.

[A3.16](#) ~~[A3.13](#)~~ The Installation End Date of any Version of a Technical Specification may be later than the Installation Start Date of a Version that succeeds it, so that:

- (a) two or more Versions may be within their Installation Validity Periods at the same time; and
- (b) any Device or apparatus to which each such Version relates may be installed or provided in accordance with any such Version that is within its Installation

Validity Period at that time.

### **The Maintenance Validity Period**

[A3.17](#) ~~A3.14~~–Each Version of a Technical Specification shall be assigned a Maintenance Validity Period.

[A3.18](#) ~~A3.15~~–A “**Maintenance Validity Period**” means the period of time during which a Device or other apparatus may be maintained in accordance with the requirements of that Version of the Technical Specification.

[A3.19](#) ~~A3.16~~–A Maintenance Validity Period shall:

- (a) commence on the “**Maintenance Start Date**” that is identified in relation to that Version of the Technical Specification in the TS Applicability Tables; and
- (b) end on any “**Maintenance End Date**” that may be identified in relation to that Version of the Technical Specification in the TS Applicability Tables.

[A3.20](#) ~~A3.17~~–The Maintenance End Date of any Version of a Technical Specification may be later than the Maintenance Start Date of a Version that succeeds it, so that:

- (a) two or more Versions may be within their Maintenance Validity Periods at the same time; and
- (b) any Device or apparatus to which each such Version relates may be maintained in accordance with any such Version that is within its Maintenance Validity Period at that time.

### **Versions in the Code**

[A3.21](#) ~~A3.18~~–The Schedule of the Code in which any Technical Specification is set out shall consist of a number of parts, each of which shall correspond to and comprise a Version of that Technical Specification, so that (for example) CHTS v 2.1 shall be set out at Schedule 10 Part 2.1.

[A3.22](#) ~~A3.19~~–Each Version of a Technical Specification shall be retained in the relevant Schedule to the Code at all times during which it remains within its Installation Validity Period (if any) and/or its Maintenance Validity Period.

[A3.23](#) ~~A3.20~~ Where, in respect of any Version of a Technical Specification:

- (a) no Installation Validity Period has been assigned, or any Installation Validity Period that was assigned has expired; and
- (b) the Maintenance Validity Period has expired,

that Version shall be deemed automatically to be deleted from the Code on the day immediately following whichever is the later of its Installation End Date (if any) or Maintenance End Date, and the part of the Schedule in which it is set out shall then automatically be marked ‘Not Used’.

[A3.24](#) ~~A3.21~~ The Code Administrator shall at all times maintain on the Website copies of those Versions of each Technical Specification which have been deleted from the Code in accordance with Section ~~A3.20~~, [3.23](#), together with a record of the Installation Start and End Dates (if any) and the Maintenance Start and End Dates relating to each such Version.

### **GB Companion Specification and CPA Security Characteristics**

[A3.25](#) ~~A3.22~~ The GB Companion Specification and the CPA Security Characteristics may each exist in more than one version (a “**Version**”).

[A3.26](#) ~~A3.23~~ The provisions of Sections A3.3 to A3.9 shall apply to the GBCS and CPA Security Characteristics:

- (a) as if references in those Sections to a Technical Specification were references to each of those documents; and
- (b) in respect of the CPA Security Characteristics, so that:
  - (i) any reference in those Sections to the creation of a new Version by an amendment that requires a change to be made to a Device or apparatus which is already installed shall be read as if it were a reference to an amendment requiring the Device Model of a Device or apparatus which is already installed to be certified, on the expiry of its CPA Certificate, against the new Version of the CPA Security Characteristics; and

(ii) Section ~~A3.35~~[3.38](#) shall be interpreted accordingly.

[A3.27](#) ~~A3.24~~ The provisions of Sections ~~A3.18~~[3.21](#) to ~~A3.21~~[3.24](#) shall apply to the GBCS as if references in those Sections:

- (a) to a Technical Specification were references to the GBCS;
- (b) to an Installation Validity Period or Maintenance Validity Period were to an Applicability Period; and
- (c) to an Installation Start or End Date, or a Maintenance Start or End Date, were to the first and last dates of the Applicability Period.

[A3.28](#) ~~A3.25~~ Each Technical Specification requires that the Device or other apparatus to which it relates must be compatible with a relevant Version of the GBCS.

[A3.29](#) ~~A3.26~~ For these purposes:

- (a) the relevant Version of the GBCS in relation to any Version of a Technical Specification shall be deemed to be that which is specified in relation to it in the TS Applicability Tables;
- (b) more than one Version of the GBCS may be relevant to a Version of a Technical Specification at the same time;
- (c) a Version of the GBCS may be relevant to more than one Version of a Technical Specification at the same time;
- (d) a Version of the GBCS shall be relevant to a Version of a Technical Specification only during such period of time (in each case, an “**Applicability Period**”) as may be specified in the TS Applicability Tables.

[A3.30](#) ~~A3.27~~ Each Version of the GBCS requires that the Device or other apparatus must be certified as compliant with a relevant Version of the CPA Security Characteristics.

[A3.31](#) ~~A3.28~~ For these purposes:

- (a) the relevant Version of the CPA Security Characteristics in relation to any Version of the GBCS shall be deemed to be that which is specified in relation to

it in the TS Applicability Tables;

- (b) more than one Version of the CPA Security Characteristics may be relevant to a Version of the GBCS at the same time;
- (c) a Version of the CPA Security Characteristics may be relevant to more than one Version of the GBCS at the same time.

### **The TS Applicability Tables**

[A3.32](#) ~~A3.29~~ There shall be a document to be known as the “**TS Applicability Tables**”, which shall be set out at Schedule 11 to the Code following its initial designation in accordance with Section X5 (Incorporation of Certain Documents into this Code) by the Secretary of State in reliance on Section X5.4 (Other Technical Specifications), and shall:

- (a) in relation to each Technical Specification, list each of the Versions of that Technical Specification that have been produced;
- (b) in relation to each such Version of that Technical Specification, identify:
  - (i) any Installation Start Date that has been assigned to it;
  - (ii) ~~any~~ [in the case of each Version of the SMETS with a Principal Version number of 1, the General](#) Installation End Date that has been assigned to it;
  - (iii) [in the case of each other Version of the SMETS, any Installation End Date that has been assigned to it](#) (or a statement that no such date has yet been determined);
  - (iv) ~~(iii)~~ the Maintenance Start Date;
  - (v) ~~(iv)~~ the Maintenance End Date (or a statement that no such date has yet been determined);
  - (vi) ~~(v)~~ the relevant Version(s) of the GBCS;
  - (vii) ~~(vi)~~ any Applicability Period relating to any such relevant Version of the

GBCS; and

- (c) in relation to each Version of the GBCS, identify the relevant Version(s) of the CPA Security Characteristics.

[A3.33](#) ~~A3.30~~ The TS Applicability Tables shall be amended to ensure that it remains accurate and up-to-date:

- (a) on the designation or re-designation of a Technical Specification or the GBCS in accordance with Section X5 (Incorporation of Certain Documents into this Code), by the Secretary of State in reliance on Section X5.6 (Supplementary Provisions); and
- (b) as part of any modification of the Code which creates a new Version of any Technical Specification or of the GBCS in accordance with Section D (Modification Process).

[A3.34](#) ~~A3.31~~ Where the TS Applicability Tables is amended (including by the means described in Section ~~A3.30~~[A3.33](#)) the amendment may have retrospective effect, which is to say that any date specified in the TS Applicability Tables by virtue of that amendment may be a date which falls before the date on which the amendment was made.

[A3.35](#) ~~A3.32~~ The information set out in the TS Applicability Tables shall be regarded as conclusive for all purposes of any question as to the:

- (a) Installation Validity Period of any Version of a Technical Specification, other than in any case where both:
  - (i) it is a Version of the SMETS with a Principal Version number of 1; and
  - (ii) a Derogation has been granted to any Supplier Party in accordance with Section A4 (Derogation from SMETS1 General Installation End Date), and has not been revoked, specifying an Alternative Installation End Date in respect of that Version of the SMETS;
- (b) Maintenance Validity Period of any Version of a Technical Specification;

- (c) relevant Version(s) of the GBCS in relation to any Version of a Technical Specification;
- (d) Applicability Period of any Version of the GBCS; and
- (e) relevant Version(s) of the CPA Security Characteristics in relation to any version of the GBCS.

### **DCC User Interface Specification and Message Mapping Catalogue**

[A3.36](#) ~~A3.33~~ The DCC User Interface Specification may exist in more than one version.

[A3.37](#) ~~A3.34~~ Where there is more than one version of the DCC User Interface Specification:

- (a) each such version shall contain a different version of the DUIS XML Schema (but a version of the DCC User Interface Specification may be modified, and its version number updated, without any corresponding change to the DUIS XML Schema);
- (b) there shall be, in respect of each such version, one or more corresponding versions of the Message Mapping Catalogue;
- (c) a User may submit any Service Request, in respect of which it is an Eligible User, in accordance with any version of the DCC User Interface Specification;
- (d) in accordance with the requirements of each version of the DCC User Interface Specification, each such Service Request must identify the version of the DUIS XML Schema in accordance with which it has been submitted;
- (e) any obligation on the DCC or any User in relation to any Service Request or associated communication shall be interpreted by reference to the provisions of the version of the DCC User Interface Specification that contains the DUIS XML Schema that is identified in that Service Request;
- (f) the obligation on the DCC at Section H11.1 (Parse and Correlate Software) to provide Parse and Correlate Software shall be interpreted as an obligation to provide a separate version of the Parse and Correlate Software in respect of each version of the DCC User Interface Specification (and each corresponding

version of the Message Mapping Catalogue); and

- (g) any other obligation on the DCC under this Code in relation to the Parse and Correlate Software shall be read as an obligation applying separately in respect of each such version of that software.

### **The Parse and Correlate Applicability Matrix**

[A3.38](#) ~~A3.35~~–There shall be a document to be known as the “**Parse and Correlate Applicability Matrix**”, which shall include:

- (a) a list of each of the versions of the Parse and Correlate Software that have been released; and
- (b) in relation to each such version of the Parse and Correlate Software:
  - (i) its version number;
  - (ii) the version(s) of the DCC User Interface Specification to which that version of the Parse and Correlate Software relates, and the version of the DUIS XML Schema which that version of the DCC User Interface Specification contains;
  - (iii) the version(s) of the Message Mapping Catalogue to which that version of the Parse and Correlate Software relates;
  - (iv) the version(s) of the GBCS to which that version of the Parse and Correlate Software relates.

[A3.39](#) ~~A3.36~~–The Code Administrator shall:

- (a) maintain the Parse and Correlate Applicability Matrix to ensure that it remains accurate and up-to-date;
- (b) ensure that the latest version of the Parse and Correlate Applicability Matrix is published and available on the Website.

[A3.40](#) ~~A3.37~~–The DCC shall ensure that the Code Administrator is provided with such information as it requires for the purpose of complying with Section ~~A3.36~~[3.39](#).



## Interpretation

[A3.41](#) ~~A3.38~~ References in this Section A3 to amendments of a Technical Specification which do (or do not) require changes to be made to any Device or apparatus which is already installed shall be interpreted as references to the effect of those amendments on the duties of:

- (a) Electricity and Gas Supplier Parties in accordance with the standard conditions of the Energy Supply Licences; and
- (b) the DCC in accordance with the conditions of the DCC Licence.

[A3.42](#) ~~A3.39~~ Where:

- (a) any provision of this Code relates to a Device or any communication to or from a Device; and
- (b) the application of that provision requires that reference is made to a Version of a Technical Specification,

the Version of that Technical Specification which shall be treated as applicable for that purpose shall be the one identified as pertaining to the Device Model of that Device in the Certified Products List.

[A3.43](#) ~~A3.40~~ The references in this Code to 'Smart Metering Equipment Technical Specifications' and 'Technical Specifications' shall be deemed not to include reference to Versions of the SMETS with a Principal Version number 1; except in the following provisions: the definitions of 'Principal Version', 'Sub-Version' and 'Version' in Section A1 (Definitions); ~~Section~~[Sections](#) A2 (Interpretation)—~~and~~, A3 (Technical Specifications, the GB Companion Specification and the CPA Security Characteristics) [and A4 \(Derogation from SMETS1 General Installation End Date\)](#); and Section N (SMETS1 Meters).

**A4 DEROGATION FROM SMETS1 GENERAL INSTALLATION END DATE**

**Introduction**

A4.1 This Section A4 makes provision for the Secretary of State to grant to any Supplier Party, on the application of that Party, a derogation from the General Installation End Date applicable to Versions of the SMETS with a Principal Version number of 1.

**Part A. Derogations**

A4.2 For the purposes of this Section A4, a “Derogation” means a direction issued by the Secretary of State:

- (a) to the Supplier Party which applied for it;
- (b) in respect of a Version of the SMETS with a Principal Version number of 1;
- (c) specifying a date subsequent to the General Installation End Date in respect of that Version of the SMETS (the “Alternative Installation End Date”), which will, for the purposes of the installation or provision of Devices or apparatus by or on behalf of the Supplier Party in accordance with any conditions of the Derogation, constitute the Installation End Date;
- (d) specifying any such conditions to which the Derogation is subject.

**Part B. Power to Grant a Derogation**

A4.3 The Secretary of State may grant a Derogation to any Supplier Party where:

- (a) that Supplier Party has applied for a Derogation in accordance with Part D;
- (b) that application complies with any requirements as to form or content set out in a statement issued in accordance with Part E;

- (c) in the opinion of the Secretary of State, that application satisfies any criteria set out in a statement issued in accordance with Part E; and
- (d) the Supplier Party has complied with all such other requirements as may apply to it in accordance with Part E.

### **Part C. Conditions of a Derogation**

A4.4 A Derogation may be subject to such conditions (if any) as the Secretary of State thinks reasonable in all of the circumstances of the case.

A4.5 The conditions to which a Derogation is subject may include in particular conditions which:

- (a) place a limit on the quantity of Devices or apparatus which may be installed or provided, by or on behalf of the Supplier Party to which the Derogation is granted, after the General Installation End Date of the Version of the SMETS to which the Derogation relates;
- (b) restrict the type of Devices or apparatus that may be installed or provided by or on behalf of the Supplier Party after that General Installation End Date;
- (c) make provision as to the circumstances in, or premises at, which such Devices or apparatus may be installed or provided by or on behalf of the Supplier Party after that General Installation End Date;
- (d) place requirements on the Supplier Party to take, or refrain from taking, any specified action in relation to the installation or provision of any Devices or apparatus after that General Installation End Date.

### **Part D. Applications for a Derogation**

A4.6 Any Supplier Party may apply to the Secretary of State for a Derogation.

A4.7 The Secretary of State may determine, and in that case shall give all Supplier Parties a notice of, a date by which any application for a Derogation must be received by him.

A4.8 A Supplier Party may not apply for a Derogation after any date that is determined and included in a notice given in accordance with Section A4.7.

#### **Part E. Statement of Requirements**

A4.9 The Secretary of State may determine, and publish a statement of:

- (a) the criteria against which any application for a Derogation is to be assessed by him;
- (b) any requirements as to the form and content of any such application;
- (c) any information or evidence which must be provided by a Supplier Party on making such an application;
- (d) any timetable which applies to steps to be taken by the Supplier Party or by the Secretary of State in respect of such an application;
- (e) such other matters which relate to the making of any such application, to the process for assessing it, or to the decision whether to grant it, as the Secretary of State may consider appropriate.

A4.10 A Supplier Party which applies for a Derogation shall:

- (a) comply with any requirements applicable to it which are set out in a statement published in accordance with Section A4.9; and
- (b) provide to the Secretary of State, by such time and in such form as he may reasonably specify in a notice given to that Supplier Party, such additional information or evidence as he may at any time reasonably require for the

purpose of assessing the application.

**Part F. Actions before this Section Comes into Force**

A4.11 Where, prior to the coming into effect of this Section A4:

- (a) a Supplier Party makes any application:
  - (i) that it would be entitled to make under this Section A4 after it has come into force; and
  - (ii) in respect of that application, has complied with the requirements of this Section A4 as if they had already come into force;
- (b) the Secretary of State takes any action that he would be entitled to take under this Section A4 after it has come into force,

each of those actions shall be treated as actions taken and having effect under this Section A4 on the date on which it comes into force.

**Part G. Amendments after this Section Comes into Force**

A4.12 Where the Secretary of State has determined, and given all Supplier Parties notice of, a date in accordance with Section A4.7, he may subsequently (whether before or after that date has passed) determine and give all Supplier Parties notice of a later date.

A4.13 Any date determined and included in a notice given in accordance with Section A4.12 shall have effect for the purposes of Section A4.7 in replacement for the date that was previously determined by the Secretary of State.

A4.14 The Secretary of State may at any time:

- (a) amend any statement published in accordance with Section A4.9, in which

case the amended statement shall have effect for the purposes of Section A4.10 in replacement for the one that was previously published;

- (b) in respect of the Derogation granted to any Supplier Party, vary:
- (i) the Alternative Installation End Date, by specifying a date later than that previously specified;
  - (ii) any conditions to which the Derogation is subject, by imposing new or amended conditions.

A4.15 The Secretary of State may exercise the powers set out at Sections A4.12 and A4.14 on more than one occasion.

#### **Part H. Revocation of Derogations**

A4.16 The Secretary of State may at any time, by notice to the Supplier Party to which it was granted, revoke any Derogation granted by him in accordance with this Section A4.

#### **Part I. Effect of a Derogation**

A4.17 Where a Derogation is granted to a Supplier Party in accordance with this Section A4 and has not been revoked, then:

- (a) for the purposes of the installation or provision by or on behalf of that Supplier Party of any Device or apparatus; and
- (b) in so far as any conditions of that Derogation are satisfied,

the Alternative Installation End Date specified in the Derogation shall have effect in accordance with Section A3.14 (The Installation End Date).

#### **Part J. Publication of Derogations**

A4.18 Where the Code Administrator is provided by the Secretary of State with a copy of a Derogation that has been granted by him to a Supplier Party, it shall:

- (a) maintain a copy of that Derogation on the Website;
- (b) if it is notified by the Secretary of State that the Derogation has been revoked, publish on the Website, together with that Derogation, a statement of the fact that it has been revoked and the date of its revocation.

A4.19 For the purposes of Section A4.18, any reference to a copy of a Derogation provided to the Code Administrator by the Secretary of State shall, where that copy has been redacted by the Secretary of State to exclude any commercially sensitive information, be treated as a reference to the copy of that Derogation in its redacted form.