



Procurement Reform (Scotland) Act 2014

2014 asp 12

PART 5

GENERAL

Interpretation

42 General interpretation

(1) In this Act—

- “award notice” has the meaning given in section 23(6),
- “community benefit requirement” has the meaning given in section 24,
- “contract notice” has the meaning given in section 23(6),
- “contracting authority” has the meaning given in section 1,
- “economic operator” means any person who offers the execution of works, the supply of products or the provision of services on the market,
- “financial year” means the period of 12 months in respect of which the accounts of the contracting authority in question are prepared,
- “public contract” [^{F1}means a contract for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as its object the execution of works, the supply of products or the provision of services]
- “Public Contracts website” has the meaning given in section 22,
- “public works contract” [^{F2}means a public contract having as its object one of the following—
 - (a) the execution or the design and execution of works related to one of the activities within the meaning of schedule 2 of the Public Contracts Regulations,
 - (b) the execution or the design and execution of a work,
 - (c) the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work,
(except in a subsidised public works contract),]
- “regulated procurement” has the meaning given in section 2.

Changes to legislation: Procurement Reform (Scotland) Act 2014, Section 42 is up to date with all changes known to be in force on or before 28 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

[^{F3}“work” means the outcome of building or civil engineering works taken as a whole which is sufficient in itself to fulfil an economic or technical function.]

- (2) In this Act, a contracting authority's area is the area by reference to which the contracting authority primarily exercises its functions, disregarding any areas outside Scotland.

Textual Amendments

- F1** Words in s. 42 substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **3(7)(a)** (with sch. paras. 1-5)
- F2** Words in s. 42 substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **3(7)(b)** (with sch. paras. 1-5)
- F3** Words in s. 42(1) inserted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **3(7)(c)** (with sch. paras. 1-5)

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Changes and effects yet to be applied to :

- s. 42 words substituted by [S.S.I. 2019/112 reg. 2\(f\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- s. 42 words substituted by [S.S.I. 2019/112 reg. 2\(f\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- s. 42(1) words inserted by [S.S.I. 2019/112 reg. 2\(f\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to amend conferred by [2023 c. 54 s. 115\(3\)\(4\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. para. 40A inserted by [2023 asp 6 sch. 2 para. 5\(2\)](#)