

**2016 No. 30 (C. 5)**

**PUBLIC PROCUREMENT**

**The Procurement Reform (Scotland) Act 2014 (Commencement  
No. 3 and Transitional Provisions) Order 2016**

<i>Made</i> - - - -	<i>19th January 2016</i>
<i>Laid before the Scottish Parliament</i>	<i>21st January 2016</i>
<i>Coming into force</i> - -	<i>18th April 2016</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 45(2) and (3) of the Procurement Reform (Scotland) Act 2014(a).

**Citation and commencement**

1. This Order may be cited as the Procurement Reform (Scotland) Act 2014 (Commencement No. 3 and Transitional Provisions) Order 2016 and comes into force on 18th April 2016.

**Interpretation**

2. In this Order, “the Act” means the Procurement Reform (Scotland) Act 2014.

**Appointed days**

3. The day appointed for the coming into force of all sections of, and the schedule to, the Act in so far as not already in force, other than sections 8(2) and (3), 9, 24 and 25, is 18th April 2016.

4. The day appointed for the coming into force of sections 8(2) and (3), 9, 24 and 25 of the Act is 1st June 2016.

**Transitional provisions**

5.—(1) Despite the coming into force of section 15 of the Act, a contracting authority is not required to prepare a procurement strategy relating to any period before 31st December 2016.

(2) The first procurement strategy prepared by a contracting authority must cover the remainder of the financial year of the contracting authority in which 31st December 2016 occurs and the first financial year starting after 31st December 2016.

(3) The Act does not apply to any regulated procurement where the procedure was commenced before 18th April 2016.

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(a) 2014 asp 12. Section 8 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) allows the power to be exercised so as to appoint different days for different purposes.

(4) For the purpose of paragraph (3), a procedure is commenced before 18th April 2016, if before that date a contracting authority has—

- (a) published any form of advertisement seeking offers in relation to the contract; or
- (b) contacted any economic operator in order to—
  - (i) seek offers in relation to the contract; or
  - (ii) respond to an unsolicited offer received from that economic operator in relation to the contract.

St Andrew's House,  
Edinburgh  
19th January 2016

*KEITH BROWN*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Articles 3 and 4 of this Order commence the provisions of the Procurement Reform (Scotland) Act 2014 so far as not already in force.

Sections 1 to 7 cover key concepts and application of the Act which are contracting authorities, regulated procurements, framework agreements and dynamic purchasing systems.

Sections 8, 9, 11, 12, 14 to 19 and 21 cover general duties and procurement strategies. General duties include the sustainable procurement duty and a requirement for publication of a procurement strategy and annual reports.

Sections 22 to 25 and 27 to 36 cover specific duties which are publication of notices on the Public Contracts website, community benefit requirements, selection of tenderers and award of contracts, technical specifications, charges for participation in procurement process, the giving of reasons and the keeping of a contracts register.

Sections 37 to 40 cover remedies.

Sections 41, 42, 43, 44, 45 and 46 came into force on 17th June 2014 (the day of Royal Assent).

Article 5 of this Order makes transitional provisions in relation to procurement strategies, the first of which does not need to be produced by contracting authorities until 31st December 2016 and applies the provisions of the Act only to procurements starting on or after 18th April 2016.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1-2	28th September 2015	2015/331
Section 10	11th January 2016	2015/411
Section 13	11th January 2016	2015/411
Section 15(5)(b)(iii) (only for the purpose of the definition of the “living wage”)	28th September 2015	2015/331
Section 15(7)	28th September 2015	2015/331
Section 20	11th January 2016	2015/411
Section 26	11th January 2016	2015/411
Section 29	28th September 2015	2015/331
The schedule	28th September 2015	2015/331

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