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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 468**

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

**PART 3**

**AMENDMENT OF SECONDARY LEGISLATION**

**CHAPTER 4**

**Amendment of the Procurement (Scotland) Regulations 2016**

**10.**—(1) The Procurement (Scotland) Regulations 2016<sup>(1)</sup> are amended as follows.

(2) In regulation 7 (publication of contract notices, prior information notices and award notices on the Public Contracts website)—

(a) in paragraph (1) for “an EU regulated procurement” substitute “a higher value regulated procurement”,

(b) in paragraph (4), after “Directive” insert—

“, but as if—

(a) in paragraph 2, reference to “for the reasons set out in the second and third subparagraphs of Article 53(1),” were omitted,

(b) paragraph 24 (financing by EU funds) were omitted,

(c) in paragraph 26, “in the *Official Journal of the European Union*” read “on the Public Contracts website”,

(d) in paragraph 28, “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website”,

(c) in paragraph (5), after “Directive” insert—

“, but as if—

(a) in section I—

(i) in paragraph 2, reference to “for the reasons set out in the second and third subparagraphs of Article 53(1),” were omitted,

(ii) in paragraph 9 “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website, and

(b) in section II, paragraph 12 were omitted”,

(d) in paragraph (7), after “Directive” insert—

“, but as if—

(a) in paragraph 9, “referred to in Article 67” were omitted,

- (b) in paragraph 11(b), the words “member State or from a third” were omitted,
  - (c) paragraph 15 (financing by EU funds) were omitted,
  - (d) in paragraph 17, “in the *Official Journal of the European Union*” read “on the Public Contracts website”,
  - (e) in paragraph 18, “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website”,
- (3) In regulation 8(1) (selection of tenderers: exclusion of economic operators on grounds of criminal activity)—
- (a) omit sub-paragraph (e),
  - (b) in sub-paragraph (k), for “Article 57(1)” substitute “Article 57(1)(a), (b), (d), (e) or (f)”,
- (4) In regulation 10 (selection of tenderers: selection criteria), omit paragraph (5),
- (5) In regulation 11 (technical specifications)—
- (a) in paragraph (8), for “adopted by a legal act of the EU” substitute “imposed by retained EU law”,
  - (b) in paragraph (10), before sub-paragraph (a), omit “to the extent that they are compatible with EU law,”.