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STATUTORY INSTRUMENTS

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**1995 No. 201**

**The Public Supply Contracts Regulations 1995**

**PART VIII**

**REVOCATION AND AMENDMENT**

**Revocation of the Public Supply Contracts Regulations**

**30.** These Regulations revoke the Public Supply Contracts Regulations 1991<sup>(1)</sup>, regulation 32(2) of the Utilities Supply and Works Contracts Regulations 1992<sup>(2)</sup> and regulation 33 of the Public Services Contracts Regulations 1993<sup>(3)</sup>.

**Amendments to the Public Works Contracts Regulations and the Public Services Contracts Regulations**

**31.—**(1) The Public Works Contracts Regulations 1991<sup>(4)</sup> shall be amended—

(a) in Regulation 2(1), by inserting the following definition:

““relevant State” means a member State, Hungary, Poland, Iceland, Norway and, as from the date that the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993, is in force in relation to it, Liechtenstein.”

(b) in the following regulations, by substituting “relevant State” for “member State”:

regulation 2(1)

regulation 2(2)

regulation 4

regulation 6(e)(i)

regulation 8(6)

regulation 12(5)

regulation 13(8)

regulation 14(1)(f)(i)

regulation 14(2)

regulation 14(3)

regulation 15(1)(b)

regulation 18

regulation 31(2)(b)

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(1) S.I. 1991/2679 as amended by S.I. 1992/3279 and 1993/3228.

(2) S.I. 1992/3279.

(3) S.I. 1993/3228.

(4) S.I. 1991/2680, as amended by S.I. 1992/3279.

(c) in regulation 14(4), by inserting the following:  
 in Austria, the Firmenbuch, Gewerberegister or Mitgliederverzeichnisse der Landeskammern;  
 in Finland, the Kaupparekisteri or Handelsregistret;  
 in Iceland, the Firmaskrá;  
 in Norway, the Foretaksregisteret;  
 in Sweden, the Aktiebolagsregistret, Handelsregistret or Föreningsregistret;  
 in Greece, the registrar of contractors' enterprises “(Μητρωο ΕργοληπτιΧω ν Επιχειρησεων)”  
 of the Ministry for Environment, Town and Country Planning and Public Works;

and, in relation to Denmark, by substituting “the Handelsregistret, Aktieselskabesregistret or Erhvervsregistret” for “the Erhvervs— and Selskabsstyrelsen”

(d) in regulation 14(6), by substituting the following new paragraph:

“(6) A contractor established in a relevant State, other than the United Kingdom or Ireland, which either has an equivalent professional or trade register which is not listed in paragraph (4) above or which does not have an equivalent professional or trade register shall be treated as registered on a professional or trade register for the purposes of paragraph 1(i) above on production of either a certificate that he is registered on the equivalent professional or trade register or where no such register exists, a declaration on oath, or in a relevant State which does not provide for a declaration on oath a solemn declaration, made by the contractor before the relevant judicial, administrative or competent authority or a relevant notary public or Commissioner for oaths, that he exercises the particular profession or trade.”

(2) The Public Services Contracts Regulations 1993(5) shall be amended—

(a) in regulation 2(1), by inserting the following definition:

““relevant State” means a member State, Hungary, Poland, Iceland, Norway and, as from the date that the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993, is in force in relation to it, Liechtenstein.”

(b) in the following regulations, by substituting “relevant State” for “member State”:

regulation 2(1)  
 regulation 2(3)  
 regulation 4  
 regulation 6(j)(i)  
 regulation 6(k)  
 regulation 8(6)  
 regulation 12(5)  
 regulation 13(8)  
 regulation 14(1)(f),(i),(j)  
 regulation 14(2)(a)(ii),(c)  
 regulation 14(3)  
 regulation 15(1)(b)  
 regulation 16(1)(b)(vii),(viii)

regulation 18

regulation 20(1)

(c) in regulation 14(4), by inserting the following:

in Austria, the Firmenbuch, Gewerberegister or Mitgliederverzeichnisse der Landeskammern;

in Finland, the Kaupparekisteri or Handelsregistret;

in Iceland, the Firmaskrá or Hlutafélagaskrá;

in Norway, the Foretaksregisteret;

in Sweden, the Aktiebolagsregistret, Handelsregistret or Föreningsregistret;

(d) in regulation 14(6)(b), by substituting the following paragraph:

“(b) in any other case, in accordance with paragraph (7) below”

(e) in regulation 14, by inserting the following new paragraph:

“(7) A services provider established in a relevant State, other than the United Kingdom or Ireland, which either has an equivalent professional or trade register which is not listed in paragraph (4) above or which does not have an equivalent professional or trade register shall be treated as registered on a professional or trade register for the purposes of paragraph 1(j) above on production of either a certificate that he is registered on the equivalent professional or trade register or where no such register exists, a declaration on oath, or in a relevant State which does not provide for a declaration on oath a solemn declaration, made by the services provider before the relevant judicial, administrative or competent authority or a relevant notary public or Commissioner for oaths, that he exercises the particular profession or trade.”

(f) in regulation 23(3), by substituting where it first appears “the Commission” for “the Treasury”.