Procurement Reform (Scotland) Act 2014

2014 asp 12

PART 3

SPECIFIC DUTIES

Community benefit requirements

24 Community benefit requirements

For the purposes of this Act, a community benefit requirement is a contractual requirement imposed by a contracting authority—

(a) relating to—

(i) training and recruitment, or

(ii) the availability of sub-contracting opportunities, or

(b) which is otherwise intended to improve the economic, social or environmental wellbeing of the authority's area in a way additional to the main purpose of the contract in which the requirement is included.

Commencement Information

I1 S. 24 in force at 1.6.2016 by S.S.I. 2016/30, **art. 4** (with art. 5)

25 Community benefit requirements in major contracts

(1) This section applies where a contracting authority proposes to carry out a regulated procurement in relation to which the estimated value of the contract is equal to or greater than £4,000,000.

(2) The contracting authority must, before carrying out the procurement, consider whether to impose community benefit requirements as part of the procurement.

(3) The contracting authority must, in the contract notice relating to the procurement, include—

(a) a summary of the community benefit requirements it intends to include in the contract, or

(b) where it does not intend to include any such requirements, a statement of its reasons for not including any requirements.

(4) Where community benefit requirements are included in a contract, the contracting authority must include in the award notice a statement of the benefits it considers will be derived from those requirements.

(5) The Scottish Ministers may by order modify subsection (1) so as to substitute for the figure specified there for the time being such other figure as they consider appropriate.

Commencement Information

I2 S. 25 in force at 1.6.2016 by S.S.I. 2016/30, **art. 4** (with art. 5)

26 Guidance on community benefit requirements

(1) The Scottish Ministers may publish guidance on the use of community benefit requirements.

(2) The guidance may, in particular, cover—

(a) consultation that should take place before a contracting authority determines whether or not to include community benefit requirements in a contract to which section 25 applies,

(b) the information that should be contained in a contract notice and award notice in relation to community benefit requirements,

(c) the circumstances in which inclusion of community benefit requirements would or would not be appropriate.

(3) Contracting authorities must have regard to any guidance published under this section.

(4) The Scottish Ministers must lay a copy of any guidance published under this section before the Scottish Parliament.

Commencement Information

I3 S. 26 in force at 11.1.2016 by S.S.I. 2015/411, **art. 3**

Changes to legislation:
There are currently no known outstanding effects for the Procurement Reform (Scotland) Act 2014, Cross Heading: Community benefit requirements.