

SCOTTISH STATUTORY INSTRUMENTS

**2015 No. 446**

**The Public Contracts (Scotland) Regulations 2015**

**PART 3**

**REMEDIES**

**CHAPTER 6**

**APPLICATIONS TO THE COURT**

**Duty owed to economic operators <sup>F1</sup>, including those from countries with whom the EU has a relevant international agreement other than the GPA]**

**87.**—(1) The obligation on a contracting authority to comply with the provisions of these Regulations (except where otherwise specified), and with any <sup>F2</sup>retained EU obligation that is enforceable by virtue of section 4 of the European Union (Withdrawal) Act 2018] in respect of a contract, framework agreement, dynamic purchasing system or design contest falling within the scope of these Regulations, is a duty owed to an economic operator from <sup>F3</sup>the United Kingdom or Gibraltar].

- <sup>F4</sup>(2) .....
- <sup>F5</sup>(3) .....
- <sup>F6</sup>(3A) .....
- <sup>F4</sup>(4) .....
- <sup>F4</sup>(4A) .....
- <sup>F7</sup>(5) .....

**Textual Amendments**

- F1** Words in [reg. 87 heading](#) inserted (11.6.2021) by [The Public Procurement \(Agreement on Government Procurement\) \(Amendment\) Regulations 2021 \(S.I. 2021/573\)](#), regs. 1(1), **5(5)(a)**
- F2** Words in [reg. 87\(1\)](#) substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **4(58)(a)(i)** (with sch. paras. 1-5)
- F3** Words in [reg. 87\(1\)](#) substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **4(58)(a)(ii)** (with sch. paras. 1-5)
- F4** [Reg. 87\(2\)-\(5\)](#) omitted (31.12.2021) by virtue of [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(4), **5(4)** (with sch. paras. 1-5, 10-15)
- F5** [Reg. 87\(3\)](#) omitted (11.6.2021) by virtue of [The Public Procurement \(Agreement on Government Procurement\) \(Amendment\) Regulations 2021 \(S.I. 2021/573\)](#), regs. 1(1), **5(5)(c)** and (31.12.2021) by virtue of [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(4), **5(4)** (with sch. paras. 1-5, 10-15)
- F6** [Reg. 87\(3A\)](#) omitted (11.6.2021) by virtue of [The Public Procurement \(Agreement on Government Procurement\) \(Amendment\) Regulations 2021 \(S.I. 2021/573\)](#), regs. 1(1), **5(5)(c)** and (31.12.2021)

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**Changes to legislation:** *The Public Contracts (Scotland) Regulations 2015, Section 87 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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by virtue of The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(4), **5(4)** (with sch. paras. 1-5, 10-15)

**F7** Reg. 87(5) omitted (11.6.2021) by virtue of The Public Procurement (Agreement on Government Procurement) (Amendment) Regulations 2021 (S.I. 2021/573), regs. 1(1), **5(5)(c)** and (31.12.2021) by virtue of The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(4), **5(4)** (with sch. paras. 1-5, 10-15)

**Changes to legislation:**

The Public Contracts (Scotland) Regulations 2015, Section 87 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations applied by [2023 c. 54 s. 119\(2\)\(a\)](#)
- reg. 87(1) words substituted by [S.S.I. 2019/112 reg. 3\(57\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(1) words substituted by [S.S.I. 2019/112 reg. 3\(57\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(2)-(5) omitted by [S.S.I. 2019/112 reg. 4\(4\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(2) substituted by [S.S.I. 2019/112 reg. 3\(57\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(2) words substituted in earlier amending provision S.S.I. 2019/112, reg. 3(57)(b) by [S.S.I. 2019/114 reg. 2\(3\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 87(3)(3A) substituted for reg. 87(3) by [S.S.I. 2019/112 reg. 3\(57\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(4) omitted by [S.S.I. 2019/112 reg. 3\(57\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(57)(d)(da) substituted for reg. 3(57)(d) by S.S.I. 2019/114, reg. 2(3)(c)(ii) and then S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(4) words substituted by S.S.I. 2019/112, reg. 3(57)(d)(i) (as substituted) by [S.S.I. 2019/114 reg. 2\(3\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 87(4)(a) words substituted by S.S.I. 2019/112, reg. 3(57)(d)(ii)(aa) (as substituted) by [S.S.I. 2019/114 reg. 2\(3\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 87(4)(a) words substituted by S.S.I. 2019/112, reg. 3(57)(d)(ii)(bb) (as substituted) by [S.S.I. 2019/114 reg. 2\(3\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 87(4A) inserted by S.S.I. 2019/112, reg. 3(57)(da) (as substituted) by [S.S.I. 2019/114 reg. 2\(3\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 87(5) word substituted by [S.S.I. 2019/112 reg. 3\(57\)\(e\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 87(5) words substituted by [S.S.I. 2019/112 reg. 3\(57\)\(e\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))

- reg. 87(5) words substituted by [S.S.I. 2019/112 reg. 3\(57\)\(e\)\(ii\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 11(1)(e)(i)(aa) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 11(1)(e)(i)(bb) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 78(1)(i)(ii) and words inserted by [S.S.I. 2019/112 reg. 3\(52\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))