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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

**The Procurement (Scotland) Regulations 2016**

**PART 3**

**GENERAL DUTIES**

**Specification of health or social care services**

**5.—**(1) For the purposes of sections 12(1) and 13(1) of the Act and these Regulations, health or social care services are those services specified in column 1 of the Schedule to these Regulations by reference to their CPV Codes and broadly referred to in column 2 of the said Schedule.

(2) Where the contract is a mixed contract including services of a kind referred to in the Schedule and other services or supplies or both, the contract will be a health or social care service contract for the purpose of the provisions referred to in paragraph (1) where the health or social care service characterises the main subject of the contract.

(3) The main subject of the contract referred to in paragraph (2) shall be determined by reference to which of the services or supplies has the highest estimated value and in the event that the estimated values are equal the main subject shall be deemed to be the health or social care service.