

---

*Status: Point in time view as at 18/04/2016.*

*Changes to legislation: The Utilities Contracts Regulations 2016, PART 6 is up to date with all changes known to be in force on or before 01 April 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)*

---

---

## STATUTORY INSTRUMENTS

---

# 2016 No. 274

## The Utilities Contracts Regulations 2016

### PART 6

#### REVOCATION, MODIFICATION, SAVINGS AND TRANSITIONAL PROVISIONS

##### Interpretation of Part 6

**120.** In this Part, “the 2006 Regulations” means the Utilities Contracts Regulations 2006 <sup>M1</sup>.

---

##### Marginal Citations

**M1** [S.I. 2006/6](#), amended by [S.I. 2007/2157](#), 3542, 2008/2256, 2848, 2009/3100, 2011/1043, 1441, 2053, 1848, 2012/1659, 2013/610, 2015/102.

##### Revocations

**121.** The following instruments are revoked—

- (a) subject to regulations 122 and 123, the 2006 Regulations; and
- (b) the Utilities Contracts (Amendment) Regulations 2009 <sup>M2</sup>.

---

##### Marginal Citations

**M2** [S.I. 2009/3100](#).

##### Transitional provisions and savings where procurement procedure commenced before 18th April 2016

**122.**—(1) Nothing in these Regulations affects any contract award procedure or design contest commenced before 18th April 2016.

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

- (a) the utility has sent a notice to the Official Journal in accordance with the 2006 Regulations in order to invite tenders or requests to be selected to tender for or to negotiate in respect of a proposed contract, framework agreement or dynamic purchasing system;
- (b) the utility has had published any form of advertisement seeking offers or expressions of interest in a proposed contract, framework or dynamic purchasing system;
- (c) the utility has contacted any economic operator in order to—

**Status:** Point in time view as at 18/04/2016.

**Changes to legislation:** The Utilities Contracts Regulations 2016, PART 6 is up to date with all changes known to be in force on or before 01 April 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)

- (i) seek expressions of interest or offers in respect of a proposed contract, framework agreement or dynamic purchasing system; or
- (ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed contract, framework agreement or dynamic purchasing system; or
- (d) the utility has sent a notice to the Official Journal in accordance with the 2006 Regulations in order to publicise its intention to hold a design contest.
- (3) Nothing in these Regulations affects the award of a specific contract based on a framework agreement where the framework agreement was concluded—
  - (a) before 18th April 2016; or
  - (b) on or after that date following a contract award procedure which, by virtue of paragraph (1), was not affected by these Regulations.
- (4) Nothing in these Regulations affects the award of a specific contract under a dynamic purchasing system where the system was established—
  - (a) before 18th April 2016; or
  - (b) on or after that date following a contract award procedure which, by virtue of paragraph (1), was not affected by these Regulations.
- (5) Paragraphs (6) to (9) apply in the case of a contract awarded—
  - (a) before 18th April 2016; or
  - (b) after that date but where the award itself was not, by virtue of paragraphs (1) to (4), affected by these Regulations.
- (6) Except in the case of a contract referred to in paragraph (7) to the extent referred to in paragraph (8), nothing in these Regulations affects a contract to which paragraph (5) applies.
- (7) This paragraph refers to a contract which was awarded under the 2006 Regulations.
- (8) A contract referred to in paragraph (7) is subject to regulations 88 and 89(3) and Chapter 2 of Part 5 (so far as that Chapter applies to regulations 88 and 89(3)).
- (9) For the purposes of paragraph (8), any reference in regulations 88 or 89(3) or Chapter 2 of Part 5 to a contract includes a contract to which paragraph (7) applies.
- (10) In this regulation, “dynamic purchasing system”, “framework agreement”, “contract”, “notice”, “design contest” and “utility” have the same meanings as in the 2006 Regulations.

#### **Time limits and the 2006 Regulations: modification of the existing saving of the original provisions**

- 123.**—(1) This regulation applies where, as a result of regulation 122, regulation 45E(4) of the 2006 Regulations continues to apply on or after 18th April 2016.
- (2) In those circumstances, regulation 45E(4) of the 2006 Regulations applies as though any reference to a “contract notice” were a reference to a “notice”.

#### **Transitory provision prior to commencement of regulation 40(1) to (7)**

- 124.**—(1) This regulation applies during the period beginning on the date mentioned in regulation 1(2) and ending immediately before the date mentioned in regulation 1(3)(c).
- (2) During that period, utilities may choose between the following means of communication for the purposes mentioned in paragraph (3)—
- (a) electronic means in accordance with regulation 40;

---

**Changes to legislation:** The Utilities Contracts Regulations 2016, PART 6 is up to date with all changes known to be in force on or before 01 April 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)

---

- (b) post or other suitable carrier;
  - (c) facsimile;
  - (d) a combination of those means.
- (3) That choice is available for all communication and information exchange in respect of which both the following criteria are met:—
- (a) the use of electronic means would, in accordance with regulation 40(1) to (7), have been required if those provisions had been in force;
  - (b) the use of electronic means is not required by any other provision of these Regulations that is in force.

**Status:**

Point in time view as at 18/04/2016.

**Changes to legislation:**

The Utilities Contracts Regulations 2016, PART 6 is up to date with all changes known to be in force on or before 01 April 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.