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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 468**

**EXITING THE EUROPEAN UNION  
PUBLIC PROCUREMENT**

**The Public Procurement etc. (EU Exit)  
(Scotland) (Amendment) Regulations 2020**

*22nd December*

*Made - - - -*

*2020*

*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, paragraphs 1(1) and (3) of Part 1 and 11G(1) and (3) of Part 1B of schedule 2 of the European Union (Withdrawal) Act 2018<sup>(2)</sup> and all other powers enabling them to do so.

In accordance with paragraph 4(a) and (b) of schedule 2 of the European Union (Withdrawal) Act 2018<sup>(3)</sup>, the Scottish Ministers have consulted with the Secretary of State.

In accordance with section 22 and paragraph 1(6) of schedule 7 of the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before and approved by the Scottish Parliament.

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- (1) [1972 c.68](#) (“the 1972 Act”). The 1972 Act was repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c.16\)](#) (“the 2018 Act”) with effect from exit day (see section 20 of the 2018 Act), but saved, subject to modifications, until IP completion day by section 1A of that Act. Section 1A of the 2018 Act was inserted by the European Union (Withdrawal Agreement) Act [2020 \(c.1\)](#) (“the 2020 Act”) and defined “IP completion day” by reference to section 39(1) to (5) of the 2020 Act. Section 2(2) was amended by the Scotland Act [1998 \(c.46\)](#) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act [2008 \(c.7\)](#) (“the 2008 Act”), section 3(3) and schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (2) [2018 c.16](#). Paragraph 11G was inserted by section 19 of the 2020 Act.
- (3) Paragraph 4 of schedule 2 of the 2018 Act was amended by section 27(7)(a) of the 2020 Act.