

*This Scottish Statutory Instrument has been made in consequence of drafting errors in S.S.I. 2015/446 and is being issued free of charge to all known recipients of that instrument.*

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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 47**

**PUBLIC PROCUREMENT**

**The Public Contracts (Scotland) Amendment Regulations 2016**

<i>Made</i>	- - - -	<i>26th January 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>28th January 2016</i>
<i>Coming into force</i>	- -	<i>18th April 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

**Citation, commencement and extent**

1. These Regulations may be cited as the Public Contracts (Scotland) Amendment Regulations 2016 and come into force on 18th April 2016.

**Amendment of the Public Contracts Regulations**

2.—(1) The Public Contracts (Scotland) Regulations 2015(b) are amended as follows.

(2) In regulation 1 (citation, commencement and extent) for paragraph (3) substitute—

“(3) Regulation 23(1) to (7) (rules applicable to communication) comes into force—

- (a) for the purposes of regulations 35 (dynamic purchasing systems), 36 (electronic auctions), 37 (electronic catalogues), 52(1) (form and manner of sending notices for publication at EU level) and 54 (electronic availability of procurement documents) on 18th April 2016;
- (b) for the purpose of regulation 38(6) (centralised purchasing activities and central purchasing bodies) on 18th April 2017; and
- (c) for all other purposes on 18th October 2018.”.

(3) In regulation 2(1) (interpretation) in the definition of “central government authority” for “authorities” substitute “contracting authorities”.

(4) In regulation 4 (mixed procurement)—

- (a) in paragraph (5) for “paragraph (5)(a)” substitute “paragraph (4)(a)”; and

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“2008 Act”), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2015/446.

(b) in paragraphs (6) and (7) for “paragraph (5)(b)” substitute “paragraph (4)(b)”.

(5) In regulation 15 (specific situations: research and development services) for “74320000-2” substitute “73420000-2”.

(6) In regulation 38(1) (centralised purchasing activities and central purchasing bodies) for “the centralised purchasing activity referred to in paragraph (9)(a)” substitute “a centralised purchasing activity”.

(7) In regulation 85(3) (notices of decisions to award a contract or conclude a framework agreement)—

(a) in sub-paragraph (a) for “regulation 43(11) (technical specifications)” substitute “regulation 43(14) (technical specifications)”; and

(b) in sub-paragraph (b) for “regulation 43(10) (technical specifications)” substitute “regulation 43(13) (technical specifications)”.

(8) In regulation 91(2) (ineffectiveness orders) for “paragraph (10)(b)” substitute “regulation 92(1)(b) (powers of the court)”.

(9) In regulation 99(5) (transitional provision and saving where utilities procurement procedures commenced before 18th April 2016), in the definition of “the Utilities amendments”, for “paragraph 9 of Schedule 6” substitute “paragraph 8 of Schedule 6”.

(10) In paragraph 10(2) of Schedule 6 (modifications to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013)—

(a) in the substituted paragraph 10(1)(b) of Schedule 3 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (“2013 Order”) for “regulation 80” substitute “regulation 79”; and

(b) in the substituted paragraph 10(2) of Schedule 3 to the 2013 Order for “regulations 58 and 80” substitute “regulations 58 and 79”.

*KEITH BROWN*

A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
26th January 2016

## **EXPLANATORY NOTE**

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

These Regulations correct drafting errors in the Public Contracts (Scotland) Regulations 2015.

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