
STATUTORY INSTRUMENTS

2008 No. 2256

**PUBLIC PROCUREMENT,
ENGLAND AND WALES
PUBLIC PROCUREMENT, NORTHERN IRELAND**

**The Public Contracts and Utilities Contracts
(CPV Code Amendments) Regulations 2008**

Made - - - - 22nd August 2008

Laid before Parliament 22nd August 2008

Coming into force - - 15th September 2008

The Treasury are designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to public procurement.

The Treasury make these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Contracts and Utilities (CPV Code Amendments) Regulations 2008 and come into force on 15th September 2008.

(2) In these Regulations “the Public Contracts Regulations” means the Public Contracts Regulations 2006⁽³⁾ and “the Utilities Contracts Regulations” means the Utilities Contracts Regulations 2006⁽⁴⁾.

Amendment of the Public Contracts Regulations

2.—(1) The Public Contracts Regulations are amended as follows.

(2) In regulation 2(1), in the definition of “Common Procurement Vocabulary”, after “the Common Procurement Vocabulary” insert “as amended by Regulation (EC) No 213/2008 of the Commission of the European Communities⁽⁵⁾”.

(1) [S.I. 1991/755](#).

(2) [1972 c.68](#).

(3) [S.I. 2006/5](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 2006/6](#), to which there are amendments not relevant to these Regulations.

(5) OJ L 74, 15.3.2008, p.1.

(3) For Schedule 2 to the Public Contracts Regulations substitute the Schedule contained in Schedule 1 to these Regulations.

(4) For Schedule 3 to the Public Contracts Regulations substitute the Schedule contained in Schedule 2 to these Regulations.

Amendment of the Utilities Contracts Regulations

3.—(1) The Utilities Contracts Regulations are amended as follows.

(2) In regulation 2(1), in the definition of “Common Procurement Vocabulary”, after “the Common Procurement Vocabulary” insert “as amended by Regulation (EC) No 213/2008 of the Commission of the European Communities;”.

(3) For regulation 38(4)(b) of the Utilities Contracts Regulations substitute—

“(b) telecommunications services specified under CPV references 64221000-1, 64227000-3, 64228000-0, 64228100-1, 64228200-2 within category 5 of Part A of Schedule 3;”.

(4) For Schedule 2 to the Utilities Contracts Regulations substitute the Schedule contained in Schedule 1 to these Regulations.

(5) For Schedule 3 to the Utilities Contracts Regulations substitute the Schedule contained in Schedule 2 to these Regulations, but as adapted for this purpose by the substitution of the word “utility” for the words “contracting authority” in both places where they appear in the second column of the entry for category 8.

Transitional provision

4.—(1) A contracting authority, or as the case may be a utility, in relation to any contract awarded by it or framework agreement concluded by it prior to the coming into force of these Regulations, may treat the references to Schedules 2 and 3 in the regulations specified in paragraph (2) as references to those Schedules before their amendment by these Regulations.

(2) The specified regulations in paragraph (1) are—

- (a) regulation 40(1)(f) of the Public Contracts Regulations;
- (b) regulation 38(3) of the Utilities Contracts Regulations; and
- (c) regulation 38(4) of the Utilities Contracts Regulations.

22nd August 2008

Dave Watts
Alan Campbell
Two of the Lords Commissioners of Her
Majesty’s Treasury

SCHEDULE 1

Regulations 2(3) and 3(4)

“SCHEDULE 2

Regulation 2(1)

ACTIVITIES CONSTITUTING WORKS

<i>Section F</i>	<i>Construction</i>	<i>CPV Code</i>
<i>Divi- Group Class Subject Notes</i>		
<i>sion</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 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

Status: This is the original version (as it was originally made).

<i>Divi-</i>	<i>Section F</i>	<i>Class</i>	<i>Subject</i>	<i>Construction</i>	<i>CPV Code</i>
<i>sion</i>	<i>Group</i>			<i>Notes</i>	
	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 Except: Construction of civil engineering constructions	45210000 45213316 45220000 45231000 45232000
				Bridges, including 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 Roof covering Waterproofing	45261000
		45.23	Construction of highways, roads, streets, roads, other vehicular and pedestrian ways	Construction of highways, streets, roads, other vehicular and pedestrian ways	45212212 and DA03 45230000

Section F		Construction		CPV Code	
Divi-	Group	Class	Subject		Notes
sion					
			airfields and sport facilities	Except: 45231000 45232000 45234115	
			Construction of railways		
			Construction of airfield runways		
			Construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations		
			Painting of markings on road surfaces and car parks		
	45.24	Construction of water projects	Construction of:	45240000	
			waterways, harbour and river works, pleasure ports (marinas), locks, etc.		
			dams and dykes		
			dredging		
			subsurface work		
	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	45250000 45262000	
			Construction of foundations, including pile driving		
			Water well drilling and construction, shaft sinking		

Status: This is the original version (as it was originally made).

<i>Section F</i>				<i>Construction</i>	
<i>Divi-</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
<i>sion</i>					
				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:	45213316 45310000 Except: 45316000
				electrical wiring and fittings	
				telecommunications systems	
				electrical heating systems	
				residential antennas and aerials	
				fire alarms	
				burglar alarm systems	
				lifts and escalators	

<i>Section F</i>				<i>Construction</i>	
<i>Divi-</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	<i>CPV Code</i>
<i>sion</i>					
				lightning conductors, etc.	
		45.32	Insulation work	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 for roads, railways, airports and harbours	45234115 45316000 45340000
				Installation in buildings or other construction projects of fittings and fixtures n.e.c.	
	45.4		Building completion		45400000
		45.41	Plastering	Application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials	45410000

Status: This is the original version (as it was originally made).

Section F		Construction		CPV Code	
Divi-	Group	Class	Subject		Notes
sion					
		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
				Interior completion such as ceilings, wooden wall coverings, movable partitions, etc.	
		45.43	Floor and wall covering	Laying, tiling, hanging or 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 wallpaper	45430000
		45.44	Painting and glazing	Interior and exterior painting of buildings Painting of civil engineering structures Installation of glass, mirrors, etc.	45440000

Section F		Construction		CPV Code
Divi-	Group	Class	Subject	
sion				
		45.45	Other building completion	Installation of private swimming pools
				45212212 and DA04 45450000
				Steam cleaning, sand blasting and similar 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 2

Regulations 2(4) and 3(5)

"SCHEDULE 3

Regulation 2(2)

CATEGORIES OF SERVICES

<i>Category</i>	<i>Services</i>	<i>A CPC Reference No</i>	<i>CPV Code</i>
1	Maintenance and repair of vehicles and equipment	6112, 6122, 633, 886	from 50100000-6 to 50884000-5 (except for 50310000-1 to 50324200-4, and 50116510-9, 50190000-3, 50229000-6, 50243000-0), and from 51000000-9 to 51900000-1

Status: This is the original version (as it was originally made).

<i>Category</i>	<i>Services</i>	<i>A CPC Reference No</i>	<i>CPV Code</i>
2	Transport by land, including armoured car services and courier services but not including transport of mail and transport by rail	712 (except from 71235), 7512, 87304	60100000-9 to 60183000-4 (except 60160000-7, 60161000-4, 60220000-6), and from 64120000-3 to 64121200-2
3	Transport by air but not transport of mail	73 (except 7321)	60410000-5 to 60424120-3 (except 60411000-2, 60421000-5), and 60500000-3, and from 60440000-4 to 60445000-9
4	Transport of mail by land, other than by rail, and by air	71235, 7321	60160000-7, 60161000-4 60411000-2, 60421000-5
5	Telecommunications services	752	from 64200000-8 to 64228200-2, 72318000-7, and from 72700000-7 to 72720000-3
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 66720000-3
7	Computer and related services	84	from 50310000-1 to 50324200-4, from 72000000-5 to 72920000-5 (except 72318000-7 and from 72700000-7 to 72720000-3), 79342410-4
8	Research and development services where the benefits accrue exclusively to the contracting	85	from 73000000-2 to 73436000-7 (except

<i>Category</i>	<i>Services</i>	<i>A CPC Reference No</i>	<i>CPV Code</i>
	authority for its use in the conduct of its own affairs and the services are to be wholly paid for by the contracting authority		73200000-4, 73220000-0) 73210000-7,
9	Accounting, auditing and book-keeping services	862	from 79210000-9 to 79223000-3
10	Market research and public opinion polling services	864	from 79300000-7 to 79330000-6 and 79342310-9, 79342311-6
11	Management consultancy services and related services but not arbitration and conciliation services	865, 866	from 73200000-4 to 73220000-0, from 79400000-8 to 79421200-3 and 79342000-3, 79342100-4, 79342300-6, 79342320-2, 79342321-9, 79910000-6, 79991000-7, 98362000-8
12	Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services	867	from 71000000-8 to 71900000-7 (except 71550000-8), and 79994000-8
13	Advertising services	871	from 79341000-6 to 79342200-5 (except 79342000-3 and 79342100-4)
14	Building-cleaning services and property management services	874, 82201 to 82206	from 70300000-4 to 70340000-6, and from 90900000-6 to 90924000-0
15	Publishing and printing services on a fee or contract basis	88442	from 79800000-2 to 79824000-6, and from 79970000-6 to 79980000-7

Status: This is the original version (as it was originally made).

		A	
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
16	Sewage and refuse disposal services; sanitation and similar services	94	from 90400000-1 to 90743200-9 (except 90712200-3), from 90910000-9 to 90920000-2 and 50190000-3, 50229000-6, 50243000-0
		B	
<i>Category</i>	<i>Services</i>	<i>CPC Reference No</i>	<i>CPV Code</i>
17	Hotel and restaurant services	64	55100000-1 to 55524000-9 and from 98340000-8 to 98341100-6
18	Transport by rail	711	from 60200000-0 to 60220000-6
19	Transport by water	72	from 60600000-4 to 60653000-0, and from 63727000-1 to 63727200-3
20	Supporting and auxiliary transport services	74	from 63000000-9 to 63734000-3 (except 63711200-8, 63712700-0, 63712710-3, and from 63727000-1 to 63727200-3), and 98361000-1
21	Legal services	861	from 79100000-5 to 79140000-7
22	Personnel placement and supply services	872	from 79600000-0 to 79635000-4 (except 79611000-0, 79632000-3, 79633000-0), and from 98500000-8 to 98514000-9
23	Investigation and security services, other than armoured car services	873 (except 87304)	from 79700000-1 to 79723000-8

		B	
Category	Services	CPC Reference No	CPV Code
24	Education and vocational education services	92	from 80100000-5 to 80660000-8 (except 80533000-9, 80533100-0, 80533200-1)
25	Health and social services	93	79611000-0 and from 85000000-9 to 85323000-9 (except 85321000-5 and 85322000-2)
26	Recreational, cultural and sporting services	96	from 79995000-5 to 79995200-7, and from 92000000-1 to 92700000-8 (except 92230000-2, 92231000-9, 92232000-6)
27	Other services”.		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Contracts Regulations 2006 ([SI 2006/05](#)) (“the Public Contracts Regulations”) and the Utilities Contracts Regulations 2006 ([SI 2006/06](#)) (“the Utilities Contracts Regulations”).

Council Directive [2004/17/EC](#) (OJ L134, 30.4.2004, p.1) (“the Utilities Directive”) concerns the co-ordination of procurement procedures of entities operating in the water, energy, transport and postal service sectors. Council Directive [2004/18/EC](#) (OJ L134, 30.4.2004, p.114) (“the Public Sector Directive”) concerns the co-ordination of procedures for the award of public works contracts, public supply contracts and public services contracts. Those Directives have been implemented for England, Wales and Northern Ireland by the Utilities Contracts Regulations and the Public Contracts Regulations respectively.

Commission Regulation ([EC](#)) [213/2008](#) (OJ L74, 15.3.2008, p.1) (“the CPV Regulation”) concerning the revision of the Common Procurement Vocabulary amends Annexes I, IIA and IIB of the Public Sector Directive and Annexes XII, XVIIA and XVIIIB of the Utilities Directive which list the activities, along with their Common Procurement Vocabulary (“CPV”) codes, which constitute public works and public services for the purposes of the two directives.

Status: This is the original version (as it was originally made).

The CPV Regulation does not change the material scope of the Public Sector Directive or of the Utilities Directive.

Regulations 2 and 3 amend the Public Contracts Regulations and the Utilities Contracts Regulations to reflect the amendments to the Public Sector Directive and Utilities Directive made by the CPV Regulation.

Regulation 3 also clarifies the CPV codes used in regulation 38(4)(b) of the Utilities Contracts Regulations.

A full regulatory impact assessment has not been produced as no impact on the private and voluntary sectors is foreseen.

A Transposition Note is attached to the Explanatory Memorandum which is available alongside this instrument on the OPSI website (www.opsi.gov.uk).