
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 1

The Public Contracts (Scotland) Regulations 2006

PART 10

REPEALS, REVOCATIONS, SAVINGS, TRANSITIONAL PROVISIONS

Repeals and revocations

48. Subject to regulation 49–

- (a) the enactment specified in paragraph 1 of Schedule 7 shall be repealed; and;
- (b) the instruments specified in column 1 of paragraph 2 of Schedule 7 (which have the numbers specified in column 2) shall be revoked to the extent specified in column 3 of that paragraph.

Savings and transitional provisions

49.—(1) Where a contracting authority has commenced a contract award procedure or design contest before 31st January 2006, the Regulations specified in paragraph (4) shall continue to have effect on and after 31st January 2006 in relation to that contract award procedure, as if those Regulations had not been revoked in accordance with regulation 48.

(2) A contracting authority has commenced a contract award procedure as referred to in paragraph (1) where before 31st January 2006, in relation to that procedure–

- (a) that contracting authority has sent a contract notice to the Official Journal in accordance with the specified Regulations in order to invite offers, requests to be selected to tender for or to negotiate in respect of a proposed public contract;
- (b) in any case where there is no requirement to send a contract notice to the Official Journal in accordance with the specified Regulations, that contracting authority has despatched any form of advertisement seeking offers or expressions of interest in a proposed public contract;
- (c) where there is no advertising as referred to in sub paragraph (a) or (b), that contracting authority has contacted any economic operator in order to seek expressions of interest or offers in respect of a proposed public contract; or
- (d) that contracting authority has sent a notice to the Official Journal in accordance with the specified Regulations in order to hold a design contest.

(3) Where a framework agreement has been concluded before 31st January 2006, these Regulations do not apply to the award of any specific contract under that framework agreement.

(4) In this regulation–

- (a) “specified Regulations” means–
 - (i) the Public Works Contracts Regulations 1991(1);

- (ii) the Public Services Contracts Regulations 1993(2);
 - (iii) the Public Supply Contracts Regulations 1995(3);
 - (iv) the Public Contracts (Works, Services and Supply)(Amendment) Regulations 2000(4); and
 - (v) the Public Contracts (Works, Services and Supply) and Utilities Contracts (Amendment) Regulations 2003(5); and
- (b) “contract notice” means a contract notice within the meaning of the Regulations specified in sub paragraphs (i), (ii) and (iii).

(2) S.I. 1993/3228.
(3) S.I. 1995/201.
(4) S.I. 2000/2009.
(5) S.I. 2003/46.