
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 291

**The Public Contracts and Utilities Contracts
(Common Procurement Vocabulary Codes)
Amendment (Scotland) Regulations 2008**

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Public Contracts and Utilities Contracts (Common Procurement Vocabulary Codes) Amendment (Scotland) Regulations 2008 and come into force on 23rd September 2008.

(2) These Regulations extend to Scotland only.

(3) In these Regulations—

“contracting authority” has the meaning given to it by regulation 3 of the Public Contracts Regulations;

“economic operator” has the meaning given by regulation 4 of the Public Contracts Regulations;

“framework agreement” means an agreement or other arrangement between one or more contracting authorities and one or more economic operators which establishes the terms (in particular the terms as to price and, where appropriate, quantity) under which the economic operator will enter into one or more contracts with a contracting authority in the period during which the framework agreement applies;

“Public Contracts Regulations” means the Public Contracts (Scotland) Regulations 2006⁽¹⁾;

“Utilities Contracts Regulations” means the Utilities Contracts (Scotland) Regulations 2006⁽²⁾; and

“utility” has the meaning given in regulation 3 of the Utilities Contracts Regulations.

Amendment of the Public Contracts Regulations

2.—(1) The Public Contracts Regulations are amended as follows.

(2) In regulation 2(1)(interpretation), in the definition of “Common Procurement Vocabulary”, after “and of the Council on the Common Procurement Vocabulary” insert “as amended by Commission Regulation (EC) No. 213/2008 amending Regulation (EC) No. 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV⁽³⁾”.

(3) For Schedule 2 (activities constituting works) substitute the Schedule contained in Schedule 1 to these Regulations.

(1) S.S.I. 2006/1, as amended by S.I.2007/2157 and S.S.I. 2007/565 and 2008/94..

(2) S.S.I. 2006/2, as amended by S.I. 2007/2157 and S.S.I. 2007/565 and 2008/94..

(3) O.J. L 74, 15.3.2008, p.1.

(4) For Schedule 3 (categories of services) substitute the Schedule contained in Schedule 2 to these Regulations.

Amendment of the Utilities Contracts Regulations

3.—(1) The Utilities Contracts Regulations are amended as follows.

(2) In regulation 2(1)(interpretation), in the definition of “Common Procurement Vocabulary”, after “and of the Council on the Common Procurement Vocabulary” insert “as amended by Commission Regulation (EC) No 213/2008 amending Regulation (EC) No. 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV”.

(3) For Schedule 2 (activities constituting works) substitute the Schedule contained in Schedule 1 to these Regulations.

(4) For Schedule 3 (categories of services) substitute the Schedule contained in Schedule 2 to these Regulations, but as adapted for this purpose by the substitution of the words “the utility” for the words “the contracting authority” in both places where they appear in the second column of the entry for category 8.

Transitional provision

4.—(1) A contracting authority, or as the case may be a utility, in relation to any contract awarded by it or framework agreement concluded by it prior to the coming into force of these Regulations, may treat the references to Schedules 2 and 3 in the regulations specified in paragraph (2) as references to those Schedules before their amendment by these Regulations.

(2) The specified regulations are—

- (a) regulation 40(1)(f) (statistical and other reports) of the Public Contracts Regulations; and
- (b) regulation 38(3) and (4) (statistical and other reports) of the Utilities Contracts Regulations.

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