

## SCHEDULE 2

### Amendments to statutory instruments

## PART 1

### The Public Contracts Regulations 2015

- 4.—(1) Regulation 4 (mixed procurement) is amended as follows.
- (2) In paragraph (2)—
- (a) omit “and” at the end of sub-paragraph (a)(ii);
  - (b) at the end of sub-paragraph (a)(iii) insert—
    - “; and
    - (iv) where, in the case of mixed contracts containing elements of public contracts covered by this Part and of concession contracts, contracting authorities choose to award a single contract, that contract shall be awarded in accordance with this Part, provided that the estimated value of the part of the contract which constitutes a public contract covered by this Part, calculated in accordance with regulation 6, is equal to or greater than the relevant threshold set out in regulation 5;”.
- (3) After paragraph (2) insert—
- “(2A) In the case of contracts which have as their subject-matter both procurement covered by this Part and procurement for the pursuit of an activity which is subject to the Utilities Contracts Regulations 2016, the applicable rules shall, despite paragraph (2), be determined by regulations 6 and 7 of those Regulations.”.
- (4) In paragraph (3) for “paragraph (1) or (2)” substitute “paragraphs (1) to (2A)”.