
STATUTORY INSTRUMENTS

2019 No. 624

The Public Procurement (Electronic Invoices etc.) Regulations 2019

Amendments to the Public Contracts Regulations 2015

- 3.—(1) The Public Contracts Regulations 2015 are amended as follows.
- (2) In regulation 1—
- (a) in paragraph (8), before the words “Part 4” insert “Subject to paragraph (8A),”;
 - (b) after paragraph (8) insert—
 - “(8A) The following provisions of Part 4 apply to a contracting authority with functions that are wholly or mainly Northern Ireland devolved functions or Welsh devolved functions—
 - (a) regulation 113A;
 - (b) regulation 113B;
 - (c) regulation 114.”;
 - (c) in paragraph (9), before the words “Part 4” insert “Except for regulations 113A, 113B and 114,”.
- (3) In regulation 57(1), omit sub-paragraph (1a).
- (4) After regulation 113 insert—

“Contractual provisions relating to the processing of electronic invoices

113A.—(1) This regulation applies in respect of any public contract which has been awarded, or which is to be awarded, in accordance with Part 2.

(2) A contracting authority must ensure that every contract which it awards contains a provision requiring the contracting authority to accept and process an electronic invoice submitted for payment by or on behalf of the contractor where the conditions in paragraph (3) are met.

(3) The conditions are that—

- (a) the invoice is undisputed; and
- (b) the invoice complies with the standard on electronic invoicing.

(4) To the extent that a contract which has been awarded does not contain express provision requiring the contracting authority to accept and process an electronic invoice where the conditions in paragraph (3) are met, a term to that effect is to be implied into the contract.

(5) For the purposes of this regulation, an electronic invoice complies with the standard on electronic invoicing where it complies with—

- (a) the European standard, and
- (b) any of the syntaxes,

published in Commission Implementing Decision (EU) 2017/1870 as amended from time to time.

(6) In this regulation, “electronic invoice” means an invoice which has been issued, transmitted and received in a structured electronic format which allows for its automatic and electronic processing.

Application of regulation 113A to sub-central contracting authorities

113B.—(1) Regulation 113A does not apply until 18th April 2020 in respect of a contract awarded by a sub-central contracting authority.

(2) But paragraph (1) does not apply where—

- (a) in the case of a contract that has been awarded, the sub-central contracting authority was acting as a central purchasing body;
- (b) in the case of a contract that is to be awarded, the sub-central contracting authority is to award it acting as a central purchasing body.”.