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## SCHEDULE

### AMENDMENTS TO PROCUREMENT REGULATIONS

#### PART 2

##### AMENDMENTS TO PROCUREMENT REGULATIONS FOR SCOTLAND

###### *The Public Contracts (Scotland) Regulations 2015*

- 12 The Public Contracts (Scotland) Regulations 2015 ([S.S.I. 2015/446](#)) are amended as follows.
- 13 (1) Regulation 10 (exclusions: public contracts awarded, and design contests organised, pursuant to international rules) is amended as follows.
- (2) In paragraph (1), omit sub-paragraph (b) (and the “or” preceding it).
- (3) For paragraph (2) substitute—
- “(2) These Regulations do not apply to procurement for the award of a relevant international public contract or the organisation of a relevant international design contest in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.
- (2A) In the case of procurement for the award of a relevant international public contract or relevant international design contest where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only regulation that applies to the procurement is regulation 26B (equal treatment of economic operators).”
- (4) At the end insert—
- “(4) In this regulation, “relevant international public contract” and “relevant international design contest” mean a public contract or design contest that—
- (a) the contracting authority awards or organises in accordance with procurement rules provided by an international organisation or international financing institution, and
- (b) is fully financed, or co-financed for the most part, by that organisation or institution.”
- 14 In regulation 51 (contract award notices), in paragraph (2)(a), after paragraph (ii) insert—
- “(iia) in paragraph 13, the words “or the highest tender and lowest tender taken into consideration” were omitted,”.
- 15 In Schedule 4A (international trade agreements), at the end insert—
- “Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.”

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*The Utilities Contracts (Scotland) Regulations 2016*

- 16 The Utilities Contracts (Scotland) Regulations 2016 ([S.S.I. 2016/49](#)) are amended as follows.
- 17 (1) Regulation 19 (exclusion: contracts awarded and design contests organised pursuant to international rules) is amended as follows.
- (2) In paragraph (1), omit sub-paragraph (b) (and the “or” preceding it).
- (3) For paragraph (2) substitute—
- “(2) These Regulations do not apply to procurement for the award of a relevant international contract or the organisation of a relevant international design contest in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.
- (2A) In the case of procurement for the award of a relevant international public contract or relevant international design contest where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only regulation that applies to the procurement is regulation 41B (equal treatment of economic operators).”
- (4) At the end insert—
- “(4) In this regulation, “relevant international contract” and “relevant international design contest” mean a contract or design contest that—
- (a) the utility undertakes or organises in accordance with procurement rules provided by an international organisation or international financing institution, and
- (b) is fully financed, or co-financed for the most part, by that organisation or institution.”
- 18 In regulation 68 (contract award notices), in paragraph (2)(a), after paragraph (iii) insert—
- “(iiia) in paragraph 12, for the words from “or the prices” to the end there were substituted “for the contract awarded”,”.
- 19 In Schedule 2A (international trade agreements), at the end insert—
- “Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.”

*The Concession Contracts (Scotland) Regulations 2016*

- 20 The Concession Contracts (Scotland) Regulations 2016 ([S.S.I. 2016/65](#)) are amended as follows.
- 21 (1) Regulation 10 (exclusions: concession contracts awarded pursuant to international rules) is amended as follows.
- (2) In paragraph (1), omit sub-paragraph (b) (and the “or” preceding it).
- (3) For paragraph (2) substitute—

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“(2) These Regulations do not apply to procurement for the award of a relevant international concession contract in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.

(2A) In the case of procurement for the award of a relevant international concession contract where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only regulation that applies to the procurement is regulation 28 (equal treatment of economic operators).”

(4) At the end insert—

“(4) In this regulation, “relevant international concession contract” means a concession contract that—

- (a) the contracting entity undertakes or organises in accordance with procurement rules provided by an international organisation or international financing institution, and
- (b) is fully financed, or co-financed for the most part, by that organisation or institution.”

22 In Schedule 5 (international trade agreements), at the end insert—

“Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.”