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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 1**

**The Public Contracts (Scotland) Regulations 2006**

**PART 8**

**MISCELLANEOUS**

**Public service bodies**

**46.**—(1) Where a contracting authority, other than one which is a contracting authority only by reason of being a Schedule 1 entity, grants to a person other than a contracting authority, special or exclusive rights to carry on a service for the benefit of the public, it shall impose an express duty on that person in the terms referred to in paragraph (2).

(2) The duty referred to in paragraph (1) is a duty not to discriminate in seeking offers in relation to, or in awarding, a contract for the purchase or hire of goods on the grounds—

- (a) of nationality, against a person who is a national of a relevant State and established in a relevant State; or
- (b) that the goods to be supplied under the contract originate in another relevant State.