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## SCOTTISH STATUTORY INSTRUMENTS

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# 2006 No. 1

## The Public Contracts (Scotland) Regulations 2006

### PART 10

#### REPEALS, REVOCATIONS, SAVINGS, TRANSITIONAL PROVISIONS

##### Repeals and revocations

48. Subject to regulation 49—

- (a) the enactment specified in paragraph 1 of Schedule 7 shall be repealed; and
- (b) the instruments specified in column 1 of paragraph 2 of Schedule 7 (which have the numbers specified in column 2) shall be revoked to the extent specified in column 3 of that paragraph.

##### Savings and transitional provisions

49.—(1) Where a contracting authority has commenced a contract award procedure or design contest before 31st January 2006, the Regulations specified in paragraph (4) shall continue to have effect on and after 31st January 2006 in relation to that contract award procedure, as if those Regulations had not been revoked in accordance with regulation 48.

(2) A contracting authority has commenced a contract award procedure as referred to in paragraph (1) where before 31st January 2006, in relation to that procedure—

- (a) that contracting authority has sent a contract notice to the Official Journal in accordance with the specified Regulations in order to invite offers, requests to be selected to tender for or to negotiate in respect of a proposed public contract;
- (b) in any case where there is no requirement to send a contract notice to the Official Journal in accordance with the specified Regulations, that contracting authority has despatched any form of advertisement seeking offers or expressions of interest in a proposed public contract;
- (c) where there is no advertising as referred to in sub paragraph (a) or (b), that contracting authority has contacted any economic operator in order to seek expressions of interest or offers in respect of a proposed public contract; or
- (d) that contracting authority has sent a notice to the Official Journal in accordance with the specified Regulations in order to hold a design contest.

(3) Where a framework agreement has been concluded before 31st January 2006, these Regulations do not apply to the award of any specific contract under that framework agreement.

(4) In this regulation—

- (a) “specified Regulations” means—

- (i) the Public Works Contracts Regulations 1991 <sup>F1</sup>;
- (ii) the Public Services Contracts Regulations 1993 <sup>F2</sup>;

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Public Contracts (Scotland) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (iii) the Public Supply Contracts Regulations 1995 <sup>F3</sup>;
  - (iv) the Public Contracts (Works, Services and Supply)(Amendment) Regulations 2000 <sup>F4</sup>; and
  - (v) the Public Contracts (Works, Services and Supply) and Utilities Contracts (Amendment) Regulations 2003 <sup>F5</sup>; and
- (b) “contract notice” means a contract notice within the meaning of the Regulations specified in sub paragraphs (i), (ii) and (iii).

**F1** [S.I. 1991/2680.](#)

**F2** [S.I. 1993/3228.](#)

**F3** [S.I. 1995/201.](#)

**F4** [S.I. 2000/2009.](#)

**F5** [S.I. 2003/46.](#)

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**Changes and effects yet to be applied to :**

- Part 9 (regs 47 - 47C) appl (mod) by [S.S.I. 2010/390 reg 6](#)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

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

- Regulations revoked by [S.S.I. 2012/88 reg. 5153Sch. 7 Pt. A](#)
- reg. 6(2)(n) inserted by [S.I. 2011/1848 Sch. 4 para. 2\(4\)](#)
- reg 47A - 47C added (with transtl provns) by [S.S.I. 2009/428 regs 23](#)