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SCOTTISH STATUTORY INSTRUMENTS

2009 No. 439

PUBLIC PROCUREMENT

**The Public Contracts and Utilities Contracts (Scotland)
Amendment (Amendment) Regulations 2009**

Made - - - - 10th December 2009
Laid before the Scottish
Parliament - - - - 11th December 2009
Coming into force - - 19th December 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Public Contracts and Utilities Contracts (Scotland) Amendment (Amendment) Regulations 2009.

(2) These Regulations come into force on 19th December 2009.

Amendment of the Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009

2.—(1) The Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009⁽²⁾ are amended as follows.

(2) In regulation 2 (amendment of the Public Contracts Regulations)—

- (a) in paragraph (4)(b)(i), for “second” substitute “first”; and
- (b) in paragraph (5)(b)(i), for “second” substitute “first”.

(1) [1972 c.68](#). Section 2(2) was amended by the Scotland Act [1998 \(c.46\)](#) (“the Scotland Act”), Schedule 8, paragraph 15 and the Legislative and Regulatory Reform Act [2006 \(c.51\)](#), section 27(1). The function conferred upon the Minister of the Crown, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act.

(2) [S.S.I. 2009/428](#).

Status: *This is the original version (as it was originally made). Scottish
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St Andrew's House, Edinburgh
10th December 2009

JOHN SWINNEY
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct errors in regulation 2(4)(b)(i) and (5)(b)(i) of the Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009.