
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 114

**The Public Procurement etc. (Scotland) (Amendment)
(EU Exit) Amendment Regulations 2019**

Amendment of the Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019

2.—(1) The Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 1 paragraph (3) (citation, commencement and transitional and savings provisions) for “eight” substitute “18”.

(3) In regulation 3 (amendments to the Public Contracts (Scotland) Regulations 2015⁽²⁾ that are commenced on exit day)—

(a) in paragraph (23) (amendment of regulation 26 which concerns conditions relating to the GPA and other international agreements)—

(i) omit sub-paragraph (b),

(ii) in sub-paragraph (c)—

(aa) for paragraph (i) substitute—

“(i) for “is bound” substitute “was, immediately before exit day, bound”,”

(bb) omit paragraph (ii),

(cc) for paragraph (iii) substitute—

“(iii) for “EU” where it last appears substitute “United Kingdom”,”

(b) in paragraph (46) (amendment of regulation 68 which concerns life-cycle costing), in sub-paragraph (a), for paragraph (ii) substitute—

“(ii) for “is bound” substitute “was, immediately before exit day, bound”,”

(c) in paragraph (57) (amendment of regulation 87 which concerns the duty owed to economic operators)—

(i) in sub-paragraph (b), for “Condition 1 or Condition 2” substitute “Condition 1, Condition 2 or Condition 3”,

(ii) for sub-paragraph (d) substitute—

“(d) in paragraph (4)—

(i) for “For the purpose of paragraph (2)(b), a relevant bilateral agreement applies if” substitute “Condition 3 is that”,

(ii) in sub-paragraph (a)—

(aa) for “there is” substitute “immediately before exit day there was”,

(1) S.S.I. 2019/112.

(2) S.S.I. 2015/446, relevantly amended by S.S.I. 2016/47.

(bb) for “is bound” substitute “was bound”,

(da) after paragraph (4) insert—

“(4A) Paragraph (4)(b) is to be applied as if the United Kingdom were a member State.”,

(4) In the heading to regulation 4 (amendments commenced eight months after exit day), for “eight” substitute “18”.

(5) In regulation 5 (amendments to the Utilities Contracts (Scotland) Regulations 2016⁽³⁾ that are commenced on exit day)—

(a) in paragraph (27) (amendment of regulation 41 which concerns conditions relating to the GPA and other international agreements)—

(i) omit sub-paragraph (a),

(ii) in sub-paragraph (b)—

(aa) for paragraph (i) substitute—

“(i) for “is bound” substitute “was, immediately before exit day, bound”,”,

(bb) omit paragraph (ii),

(cc) for paragraph (iii) substitute—

“(iii) for “EU” where it last appears substitute “United Kingdom”,”,

(b) in paragraph (47) (amendment of regulation 81 which concerns life-cycle costing), in sub-paragraph (a), for paragraph (ii) substitute—

“(ii) for “is bound” substitute “was, immediately before exit day, bound”,”,

(c) in paragraph (58) (amendment of regulation 100 which concerns the duty owed to economic operators)—

(i) in sub-paragraph (b)(i)(bb), for “Condition 1 or Condition 2” substitute “Condition 1, Condition 2 or Condition 3”,

(ii) for sub-paragraph (d) substitute—

“(d) in paragraph (4)—

(i) for “For the purpose of paragraph (2)(b), a relevant bilateral agreement applies if” substitute “Condition 3 is that”,

(ii) in sub-paragraph (a)—

(aa) for “there is” substitute “immediately before exit day there was”,

(bb) for “is bound” substitute “was bound”,

(da) after paragraph (4) insert—

“(4A) Paragraph (4)(b) is to be applied as if the United Kingdom were a member State.”,

(6) In the heading to regulation 6 (amendments commenced eight months after exit day), for “eight” substitute “18”.

(7) In regulation 7 (amendments to the Concession Contracts (Scotland) Regulations 2016⁽⁴⁾ that are commenced on exit day), in paragraph (28) (amendment of regulation 51 which concerns the duty owed to economic operators)—

(3) S.S.I. 2016/49.

(4) S.S.I. 2016/65.

- (a) in paragraph (b), for “Condition 1 or Condition 2” substitute “Condition 1, Condition 2 or Condition 3”,
- (b) for sub-paragraph (d) substitute—
 - “(d) in paragraph (4)—
 - (i) for “For the purpose of paragraph (2)(b), a relevant bilateral agreement applies if” substitute “Condition 3 is that”,
 - (ii) in sub-paragraph (a)—
 - (aa) for “there is” substitute “immediately before exit day there was”,
 - (bb) for “is bound” substitute “was bound”,
 - (da) after paragraph (4) insert—
 - “(4A) Paragraph (4)(b) is to be applied as if the United Kingdom were a member State.”,
- (8) In the heading to regulation 8 (amendment commenced eight months after exit day), for “eight” substitute “18”.
- (9) In the schedule (transitional and savings provisions)—
 - (a) in paragraph 5(2)—
 - (i) in paragraph (a), omit sub-paragraph (ii),
 - (ii) in paragraph (c), omit sub-paragraph (i),
 - (b) omit paragraph 11.