
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

**The Public Procurement etc. (Scotland)
(Amendment) (EU Exit) Regulations 2019**

PART 3

AMENDMENT OF SECONDARY LEGISLATION

CHAPTER 4

Amendment of the Procurement (Scotland) Regulations 2016

- 9.—(1)** The Procurement (Scotland) Regulations 2016(1) are amended as follows—
- (a) in regulation 7 (publication of contract notices, prior information notices and award notices on the Public Contracts website)—
 - (i) in paragraph (1) for “an EU regulated procurement” substitute “a higher value regulated procurement”,
 - (ii) in paragraph (4), after “Directive” insert—
 - “, but as if—
 - (a) in paragraph 2, reference to “for the reasons set out in the second and third subparagraphs of Article 53(1),” were omitted,
 - (b) paragraph 24 (financing by EU funds) were omitted,
 - (c) in paragraph 26, “in the *Official Journal of the European Union*” read “on the Public Contracts website”,
 - (d) in paragraph 28, “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website”,
 - (iii) in paragraph (5), after “Directive” insert—
 - “, but as if—
 - (a) in section I—
 - (i) in paragraph 2, reference to “for the reasons set out in the second and third subparagraphs of Article 53(1),” were omitted,
 - (ii) in paragraph 9 “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website, and
 - (b) in section II, paragraph 12 were omitted”,
 - (iv) in paragraph (7), after “Directive” insert—
 - “, but as if—
 - (a) in paragraph 9, “referred to in Article 67” were omitted,

- (b) in paragraph 11(b), the words “member State or from a third” were omitted,
 - (c) paragraph 15 (financing by EU funds) were omitted,
 - (d) in paragraph 17, “in the *Official Journal of the European Union*” read “on the Public Contracts website”,
 - (e) in paragraph 18, “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website”,
- (b) in regulation 8(1) (selection of tenderers: exclusion of economic operators on grounds of criminal activity)—
- (i) omit sub-paragraph (e),
 - (ii) in sub-paragraph (k), for “Article 57(1)” substitute “Article 57(1)(a), (b), (d), (e) or (f)”,
- (c) in regulation 10 (selection of tenderers: selection criteria), omit paragraph (5),
- (d) in regulation 11 (technical specifications)—
- (i) in paragraph (8), for “adopted by a legal act of the EU” substitute “imposed by retained EU law”,
 - (ii) in paragraph (10), in the words before sub-paragraph (a), omit “to the extent that they are compatible with EU law,”.