
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 88

The Public Contracts (Scotland) Regulations 2012

PART 1

GENERAL

Contracting authorities

- 3.—**(1) For the purposes of these Regulations each of the following is a contracting authority—
- (a) a Minister of the Crown;
 - (b) a government department;
 - (c) the House of Commons;
 - (d) the House of Lords;
 - (e) the Scottish Ministers;
 - (f) the Scottish Parliamentary Corporate Body;
 - (g) the National Assembly for Wales;
 - (h) the Northern Ireland Assembly Commission;
 - (i) a local authority, which for the purposes of these Regulations, means—
 - (i) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹⁾;
 - (ii) a county council, a district council, a London borough council, a parish council, a community council, the Council of the Isles of Scilly, a county borough council or the Common Council of the City of London in its capacity as local authority or police authority; or
 - (iii) a district council within the meaning of the Local Government Act (Northern Ireland) 1972⁽²⁾;
 - (j) a fire authority constituted by a combination scheme or administration scheme under the Fire Services Act 1947⁽³⁾ and continued under section 5 of the Fire (Scotland) Act 2005⁽⁴⁾;
 - (k) a fire and rescue authority—
 - (i) within the meaning of section 1 of the Fire and Rescue Services Act 2004⁽⁵⁾;
 - (ii) constituted by a scheme under section 2 of that Act;

⁽¹⁾ 1994 c.39.

⁽²⁾ 1972 c.9 (N.I.).

⁽³⁾ 1947 c.41. This Act, except for sections 26 to 27A, was repealed by section 89(2) of, and schedule 4 to, the Fire (Scotland) Act 2005. Existing fire authorities constituted under a combination scheme under the Fire Services Act 1947 continue to have effect by virtue of section 5 of the Fire (Scotland) Act 2005.

⁽⁴⁾ 2005 asp 5.

⁽⁵⁾ 2004 c.21.

- (iii) to which a scheme under section 4 of that Act applies; or
- (iv) within the meaning of section 1 of the Fire (Scotland) Act 2005;
- (l) a joint fire board constituted by an administration scheme under section 147 of the Local Government (Scotland) Act 1973(6) and continued under section 5 of the Fire (Scotland) Act 2005;
- (m) a joint fire and rescue board within the meaning of section 2 of the Fire (Scotland) Act 2005;
- (n) the Fire Authority for Northern Ireland;
- (o) a police authority established under section 3 of the Police Act 1996(7);
- (p) the Metropolitan Police Authority established under section 5B of the Police Act 1996(8);
- (q) a police authority established under section 2 of the Police (Scotland) Act 1967(9);
- (r) a joint police board constituted by an amalgamation scheme made or approved under section 21B of the Police (Scotland) Act 1967(10);
- (s) the Northern Ireland Policing Board;
- (t) an authority established under section 10 of the Local Government Act 1985(11);
- (u) a joint authority established by Part IV of the Local Government Act 1985;
- (v) any body established in accordance with an order under section 67 of the Local Government Act 1985;
- (w) a joint board established by order under the Local Government etc. (Scotland) Act 1994(12);
- (x) the Broads Authority;
- (y) any joint board, the constituent members of which consist of any of the bodies specified in paragraphs (i),(j), (l), (o), (p), (q), (r), (s), (t), (u), (v) and (w);
- (z) a National Park authority established by an Order under section 63 of the Environment Act 1995(13);
- (aa) a National Park authority established by an Order under section 6 of the National Parks (Scotland) Act 2000(14);
- (bb) a corporation established, or a group of individuals appointed to act together, for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and—
 - (i) financed wholly or mainly by another contracting authority;
 - (ii) subject to management supervision by another contracting authority; or
 - (iii) more than half of the board of directors or members of which, or, in the case of a group of individuals, more than half of those individuals, being appointed by another contracting authority;
- (cc) an association of, or formed by, one or more of the above; and

(6) 1973 c.65. Section 147 of this Act was repealed by section 89(2) of, and schedule 4 to, the Fire (Scotland) Act 2005. Existing administration schemes under section 147 continue to have effect by virtue of section 5 of the Fire (Scotland) Act 2005.

(7) 1996 c.16.

(8) Section 5B of the Police Act 1996 was inserted by the Greater London Authority Act 1999 (c.29).

(9) 1967 c.77.

(10) 1967 c.77. Section 21B was inserted by the Local Government etc. (Scotland) Act 1994 (c.39) section 34.

(11) 1985 c.51.

(12) 1994 c.39.

(13) 1995 c.25.

(14) 2000 asp 10.

(dd) to the extent not specified in sub-paragraphs (a) to (aa), an entity specified in Schedule 1.

(2) Where an entity specified in paragraph (1) does not have the capacity to enter into a contract, the contracting authority in relation to that entity is a person whose function it is to enter into contracts for that entity.