

SCHEDULE

TRANSITIONAL AND SAVINGS PROVISIONS

General principles

2.—(1) Subject to the other provisions of this schedule, the amendments made by these Regulations apply prospectively even in relation to procurements which had commenced before the amendments came into force.

(2) But, subject to the following provisions of this schedule, an amendment made by these Regulations does not apply to the extent that the provision amended refers or relates (directly or indirectly) to something which in fact occurred before the amendments came into force.

(3) Accordingly, for example—

- (a) where, before exit day, a contract notice was published in the Official Journal after being sent for such publication in accordance with unamended regulations 50 and 52 of the Public Contracts (Scotland) Regulations 2015, but exit day occurred before the sending of a contract award notice to the EU Publications Office in accordance with unamended regulations 51 and 52 of those Regulations in relation to that procurement—
 - (i) the contract award notice is, on or after exit day, to be submitted for publication on the UK e-notification service in accordance with amended regulations 51 and 52 of those Regulations, but
 - (ii) the information to be included in that notice by virtue of amended regulation 51(2) of those Regulations includes the date and reference of the publication of the contract notice in the Official Journal because that publication occurred before exit day and, accordingly, amended regulation 51(2)(a)(iv) of those Regulations is to be disregarded in relation to that publication,
- (b) even in relation to a procurement that is commenced on or after exit day, the amendment made by regulation 3(11) of these Regulations to regulation 10(1)(a) of the Public Contracts (Scotland) Regulations 2015 does not apply if the legal instrument referred to in that regulation 10(1)(a) was concluded before exit day (and, in such circumstances, the test laid down by that regulation accordingly continues to be whether the instrument had been concluded in accordance with “the Treaties” as defined in the unamended regulation 2(1) of those Regulations rather than whether the instrument had been concluded in accordance with “the Retained Treaties” as defined by the amended regulation 2(1) of those Regulations).