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STATUTORY INSTRUMENTS

2021 No. 872

PUBLIC PROCUREMENT

The Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021

<i>Made</i>	- - - -	<i>20th July 2021</i>
<i>Laid before Parliament</i>		<i>21st July 2021</i>
<i>Coming into force</i>	- -	<i>16th August 2021</i>

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 1(1)(a), 1(1)(b)(iv), and 4(1)(c) of the Trade Act 2021⁽¹⁾.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021 and come into force on 16th August 2021.

(2) The amendments made by these Regulations have the same extent as the provisions to which they relate.

⁽¹⁾ 2021 c. 10. See the definition of “appropriate authority” in section 5(1).

PART 2

Amendment of United Kingdom Secondary Legislation

Amendments to the Public Contracts Regulations 2015

2.—(1) The Public Contracts Regulations 2015(2) are amended as follows.

(2) In regulation 2 (definitions), in paragraph (1), in the definition of “GPA”, for “the United Kingdom’s accession” substitute “16th May 2021”.

(3) For Schedule 1 (central government authorities), substitute the Schedule contained in Schedule 1 to these Regulations.

Amendments to the Concession Contracts Regulations 2016

3.—(1) The Concession Contracts Regulations 2016(3) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “GPA”, for “the United Kingdom’s accession” substitute “16th May 2021”.

(3) In regulation 51A (duty owed to economic operators from GPA parties), for paragraph (3) substitute—

“(3) In this regulation, “relevant time” means the date on which the contracting authority or utility submitted a concession notice in respect of the concession contract to the UK e-notification service or would have done so if it had been required by these Regulations to do so.”.

Amendment to the Utilities Contracts Regulations 2016

4.—(1) The Utilities Contracts Regulations 2016(4) are amended as follows.

(2) In regulation 2 (definitions), in paragraph (1), in the definition of “GPA”, for “the United Kingdom’s accession” substitute “16th May 2021”.

PART 3

Amendment of Scottish Secondary Legislation

Amendments to the Public Contracts (Scotland) Regulations 2015

5.—(1) The Public Contracts (Scotland) Regulations 2015(5) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “GPA”, for “the United Kingdom’s accession” substitute “16th May 2021”.

(3) For Schedule 1 (central government authorities), substitute the Schedule contained in Schedule 2 to these Regulations.

(2) S.I. 2015/102, as amended by S.I. 2016/275, S.I. 2020/1319, S.I. 2021/573 and S.I. 2021/787; there are other amending instruments but none is relevant.

(3) S.I. 2016/273, as amended by S.I. 2019/624, S.I. 2020/1319, S.I. 2021/573 and S.I. 2021/787.

(4) S.I. 2016/274, as amended by S.I. 2016/696, S.I. 2019/624, S.I. 2020/1319, S.I. 2021/573 and S.I. 2021/787.

(5) S.S.I. 2015/446, as amended by S.S.I. 2016/47, S.S.I. 2020/468, S.I. 2021/573 and S.I. 2021/787.

Amendment to the Utilities Contracts (Scotland) Regulations 2016

6.—(1) The Utilities Contracts (Scotland) Regulations 2016⁽⁶⁾ are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “GPA”, for “the United Kingdom’s accession” substitute “16th May 2021”.

Amendments to the Concession Contracts (Scotland) Regulations 2016

7.—(1) The Concession Contracts (Scotland) Regulations 2016⁽⁷⁾ are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “GPA”, for “the United Kingdom’s accession” substitute “16th May 2021”.

(3) In regulation 51A (duty owed to economic operators from GPA parties), for paragraph (3) substitute—

“(3) In this regulation, “relevant time” means the date on which the contracting entity submitted a concession notice in respect of the concession contract to the UK e-notification service or would have done so if it had been required by these Regulations to do so.”.

20th July 2021

Julia Lopez
Parliamentary Under Secretary of State
Cabinet Office

⁽⁶⁾ S.S.I. 2016/49, as amended by S.S.I. 2020/468, S.I. 2021/573 and S.I. 2021/787.

⁽⁷⁾ S.S.I. 2016/65, as amended by S.S.I. 2016/125, S.S.I. 2020/468, S.I. 2021/573 and S.I. 2021/787.

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SCHEDULE 1

Regulation 2(3)

“SCHEDULE 1

Regulation 2(1)

CENTRAL GOVERNMENT AUTHORITIES

Where an entity listed in this Schedule is succeeded by another entity, which is itself a contracting authority, the successor entity shall be deemed to be included in this Schedule.

PART 1

GPA ANNEX 1 CONTRACTING AUTHORITIES(8)

Attorney General’s Office

Government Legal Department

Cabinet Office

Office of the Parliamentary Counsel

Boundary Commission for England

Crown Commercial Service

Charity Commission

Crown Estate – Vote Expenditure Only

Crown Prosecution Service

Department for Business, Energy and Industrial Strategy

Competition Appeal Tribunal

Competition and Markets Authority

Competition Service

Intellectual Property Office

Nuclear Decommissioning Authority

Metrological Office (known as “Met Office”)

Office of Manpower Economics

Oil and Gas Authority

UK Research and Innovation

Department for Education

Office for Students

Ministry of Housing, Communities and Local Government

Department for Digital, Culture, Media and Sport

Arts Council England

British Library

British Museum

The Gambling Commission

Historic Buildings and Monuments Commission for England (known as “Historic England”)

Imperial War Museum
National Gallery
National Maritime Museum
National Portrait Gallery
Natural History Museum
Board of Trustees of the Science Museum (known as “Science Museum Group”)
Tate Gallery
Victoria and Albert Museum
Wallace Collection

Department for Environment, Food and Rural Affairs
Natural England
Plant Variety Rights Office
Royal Botanic Gardens, Kew

Department of Health and Social Care
NHS Business Services Authority
NHS Commissioning Board (known as “NHS England”)
NHS Trusts
NHS Foundation Trusts

Department for International Trade

Department for Transport
Maritime and Coastguard Agency
Highways England Company Ltd (known as “Highways England”)

Department for Work and Pensions
Office of Nuclear Regulation
Pensions Regulator
Social Security Advisory Committee

Export Credits Guarantee Department (known as “UK Export Finance”)

Foreign, Commonwealth and Development Office
Wilton Park

Government Actuary’s Department
Government Communications Headquarters

Home Office
HM Inspectorate of Constabulary and Fire & Rescue Services

Corporate Officer of the House of Commons
Corporate Officer of the House of Lords

Ministry of Defence
Defence Equipment & Support

Ministry of Justice
Court of Appeal (England and Wales)

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Employment Appeals Tribunal
Employment Tribunals
First-tier Tribunal
Her Majesty's Courts and Tribunals Service
Law Commission
Legal Aid Agency – England and Wales
Office of the Official Solicitor to the Senior Courts and the Public Trustee
Office of the Public Guardian
Parole Board
UK Supreme Court
Upper Tribunal
The National Archives
National Audit Office
National Savings and Investments
Northern Ireland Assembly Commission
Northern Ireland Ministers
 Agricultural Wages Board for Northern Ireland
 Attorney General for Northern Ireland
 Department of Agriculture, Environment and Rural Affairs
 Department for Communities
 Department for the Economy
 Consumer Council Northern Ireland (with respect only to the functions transferred from the National Consumer Council which were themselves transferred from the Gas and Electricity Consumer Council)
 Department of Education
 Department of Finance
 Department of Health
 Department for Infrastructure
 Department of Justice
 Coroners Service
 County Courts
 Court of Appeal and High Court of Justice in Northern Ireland
 Crown Court
 Enforcement of Judgements Office
 Forensic Science Northern Ireland
 Legal Service Agency Northern Ireland
 Magistrates' Courts
 Pensions Appeals Tribunals (Northern Ireland)
 Police Service of Northern Ireland
 Probation Board for Northern Ireland

Office of the Social Security Commissioners and Child Support Commissioners
(Northern Ireland)
State Pathologist's Department
Executive Office
Northern Ireland Office
Office of the Chief Electoral Officer for Northern Ireland
Public Prosecution Service for Northern Ireland
Office for National Statistics
National Health Service Central Register
Parliamentary Works Sponsor Body
Parliamentary and Health Service Ombudsman
Postal business of the Post Office
Postal business of the Post Office
Privy Council Office
Restoration and Renewal Delivery Authority Ltd
HM Revenue and Customs
Royal Hospital, Chelsea
Royal Mint
Rural Payments Agency
Scotland, Auditor-General
Scotland, Crown Office and Procurator Fiscal Service
Scotland, National Records of Scotland
Scotland, Queen's and Lord Treasurer's Remembrancer
Scotland, Registers of Scotland
The Scotland Office
The Scottish Ministers
Architecture and Design Scotland
Crofting Commission
Lands Tribunal for Scotland
National Galleries of Scotland
National Library of Scotland
National Museums of Scotland
Royal Botanic Garden, Edinburgh
Scottish Courts and Tribunals Service
Scottish Further and Higher Education Funding Council
Scottish Law Commission
Special Health Boards
Health Boards
The Office of the Accountant of Court
High Court of Justiciary

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Court of Session
HM Inspectorate of Constabulary
Parole Board for Scotland
Pensions Appeal Tribunals (Scotland)
Scottish Land Court
Sheriff Courts
Scottish Natural Heritage
Scottish Police Authority
First-tier Tribunal for Scotland
Upper Tribunal for Scotland
Historic Environment Scotland
The Scottish Parliamentary Corporate Body
HM Treasury
 United Kingdom Debt Management Office
The Wales Office – Office of the Secretary of State for Wales
The Welsh Ministers
 Agricultural Dwelling House Advisory Committees (Wales)
 Agricultural Land Tribunal for Wales
 Higher Education Funding Council for Wales
 Local Democracy and Boundary Commission for Wales
 Rent Assessment Committee (Wales)
 The Royal Commission on the Ancient and Historical Monuments of Wales
 Valuation Tribunals for Wales
 Welsh National Health Service Trusts and Local Health Boards

PART 2

OTHER CENTRAL GOVERNMENT CONTRACTING AUTHORITIES

Agri-Food and Biosciences Institute
Armagh Observatory
Armagh Planetarium
Arts Council of Northern Ireland
Arts Council of Wales
Belfast Health and Social Care Trust
Belfast Metropolitan College
Care Council for Wales
Chief Inspector of Criminal Justice
Comhairle na Gaelscolaíochta
Commissioner for Children and Young People for Northern Ireland

Commissioner for Older People for Northern Ireland
Commissioner for Public Appointments for Northern Ireland
Commissioner for Victims and Survivors
Community Relations Council
Construction Industry Training Board – ConstructionSkills NI
Council for Catholic Maintained Schools
Council for the Curriculum, Examinations and Assessment
Education and Library Boards
Education Authority
Equality Commission for Northern Ireland
Exceptional Circumstances Body
General Teaching Council for Northern Ireland
Health and Safety Executive for Northern Ireland
Health and Social Care Regulation and Quality Improvement Authority
ILEX Urban Regeneration Company Limited
Invest Northern Ireland
Labour Relations Agency
Lay Observer for Northern Ireland
Livestock and Meat Commission for Northern Ireland
Local Government Staff Commission
Maze Long Kesh Development Corporation
Middletown Centre for Autism
National Library of Wales
National Museum Wales
National Museums Northern Ireland
Natural Resources Wales
North West Regional College
Northern Health and Social Care Trust
Northern Ireland Ambulance Service Trust
Northern Ireland Blood Transfusion Service
Northern Ireland Building Regulations Advisory Committee
Northern Ireland Council for Integrated Education
Northern Ireland Environment Agency
Northern Ireland Fire and Rescue Service
Northern Ireland Fishery Harbour Authority
Northern Ireland Guardian Ad Litem Agency
Northern Ireland Housing Executive
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Legal Services Commission

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Northern Ireland Library Authority
Northern Ireland Local Government Officers' Superannuation Committee
Northern Ireland Medical and Dental Training Agency
Northern Ireland Museums Council
Northern Ireland Policing Board
Northern Ireland Policing Fund
Northern Ireland Practice and Education Council for Nursing and Midwifery
Northern Ireland Prisoner Ombudsman
Northern Ireland Screen
Northern Ireland Social Care Council
Northern Ireland Tourist Board
Northern Ireland, Department for Social Development
Northern Regional College
Patient and Client Council
Planning and Water Appeals Commission
Police Ombudsman Northern Ireland
Police Retraining and Rehabilitation Trust
Public Service Commission for Northern Ireland
Regional Agency for Public Health and Social Well Being
Regional Business Services Organisation
Regional Health and Social Care Board
Revenue Scotland
RUC George Cross Foundation
South Eastern Health and Social Care Trust
South Eastern Regional College
South West College
Southern Health and Social Care Trust
Southern Regional College
Sport NI
Sport Wales
Staff Commission for Education and Library Boards
Statistics Advisory Committee
Stranmillis University College
Strategic Investment Board
The Charity Commission for Northern Ireland
The National Assembly for Wales Commission
The Welsh Revenue Authority
Ulster Supported Employment Limited
Victims and Survivors Service Ltd
Welsh Language Commissioner

Welsh NHS bodies
Western Health and Social Care Trust
Youth Council for Northern Ireland”

SCHEDULE 2

Regulation 5(3)

“SCHEDULE 1

Regulation 2(1)

CENTRAL GOVERNMENT AUTHORITIES

Where an entity listed in this Schedule is succeeded by another entity, which is itself a contracting authority, the successor entity shall be deemed to be included in this Schedule.

PART 1

GPA ANNEX 1 CONTRACTING AUTHORITIES(9)

Attorney General’s Office
Government Legal Department
Cabinet Office
Office of the Parliamentary Counsel
Boundary Commission for England
Crown Commercial Service
Charity Commission
Crown Estate – Vote Expenditure Only
Crown Prosecution Service
Department for Business, Energy and Industrial Strategy
Competition Appeal Tribunal
Competition and Markets Authority
Competition Service
Intellectual Property Office
Nuclear Decommissioning Authority
Metrological Office (known as “Met Office”)
Office of Manpower Economics
Oil and Gas Authority
UK Research and Innovation
Department for Education
Office for Students
Ministry of Housing, Communities and Local Government
Department for Digital, Culture, Media and Sport
Arts Council England

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British Library
British Museum
The Gambling Commission
Historic Buildings and Monuments Commission for England (known as “Historic England”)
Imperial War Museum
National Gallery
National Maritime Museum
National Portrait Gallery
Natural History Museum
Board of Trustees of the Science Museum (known as “Science Museum Group”)
Tate Gallery
Victoria and Albert Museum
Wallace Collection
Department for Environment, Food and Rural Affairs
Natural England
Plant Variety Rights Office
Royal Botanic Gardens, Kew
Department of Health and Social Care
NHS Business Services Authority
NHS Commissioning Board (known as “NHS England”)
NHS Trusts
NHS Foundation Trusts
Department for International Trade
Department for Transport
Maritime and Coastguard Agency
Highways England Company Ltd (known as “Highways England”)
Department for Work and Pensions
Office of Nuclear Regulation
Pensions Regulator
Social Security Advisory Committee
Export Credits Guarantee Department (known as “UK Export Finance”)
Foreign, Commonwealth and Development Office
Wilton Park
Government Actuary’s Department
Government Communications Headquarters
Home Office
HM Inspectorate of Constabulary and Fire & Rescue Services
Corporate Officer of the House of Commons
Corporate Officer of the House of Lords

Ministry of Defence

Defence Equipment & Support

Ministry of Justice

Court of Appeal (England and Wales)

Employment Appeals Tribunal

Employment Tribunals

First-tier Tribunal

Her Majesty's Courts and Tribunals Service

Law Commission

Legal Aid Agency – England and Wales

Office of the Official Solicitor to the Senior Courts and the Public Trustee

Office of the Public Guardian

Parole Board

UK Supreme Court

Upper Tribunal

The National Archives

National Audit Office

National Savings and Investments

Northern Ireland Assembly Commission

Northern Ireland Ministers

Agricultural Wages Board for Northern Ireland

Attorney General for Northern Ireland

Department of Agriculture, Environment and Rural Affairs

Department for Communities

Department for the Economy

Consumer Council Northern Ireland (with respect only to the functions transferred from the National Consumer Council which were themselves transferred from the Gas and Electricity Consumer Council)

Department of Education

Department of Finance

Department of Health

Department for Infrastructure

Department of Justice

Coroners Service

County Courts

Court of Appeal and High Court of Justice in Northern Ireland

Crown Court

Enforcement of Judgements Office

Forensic Science Northern Ireland

Legal Service Agency Northern Ireland

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Magistrates' Courts
Pensions Appeals Tribunals (Northern Ireland)
Police Service of Northern Ireland
Probation Board for Northern Ireland
Office of the Social Security Commissioners and Child Support Commissioners
(Northern Ireland)
State Pathologist's Department
Executive Office
Northern Ireland Office
Office of the Chief Electoral Officer for Northern Ireland
Public Prosecution Service for Northern Ireland
Office for National Statistics
National Health Service Central Register
Parliamentary Works Sponsor Body
Parliamentary and Health Service Ombudsman
Postal business of the Post Office
Privy Council Office
Restoration and Renewal Delivery Authority Ltd
HM Revenue and Customs
Royal Hospital, Chelsea
Royal Mint
Rural Payments Agency
Scotland, Auditor-General
Scotland, Crown Office and Procurator Fiscal Service
Scotland, National Records of Scotland
Scotland, Queen's and Lord Treasurer's Remembrancer
Scotland, Registers of Scotland
The Scotland Office
The Scottish Ministers
Architecture and Design Scotland
Crofting Commission
Lands Tribunal for Scotland
National Galleries of Scotland
National Library of Scotland
National Museums of Scotland
Royal Botanic Garden, Edinburgh
Scottish Courts and Tribunals Service
Scottish Further and Higher Education Funding Council
Scottish Law Commission
Special Health Boards

Health Boards
The Office of the Accountant of Court
High Court of Justiciary
Court of Session
HM Inspectorate of Constabulary
Parole Board for Scotland
Pensions Appeal Tribunals (Scotland)
Scottish Land Court
Sheriff Courts
Scottish Natural Heritage
Scottish Police Authority
First-tier Tribunal for Scotland
Upper Tribunal for Scotland
Historic Environment Scotland
The Scottish Parliamentary Corporate Body
HM Treasury
 United Kingdom Debt Management Office
The Wales Office – Office of the Secretary of State for Wales
The Welsh Ministers
 Agricultural Dwelling House Advisory Committees (Wales)
 Agricultural Land Tribunal for Wales
 Higher Education Funding Council for Wales
 Local Democracy and Boundary Commission for Wales
 Rent Assessment Committee (Wales)
 The Royal Commission on the Ancient and Historical Monuments of Wales
 Valuation Tribunals for Wales
 Welsh National Health Service Trusts and Local Health Boards

PART 2

OTHER CENTRAL GOVERNMENT CONTRACTING AUTHORITIES

Agri-Food and Biosciences Institute
Armagh Observatory
Armagh Planetarium
Arts Council of Northern Ireland
Arts Council of Wales
Belfast Health and Social Care Trust
Belfast Metropolitan College
Care Council for Wales
Chief Inspector of Criminal Justice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Comhairle na Gaelscolaíochta
Commissioner for Children and Young People for Northern Ireland
Commissioner for Older People for Northern Ireland
Commissioner for Public Appointments for Northern Ireland
Commissioner for Victims and Survivors
Common Services Agency for the Scottish Health Service
Community Relations Council
Construction Industry Training Board – ConstructionSkills NI
Council for Catholic Maintained Schools
Council for the Curriculum, Examinations and Assessment
Education and Library Boards
Education Authority
Equality Commission for Northern Ireland
Exceptional Circumstances Body
Regional Development Scotland
General Teaching Council for Northern Ireland
Food Standards Scotland
Health and Safety Executive for Northern Ireland
Health and Social Care Regulation and Quality Improvement Authority
Health Improvement Scotland
ILEX Urban Regeneration Company Limited
Integration Joint Boards
Invest Northern Ireland
Labour Relations Agency
Lay Observer for Northern Ireland
Livestock and Meat Commission for Northern Ireland
Local Government Staff Commission
Maze Long Kesh Development Corporation
Middletown Centre for Autism
National Library of Wales
National Museum Wales
National Museums Northern Ireland
Natural Resources Wales
North West Regional College
Northern Health and Social Care Trust
Northern Ireland Ambulance Service Trust
Northern Ireland Blood Transfusion Service
Northern Ireland Building Regulations Advisory Committee
Northern Ireland Council for Integrated Education
Northern Ireland Environment Agency

Northern Ireland Fire and Rescue Service
Northern Ireland Fishery Harbour Authority
Northern Ireland Guardian Ad Litem Agency
Northern Ireland Housing Executive
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Legal Services Commission
Northern Ireland Library Authority
Northern Ireland Local Government Officers' Superannuation Committee
Northern Ireland Medical and Dental Training Agency
Northern Ireland Museums Council
Northern Ireland Policing Board
Northern Ireland Policing Fund
Northern Ireland Practice and Education Council for Nursing and Midwifery
Northern Ireland Prisoner Ombudsman
Northern Ireland Screen
Northern Ireland Social Care Council
Northern Ireland Tourist Board
Northern Ireland, Department for Social Development
Northern Regional College
Patient and Client Council
Planning and Water Appeals Commission
Police Ombudsman Northern Ireland
Police Retraining and Rehabilitation Trust
Public Service Commission for Northern Ireland
Regional Agency for Public Health and Social Well Being
Regional Business Services Organisation
Regional Health and Social Care Board
Revenue Scotland
RUC George Cross Foundation
Scottish Fire and Rescue Service
South Eastern Health and Social Care Trust
South Eastern Regional College
South West College
Southern Health and Social Care Trust
Southern Regional College
Sport NI
Sport Wales
Staff Commission for Education and Library Boards
Statistics Advisory Committee

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Stranmillis University College
Strategic Investment Board
The Charity Commission for Northern Ireland
The National Assembly for Wales Commission
The Welsh Revenue Authority
Ulster Supported Employment Limited
Victims and Survivors Service Ltd
Welsh Language Commissioner
Welsh NHS bodies
Western Health and Social Care Trust
Youth Council for Northern Ireland”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to various United Kingdom and Scottish public procurement regulations for the purpose of implementing the Agreement on Government Procurement and in consequence of a modification of the list of central government entities in Annex 1 to the United Kingdom’s Appendix I to the Agreement. This includes consequential amendments. The amendments made by these Regulations are “steady state amendments”, as that term is defined in the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 ([S.I. 2020/1319](#)) and the Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 ([S.S.I. 2020/468](#)) (“the EU Exit SIs”). As such, in accordance with the transitional provisions in the EU Exit SIs, these amendments do not affect any procedure (as that term is defined in the Schedules to the EU Exit SIs) launched before but not yet finalised by IP completion day. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen