

## SCHEDULE

### TRANSITIONAL AND SAVINGS PROVISIONS

#### **Saving, in relation to procurements commenced before exit day, of duty owed to economic operators from states party to certain bilateral agreements**

**11.**—(1) The omission by these Regulations of—

- (a) paragraphs (2)(b) and (4) of regulation 87 of the Public Contracts (Scotland) Regulations 2015 (duty owed to economic operators),
- (b) paragraphs (2)(b) and (4) of regulation 51 of the Concession Contracts (Scotland) Regulations 2016 (duty owed to economic operators),
- (c) paragraphs (2)(b) and (4) of regulation 100 of the Utilities Contracts (Scotland) Regulations 2016 (duty owed to economic operators),

do not affect any procurement commenced before exit day.

(2) To the extent that they are saved by sub-paragraph (1), the unamended provisions referred to in sub-paragraph (1) have effect on and after exit day—

- (a) as if the United Kingdom were still an EEA state, and
- (b) as if, in each unamended paragraph (4)(a)—
  - (i) the words “there is” read “immediately before exit day there was”, and
  - (ii) the words “is bound” read “was bound”.