

*Changes to legislation: There are currently no known outstanding effects for the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024, Part 1. (See end of Document for details)*

## SCHEDULE

### AMENDMENTS TO PROCUREMENT REGULATIONS

#### PART 1

##### AMENDMENTS TO PROCUREMENT REGULATIONS FOR ENGLAND AND WALES AND NORTHERN IRELAND

###### *The Public Contracts Regulations 2015*

1 The Public Contracts Regulations 2015 ([S.I. 2015/102](#)) are amended as follows.

###### **Commencement Information**

**II** Sch. para. 1 comes into force in accordance with s. 7(1)

2 (1) Regulation 9 (public contracts awarded, and design contests organised, pursuant to international rules) is amended as follows.

(2) In paragraph (1)—

(a) in the words before sub-paragraph (a), omit “any of the following”;

(b) omit sub-paragraph (b).

(3) For paragraph (2) substitute—

“(2) This Part does not apply to a relevant international public contract or design contest in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.

(2A) In the case of a relevant international public contract or design contest where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only provision of this Part that applies is regulation 25B (equal treatment of economic operators).”

(4) Omit paragraph (3).

(5) In paragraph (4), omit “paragraphs (1) to (3) of”.

(6) At the end insert—

“(5) In this regulation, “relevant international public contract or design contest” means a public contract or design contest that—

(a) the contracting authority awards or organises in accordance with procurement rules provided by an international organisation or international financing institution, and

(b) is fully financed, or co-financed for the most part, by that organisation or institution.”

###### **Commencement Information**

**12** Sch. para. 2 comes into force in accordance with s. 7(1)

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- 3 In regulation 50 (contract award notices), in paragraph (2)(a), after paragraph (ii) insert—

“(ia) in paragraph 13, the words “or the highest tender and lowest tender taken into consideration” were omitted.”.

**Commencement Information**

**I3** Sch. para. 3 comes into force in accordance with s. 7(1)

- 4 In Schedule 4A (international trade agreements), at the end insert—

“Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.”

**Commencement Information**

**I4** Sch. para. 4 comes into force in accordance with s. 7(1)

**Commencement Information**

**I1** Sch. para. 1 comes into force in accordance with s. 7(1)  
**I2** Sch. para. 2 comes into force in accordance with s. 7(1)  
**I3** Sch. para. 3 comes into force in accordance with s. 7(1)  
**I4** Sch. para. 4 comes into force in accordance with s. 7(1)

*The Concession Contracts Regulations 2016*

- 5 The Concession Contracts Regulations 2016 ([S.I. 2016/273](#)) are amended as follows.

**Commencement Information**

**I5** Sch. para. 5 comes into force in accordance with s. 7(1)

- 6 (1) Regulation 10 (general exclusions) is amended as follows.

- (2) In paragraph (5)—

- (a) in the words before sub-paragraph (a), omit “any of the following”;  
 (b) omit sub-paragraph (b).

- (3) For paragraph (6) substitute—

“(6) These Regulations do not apply to a relevant international concession contract in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.

- (6A) In the case of a relevant international concession contract where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only regulation that applies is regulation 8 (equal treatment of economic operators).”

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(4) Omit paragraph (7).

(5) In paragraph (8), for “(7)” substitute “(6A)”.

(6) After paragraph (8) insert—

“(8A) In this regulation, “relevant international concession contract” means a concession contract that—

- (a) the contracting authority or utility awards in accordance with procurement rules provided by an international organisation or international financing institution, and
- (b) is fully financed, or co-financed for the most part, by that organisation or institution.”

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**Commencement Information**

**I6** Sch. para. 6 comes into force in accordance with s. 7(1)

7 In Schedule 4 (international trade agreements), at the end insert—

“Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.”

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**Commencement Information**

**I7** Sch. para. 7 comes into force in accordance with s. 7(1)

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**Commencement Information**

**I5** Sch. para. 5 comes into force in accordance with s. 7(1)

**I6** Sch. para. 6 comes into force in accordance with s. 7(1)

**I7** Sch. para. 7 comes into force in accordance with s. 7(1)

*The Utilities Contracts Regulations 2016*

8 The Utilities Contracts Regulations 2016 ([S.I. 2016/274](#)) are amended as follows.

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**Commencement Information**

**I8** Sch. para. 8 comes into force in accordance with s. 7(1)

9 (1) Regulation 20 (contracts awarded and design contests organised pursuant to international rules) is amended as follows.

(2) In paragraph (1)—

- (a) in the words before sub-paragraph (a), omit “any of the following”;
- (b) omit sub-paragraph (b).

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(3) For paragraph (2) substitute—

“(2) These Regulations do not apply to a relevant international contract or design contest in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.

(2A) In the case of a relevant international contract or design contest where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only regulation that applies is regulation 43B (equal treatment of economic operators).”

(4) Omit paragraph (3).

(5) In paragraph (4), omit “paragraphs (1) to (3) of”.

(6) At the end insert—

“(5) In this regulation, “relevant international contract or design contest” means a contract or design contest that—

- (a) the utility awards or organises in accordance with procurement rules provided by an international organisation or international financing institution, and
- (b) is fully financed, or co-financed for the most part, by that organisation or institution.”

**Commencement Information**

**I9** Sch. para. 9 comes into force in accordance with s. 7(1)

10 In regulation 70 (contract award notices), in paragraph (2)(a), after paragraph (iii) insert—

“(iiia) in paragraph 12, for the words from “or the prices” to the end there were substituted “for the contract awarded”.”

**Commencement Information**

**I10** Sch. para. 10 comes into force in accordance with s. 7(1)

11 In Schedule 3 (international trade agreements), at the end insert—

“Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.”

**Commencement Information**

**I11** Sch. para. 11 comes into force in accordance with s. 7(1)

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**Commencement Information**

- I8** Sch. para. 8 comes into force in accordance with s. 7(1)
- I9** Sch. para. 9 comes into force in accordance with s. 7(1)
- I10** Sch. para. 10 comes into force in accordance with s. 7(1)
- I11** Sch. para. 11 comes into force in accordance with s. 7(1)

**Changes to legislation:**

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