

## SCHEDULE 1

Regulation 3

## UTILITIES

<i>Relevant Person</i>	<i>Activity</i>
<b>CATEGORY 1 - WATER</b>	
<b>PART A</b>	
A company holding an appointment as a water undertaker or a sewerage undertaker under the Water Industry Act 1991(1).	1. The provision or operation of a fixed network which provides or will provide a service to the public in connection with the production, transport or distribution of drinking water.
The Department for Regional Development (Northern Ireland).	2. Hydraulic engineering, irrigation or land drainage, but only if more than 20% of the total volume of water made available by such activity is intended for the supply of drinking water.
The Water Services Agency (Northern Ireland).	3. The disposal or treatment of sewage.
<b>PART B</b>	
A relevant person not specified in Part C.	4. The supply of drinking water to a network referred to in paragraph 1.
<b>PART C</b>	
A relevant person other than a contracting authority who produces drinking water because its consumption is necessary for the purpose of carrying out an activity not specified in the second column of this Schedule and who supplies only the excess to a network which is referred to in paragraph 1.	5. The supply of drinking water to a network referred to in paragraph 1 but only if the drinking water supplied in the period of 36 months ending at the relevant time as defined in regulation 11(19) has exceeded 30% of the total produced by the utility in that period.
<b>CATEGORY 2 - ELECTRICITY</b>	
<b>PART D</b>	
A person licensed under section 6 of the Electricity Act 1989(2).	6. The provision or operation of a fixed network which provides or will provide a service to the public in connection with the production, transport or distribution of electricity.
A person licensed under article 10(1) of the Electricity (Northern Ireland) Order 1992(3).	
<b>PART E</b>	
A relevant person not specified in Part F.	7. The supply of electricity to a network referred to in paragraph 6.

- (1) 1991 c. 56; section 6 (appointment of relevant undertakers) was amended by section 101 of, and Schedule 8 to, the Water Act 2003 (c. 37). By virtue of S.I.1999/672 as amended by S.I. 2000/253 the functions of the Minister of the Crown with respect to both water and sewerage undertakers under section 6 are now exercisable by the National Assembly for Wales for any undertaking whose area is wholly or mainly in Wales. There are other amendments to this Act which are not relevant to these Regulations.
- (2) 1989 c. 29; section 6 was amended by section 30 of the Utilities Act 2000 (c. 27) and sections 89, 136, 143, 145, and 197 of, and Schedules 9 and 23 to the Energy Act 2004 (c. 20). There are other amendments to this Act which are not relevant to these Regulations.
- (3) S.I. 1992/231 (N.I.1); article 10(1) was amended by article 28 and the changes applied to existing licences by article 29 of S.I. 2003/419 (N.I.6). There are other amendments to this Order which are not relevant to these Regulations.

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<i>Relevant Person</i>	<i>Activity</i>
<b>PART F</b>	
A relevant person other than a contracting authority who produces electricity because its use is necessary for the purpose of carrying out an activity not specified in the second column of this Schedule and who supplies only the excess to a network referred to in paragraph 6.	<b>8.</b> The supply of electricity to a network referred to in paragraph 6 but only if the electricity supplied in the period of 36 months ending at the relevant time as defined in regulation 11(19) has exceeded 30% of the total produced by the utility in that period.
<b>CATEGORY 3 - GAS</b>	
<b>PART G</b>	
A gas transporter as defined in section 7(1) of the Gas Act 1986(4).	<b>9.</b> The provision or operation of a fixed network which provides or will provide a service to the public in connection with the production, transport or distribution of gas.
A person declared to be an undertaker for the supply of gas under article 8 of the Gas (Northern Ireland) Order 1996(5).	
<b>PART H</b>	
A relevant person not specified in Part I.	<b>10.</b> The supply of gas to a network referred to in paragraph 9.
<b>PART I</b>	
A relevant person other than a contracting authority who produces gas only as the unavoidable consequence of carrying out an activity not specified in the second column of this Schedule and who supplies gas for the sole purpose of the economic exploitation of the production to a network referred to in paragraph 9.	<b>11.</b> The supply of gas to a network referred to in paragraph 9 but only if the total consideration payable in the period of 36 months ending at the relevant time as defined in regulation 11(19) on account of such supply has exceeded 20% of the total turnover of the utility in that period.
<b>CATEGORY 4 - HEAT</b>	
<b>PART J</b>	
A local authority.	<b>12.</b> The provision or operation of a fixed network which provides or will provide a service to the public in connection with the production, transport or distribution of heat.
A person licensed under section 6(1)(a) of the Electricity Act 1989 whose licence includes the provisions referred to in section 10(3) of that Act.	
The Northern Ireland Housing Executive.	
<b>PART K</b>	
A relevant person not specified in Part L.	<b>13.</b> The supply of heat to a network referred to in paragraph 12.

(4) 1986 c. 44; section 7(1) was amended by section 5 of the Gas Act 1995 (c. 45), section 76 of the Utilities Act 2000 (c. 27), section 197 of and Schedule 23 to the Energy Act 2004. There are other amendments to this Act which are not relevant to these Regulations.

(5) S.I. 1996/275 (N.I.2); article 8 was amended by articles 30 and the changes applied to existing licences by article 31 of S.I. 2003/419 (N.I.6). There are other amendments to this Order which are not relevant to these Regulations.

<i>Relevant Person</i>	<i>Activity</i>
<b>PART L</b>	
A relevant person other than a contracting authority who produces heat as the unavoidable consequence of carrying out an activity not specified in the second column of this Schedule and who supplies heat for the sole purpose of the economic exploitation of the production to a network referred to in paragraph 12.	<b>14.</b> The supply of heat to a network referred to in paragraph 12 but only if the total consideration payable in the 36 months ending at the relevant time as defined in regulation 11(19) on account of such supply has exceeded 20% of the total turnover of the utility in that period.
<b>CATEGORY 5 – EXPLORATION AND EXTRACTION OF OIL AND GAS</b>	
<b>PART M</b>	
A person operating by virtue of a licence granted or having effect as if granted under the Petroleum Act 1998(6).	<b>15.</b> The exploitation of a geographical area for the purpose of exploring for or extracting oil or gas.
A person licensed under the Petroleum (Production) Act (Northern Ireland) 1964(7).	
<b>CATEGORY 6 – COAL AND OTHER SOLID FUEL</b>	
<b>PART N</b>	
Any licensed operator within the meaning of the Coal Industry Act 1994(8).	<b>16.</b> The exploitation of a geographical area for the purposes of exploring for or extracting coal or other solid fuel.
The Department of Enterprise, Trade and Investment (Northern Ireland).	
A person operating by virtue of a prospecting licence, a mining lease, a mining licence or a mining permission as defined by section 57(1) of the Mineral Development Act (Northern Ireland) 1969(9).	
<b>CATEGORY 7 – TRANSPORT</b>	
<b>PART O</b>	
A local authority.	<b>17.</b> The exploitation of a geographical area for the purpose of providing airport or other terminal facilities to carriers by air.
An airport operator within the meaning of the Airports Act 1986(10) who has the management of an airport subject to economic regulation under Part IV of that Act.	
Highlands and Islands Airports Limited.	

(6) 1998 c. 17. There are amendments to this Act which are not relevant to these Regulations.

(7) 1964 c. 28 (N.I.); section 2 was amended by Schedule 3 to the Mineral Development Act (Northern Ireland) 1969 (c. 35 NI). There are other amendments to this Act which are not relevant to these Regulations.

(8) 1994 c. 21. There are amendments to this Act which are not relevant to these Regulations.

(9) 1969 c. 35 (N.I). There are amendments to this Act which are not relevant to these Regulations.

(10) 1986 c. 31. There are amendments to this Act which are not relevant to these Regulations.

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<i>Relevant Person</i>	<i>Activity</i>
An airport operator within the meaning of the Airports (Northern Ireland) Order 1994 <b>(11)</b> .	
Any other relevant person.	
<b>PART P</b>	
A harbour authority within the meaning of section 57 of the Harbours Act 1964 <b>(12)</b> .	<b>18.</b> The exploitation of a geographical area for the purpose of providing maritime or inland port or other terminal facilities to carriers by sea or inland waterway.
British Waterways Board.	
A local authority.	
A harbour authority as defined by section 38(1) of the Harbours Act (Northern Ireland) 1970 <b>(13)</b> .	
Any other relevant person.	
<b>PART Q</b>	
Network Rail.	<b>19.</b> The provision or operation of a network providing a service to the public in the field of transport by railway.
Eurotunnel plc.	
Northern Ireland Transport Holding Company.	
Northern Ireland Railways.	
London Underground Limited.	
Transport for London.	
A subsidiary of Transport for London within the meaning of section 424(1) of the Greater London Authority Act 1999 <b>(14)</b> .	
Strathclyde Passenger Transport Executive.	
Greater Manchester Passenger Transport Executive.	
Tyne and Wear Passenger Transport Executive.	
Brighton Borough Council.	
South Yorkshire Passenger Transport Executive.	

**(11)** S.I.1994/426 (N.I.1). There are amendments to this Order which are not relevant to these Regulations

**(12)** 1964 c. 40. There are amendments to this Act which are not relevant to these Regulations.

**(13)** 1970 c. 1 (N.I.). There are amendments to this Act which are not relevant to these Regulations.

**(14)** 1999 c. 29. There are amendments to this Act which are not relevant to these Regulations.

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<i>Relevant Person</i>	<i>Activity</i>
West Midlands Passenger Transport Executive.	
A local transport authority or passenger authority within the meaning of section 124 of the Transport Act 2000(15) which has made a quality contracts scheme under section 124 of that Act.	
A person awarded a quality contract within the meaning of section 124 of the Transport Act 2000.	
Any other relevant person.	

PART R

Transport for London.	<b>20.</b> The provision or operation of a network providing a service to the public in the field of transport by automated systems, tramway, trolleybus, or cable.
A subsidiary of Transport for London within the meaning of section 424(1) of the Greater London Authority Act 1999.	
Greater Manchester Passenger Transport Executive.	
Blackpool Transport Services Limited.	
Conwy County Borough Council.	
South Yorkshire Passenger Transport Executive.	
West Midlands Passenger Transport Executive.	
Any other relevant person.	

PART S

Transport for London.	<b>21.</b> The provision or operation of a network providing a service to the public in the field of transport by bus.
A subsidiary of Transport for London within the meaning of section 424(1) of the Greater London Authority Act 1999.	
A local transport authority or Passenger Transport Authority within the meaning of section 124 of the Transport Act 2000 which has made a quality contracts scheme under section 124 of that Act.	

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(15) 2000 c. 38; section 124 was amended by section 39 of the Railway Act 2005 (c. 14)

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<i>Relevant Person</i>	<i>Activity</i>
A person awarded a quality contract within the meaning of section 124 of the Transport Act 2000.	
Northern Ireland Transport Holding Company.	
A person who holds a road service licence under section 4(1) of the Transport Act (Northern Ireland) 1967(16) which authorises him to provide a regular service within the meaning of that licence.	
Any other relevant person.	

SCHEDULE 2

Regulation 2(1)

ACTIVITIES CONSTITUTING WORKS

<i>Section F</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Construction Notes</i>	<i>CPV Code</i>
45			Construction	Construction of new buildings and works, restoring and common repairs	45000000
	45.1		Site preparation		45100000
		45.11	Demolition and wrecking of buildings; earth moving	Demolition of buildings and other structures	45110000
				Clearing of building sites	
				Earth moving: excavation, landfill, levelling and grading of construction sites, trench digging, rock	

(16) 1967 c. 37 (N.I.); section 4 was amended by S.I. 1990/994 (N.I. 7) and S.I. 1984/703 (N.I.3).

<i>Section F</i>				<i>Construction</i>	
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				removal, blasting, etc.	
				Site preparation for mining:	
				overburden removal and other development and preparation of mineral properties and sites	
				Building site drainage	
				Drainage of agricultural or forestry land	
		45.12	Test drilling and boring	Test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes	45120000
	45.2		Building of complete constructions or parts thereof; civil engineering		45200000
		45.21	General construction of buildings and civil engineering works	Construction of all types of buildings  Construction of civil engineering constructions	45210000
				Bridges, including	

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<i>Section F</i>				<i>Construction</i>	
<i>Divi-sion</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				those for elevated highways, viaducts, tunnels and subways	
				Long-distance pipelines, communication and power lines	
				Urban pipelines, urban communication and power lines;	
				Ancillary urban works	
				Assembly and erection of prefabricated constructions on the site	
		45.22	Erection of roof covering and frames	Erection of roofs	45220000
				Roof covering	
				Waterproofing	
		45.23	Construction of highways, roads, airfields and sport facilities	Construction of highways, streets, roads, other vehicular and pedestrian ways	45230000
				Construction of railways	
				Construction of airfield runways	
				Construction work, other	



<i>Section F</i>				<i>Construction</i>	
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations	
		45.24	Construction of water projects	Painting of markings on road surfaces and car parks Construction of: waterways, harbour and river works, pleasure ports (marinas), locks, etc. dams and dykes dredging subsurface work	45240000
		45.25	Other construction work involving special trades	Construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment: Construction of foundations, including pile driving	45250000

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<i>Section F</i>				<i>Construction</i>	
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				Water well drilling and construction, shaft sinking	
				Erection of non-self-manufactured steel elements	
				Steel bending	
				Bricklaying and stone setting	
				Scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms;	
				Erection of chimneys and industrial ovens	
	45.3		Building installation		45300000
		45.31	Installation of electrical wiring and fittings	Installation in buildings or other construction projects of:	45310000
				electrical wiring and fittings	
				telecommunications systems	
				electrical heating systems	

<i>Section F</i>				<i>Construction</i>	
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				residential antennas and aerials	
				fire alarms	
				burglar alarm systems	
				lifts and escalators	
				lightning conductors, etc.	
		45.32	Insulation work activities	Installation in buildings or other construction projects of thermal, sound or vibration insulation	45320000
		45.33	Plumbing	Installation in buildings or other construction projects of:	45330000
				plumbing and sanitary equipment	
				gas fittings	
				heating, ventilation, refrigeration or air conditioning equipment and ducts	
				sprinkler systems	
		45.34	Other building installation	Installation of illumination and signalling systems	45340000

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<i>Section F</i>				<i>Construction</i>	
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				for roads, railways, airports and harbours	
	45.4		Building completion	Installation in buildings or other construction projects of fittings and fixtures n.e.c.	45400000
		45.41	Plastering	Application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials	45410000
		45.42	Joinery installation	Installation of non self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials	45420000
		45.43	Floor and wall covering	Interior completion such as ceilings, wooden wall coverings, movable partitions, etc.	45430000
				Laying, tiling, hanging or	

<i>Section F</i>				<i>Construction</i>	
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				fitting in buildings or other construction projects of:	
				ceramic, concrete or cut stone wall or floor tiles	
				parquet and other wood floor coverings carpets and linoleum floor coverings, including of rubber or plastic, terrazzo, marble, granite	
				or slate floor or wall coverings	
		45.44	Painting and glazing	wallpaper Interior and exterior painting of buildings	45440000
				Painting of civil engineering structures	
		45.45	Other building completion	Installation of glass, mirrors etc Installation of private swimming pools, steam cleaning, sand blasting and similar	45450000

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<i>Section F</i>				<i>Construction</i>	
<i>Divi-sion</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
				activities for building exteriors	
				Other building completion and finishing work n.e.c.	
	45.5		Renting of construction or demolition equipment with operator		45500000
		45.50	Renting of construction or demolition equipment with operator		45500000

SCHEDULE 3

Regulation 2(2)

CATEGORIES OF SERVICES

<b>Part A</b>			
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
1	Maintenance and repair of vehicles and equipment	6112, 6122, 633, 886	from 50100000 to 50982000 (except for 50310000 to 50324200 and 50116510-9, 50190000-3, 50229000-6, 50243000-0)
2	Transport by land, including armoured car services and courier services but not including transport of mail and transport by rail	712 (except 71235), 7512, 87304	from 60112000-6 to 60129300-1 (except 60121000 to 60121600, 60122200-1, 60122230-0), and from 64120000-3 to 64121200-2
3	Transport by air but not transport of mail	73 (except 7321)	from 62100000-3 to 62300000-5 (except 62121000-6, 62221000-7)

<b>Part A</b>			
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
4	Transport of mail by land, other than by rail, and by air	71235, 7321	60122200-1, 60122230-0  62121000-6, 62221000-7
5	Telecommunications services	752	from 64200000-8 to 64228200-2, 72318000-7, and  from 72530000-9 to 72532000-3
6	Financial services: (a) Insurance services (b) Banking and investment services other than financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments and central bank services	Ex 81, 812, 814	from 66100000-1 to 66430000-3 and  from 67110000-1 to 67262000-1
7	Computer and related services	84	from 50300000-8 to 50324200-4,  from 72100000-6 to 72591000-4 (except 72318000-7 and from 72530000-9 to 72532000-3)
8	Research and development services where the benefits accrue exclusively to the utility for its use in the conduct of its own affairs and the services are to be wholly paid for by the utility	85	from 73000000-2 to 73300000-5  (except 73200000-4, 73210000-7, 7322000-0)
9	Accounting, auditing and book-keeping services	862	from 74121000-3 to 74121250-0

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<b>Part A</b>			
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
10	Market research and public opinion polling services	864	from 74130000-9 to 74133000-0, and 74423100-1, 74423110-4
11	Management consultancy services and related services, but not arbitration and conciliation services	865, 866	from 73200000-4 to 73220000-0,  from 74140000-2 to 74150000-5 (except 74142200-8), and 74420000-9, 74421000-6, 74423000-0, 74423200-2, 74423210-5, 74871000-5, 93620000-0
12	Architectural services; engineering services and integrated engineering services; urban planning and landscape architectural services: related scientific and technical consulting services: technical testing and analysis services	867	from 74200000-1 to 74276400-8, and  from 74310000-5 to 74323100-0, and 74874000-6
13	Advertising services	871	from 74400000-3 to 74422000-3 (except 74420000-9 and 74421000-6)
14	Building-cleaning services and property management services	874, 82201 to 82206	from 70300000-4 to 70340000-6, and 74710000-9 to 74760000-4
15	Publishing and printing services on a fee or contract basis	88442	from 78000000-7 to 78400000-1
16	Sewage and refuse disposal service: sanitation and similar services	94	from 90100000-8 to 90320000-6, and 50190000-3, 50229000-6, 50243000-0

**Part B**

<i>Category</i>	<i>Services</i>	<i>CPC Reference No.</i>	<i>CPV Code</i>
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<b>Part A</b>			
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
17	Hotel and restaurant services	64	from 55000000-0 to 55524000-9, and from 93400000-2 to 93411000-2
18	Transport by rail	711	60111000-9, and  from 60121000-2 to 60121600-8
19	Transport by water	72	from 61000000-5 to 61530000-9, and from 63370000-3 to 63372000-7
20	Supporting and auxiliary transport services	74	62400000-6, 62440000-8, 62441000-5, 62450000-1,  from 63000000-9 to 63600000-5 (except 63370000-3, 63371000-0, 63372000-7), and 74322000-2, 93610000-7
21	Legal services	861	from 74110000-3 to 74114000-1
22	Personnel placement and supply services	872	from 74500000-4 to 74540000-6 (except 74511000-4), and from 95000000-2 to 95140000-5
23	Investigation and security services, other than armoured car services	873 (except 87304)	from 74600000-5 to 74620000-1
24	Education and vocational education services	92	from 80100000-5 to 80430000-7
25	Health and social services	93	74511000-4, and  from 85000000-9 to 85323000-9 (except 85321000-5 and 85322000-2)
26	Recreational, cultural and sporting services	96	from 74875000-3 to 74875200-5, and

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<b>Part A</b>			
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
			from 92000000-1 to 92622000-7 (except 92230000-2)
27	Other services		

#### SCHEDULE 4

Regulation 2(1) and 4(4)

#### EXTENSION TO NON-MEMBER STATES

<i>Relevant States</i>	<i>Agreement with the European Union which extends the provisions relating to public procurement to the relevant State</i>	<i>Statutory provisions designating the agreements as European Treaties</i>
1	2	3
Bulgaria	Europe Agreement(17)	SI 1994/758.
Iceland	European Economic Area Agreement(18)	European Economic Area Act 1993(19), section 1.
Liechtenstein	European Economic Area Agreement	European Economic Area Act 1993, section 1.
Norway	European Economic Area Agreement	European Economic Area Act 1993, section 1.
Romania	Europe Agreement(20)	SI 1994/760.

(17) OJ No L 358, 31.12.94, p.3.

(18) OJ No L 1, 3.1.94, p. 3 as adjusted by the Protocol signed in Brussels on 17<sup>th</sup> March 1993 OJ No L 1, 3.1.94, p. 572.

(19) 1993 c. 51.

(20) OJ No L 357, 31.12.94, p.2.