
STATUTORY INSTRUMENTS

2016 No. 273

The Concession Contracts Regulations 2016

PART 6

Miscellaneous

[^{F1}General provisions about regulations under these Regulations

65ZA.—(1) Regulations under these Regulations are to be made by statutory instrument.

(2) A statutory instrument containing regulations under regulation 7(6) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(3) Any other statutory instrument containing regulations under these Regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Subject to paragraph (5), Regulations may not be made under regulation 38 without the consent of the Welsh Ministers and a Northern Ireland Department.

(5) Regulations (“the amending regulations”) may be made under regulation 38 without such consent, but in such cases the amending regulations must make provision in such a way as to avoid altering the effect of that regulation in so far as it applies to—

- (a) devolved Welsh authorities, where the Welsh Ministers have not consented to the making of the amending regulations;
- (b) devolved Northern Ireland authorities, where no Northern Ireland Department has consented to the making of the amending regulations.

(6) Regulations under these Regulations may make supplementary, incidental, transitional, transitory or saving provision.]

F1 [Reg. 65ZA](#) inserted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **8(31)** (with Sch. paras. 3-5)

Review of these Regulations

65.—(1) The Minister for the Cabinet Office must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Minister for the Cabinet Office must, so far as is reasonable, have regard to how the Concessions Directive is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;

Changes to legislation: The Concession Contracts Regulations 2016, PART 6 is up to date with all changes known to be in force on or before 13 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of 5 years beginning on 18th April 2016.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

General transitional provision

66.—(1) Nothing in these Regulations affects any concession contract award procedure commenced before 18th April 2016.

(2) For that purpose, a concession contract award procedure has been commenced before 18th April 2016 if, before that date—

- (a) a public works concession contract notice has been sent to the Official Journal in accordance with the Public Contracts Regulations 2006 ^{M1};
 - (b) a contract notice has been sent to the Official Journal in accordance with the Defence and Security Regulations in order to invite offers or requests to be selected for tender or to negotiate in respect of a proposed concession contract;
 - (c) the contracting authority or utility has had published any form of advertisement seeking offers or expressions of interest in a proposed concession contract; or
 - (d) the contracting authority or utility has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed concession contract, or
 - (ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed concession contract.
- (3) Nothing in these Regulations affects a concession contract awarded—
- (a) before 18th April 2016; or
 - (b) after that date but where the award was not, by virtue of paragraphs (1) and (2), affected by these Regulations.

Marginal Citations

M1 S.I. 2006/5, amended by S.I. 2007/3542, 2008/2256, 2683, 2848, 2009/1307, 2992, 2010/133, 976, 2011/1043, 1848, 2053, 2581, 3058, 2013/252, 1431, 2014/834 and by the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), [Schedule 20](#), paragraph 2. The Public Contracts Regulations 2006 (the “2006 Regulations”) were revoked with savings by the [Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), [regulations 116](#) and 117. Regulation 117 saves the 2006 Regulations so far as they apply in respect of public works concession contracts and services concession contracts within the meaning of the 2006 Regulations.

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 54 Sch. 11 para. 6](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 8(5) words omitted by [S.I. 2023/506 reg. 3\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2023/506 revoked before coming into force by The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), 6)
- reg. 9(9A) words omitted by [S.I. 2023/506 reg. 3\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2023/506 revoked before coming into force by The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), 6)
- reg. 10(11)(d)(i)(aa) words substituted by [S.I. 2019/560 reg. 7\(7\)\(e\)\(i\)\(aa\)](#) (This amendment not applied to [legislation.gov.uk](#). Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 10(11)(d)(i)(bb) words substituted by [S.I. 2019/560 reg. 7\(7\)\(e\)\(i\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))