### STATUTORY INSTRUMENTS

## 2021 No. 872

# PUBLIC PROCUREMENT

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

Made - - - - 20th July 2021

Laid before Parliament 21st July 2021

Coming into force - - 16th August 2021

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(a).

#### 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.

#### PART 2

### Amendment of United Kingdom Secondary Legislation

#### **Amendments to the Public Contracts Regulations 2015**

- **2.**—(1) The Public Contracts Regulations 2015(**b**) 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.

<sup>(</sup>a) 2021 c. 10. See the definition of "appropriate authority" in section 5(1).

<sup>(</sup>b) 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.

#### **Amendments to the Concession Contracts Regulations 2016**

- **3.**—(1) The Concession Contracts Regulations 2016(**a**) 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 enotification 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(**b**) 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(c) 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.

## Amendment to the Utilities Contracts (Scotland) Regulations 2016

- **6.**—(1) The Utilities Contracts (Scotland) Regulations 2016(**d**) 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(e) 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.".

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

<sup>(</sup>b) 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.

<sup>(</sup>c) 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.

<sup>(</sup>d) S.S.I. 2016/49, as amended by S.S.I. 2020/468, S.I. 2021/573 and S.I. 2021/787.

<sup>(</sup>e) 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.

## 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(a)

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

<sup>(</sup>a) Cmnd. 487

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)

**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

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

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

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

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**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

<sup>(</sup>a) Cmnd. . 487

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

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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

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Department for Infrastructure

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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

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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

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Scottish Natural Heritage

Scottish Police Authority

First-tier Tribunal for Scotland

Upper Tribunal for Scotland

Historic Environment Scotland

The Scottish Parliamentary Corporate Body

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United Kingdom Debt Management Office

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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

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** 

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

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