

STATUTORY INSTRUMENTS

2016 No. 274

The Utilities Contracts Regulations 2016

PART 5

REMEDIES

CHAPTER 2

APPLICATIONS TO THE COURT

[^{F1}Duty owed to economic operators from GPA parties

105A.—(1) The duty owed in accordance with regulation 104 is a duty owed also to an economic operator from a GPA party, but only where the agreement applies to the procurement concerned.

(2) For the purposes of paragraph (1), the GPA applies to a procurement if—

- (a) the procurement may result in the award of a contract of any description; and
- (b) at the relevant time—

- (i) a GPA party has agreed with the United Kingdom that the GPA shall apply to a contract of that description; and

- (ii) the economic operator is from that GPA party.

(3) In this regulation, “relevant time” means—

- (a) if the utility selects economic operators to tender for or to negotiate the contract in accordance with a qualification system established in accordance with regulation 77, the date on which the selection commences; [^{F2}or]

^{F3}(b)

- (c) in any other case, the date on which the utility submitted a contract notice (or design contest notice) to the UK e-notification service or would have done so if the requirement that there be a call for competition applied and the utility decided to satisfy that requirement by submitting such a notice.]

Textual Amendments

F1 Reg. 105A inserted (11.6.2021) by [The Public Procurement \(Agreement on Government Procurement\) \(Amendment\) Regulations 2021 \(S.I. 2021/573\)](#), regs. 1(1), **4(6)**

F2 Word in reg. 105A(3) inserted (E. N.I.) (25.5.2023) by [The Public Procurement \(International Trade Agreements\) \(Amendment\) Regulations 2023 \(S.I. 2023/484\)](#), regs. 1(2), **4(22)(a)** (with regs. 1(4)(b), 5); and inserted (W.) (26.5.2023) by [The Public Procurement \(International Trade Agreements\) \(Amendment\) \(Wales\) \(No. 2\) Regulations 2023 \(S.I. 2023/567\)](#), regs. 1(2), **4(22)(a)** (with reg. 5)

F3 Reg. 105A(3)(b) omitted (E. N.I.) (25.5.2023) by virtue of [The Public Procurement \(International Trade Agreements\) \(Amendment\) Regulations 2023 \(S.I. 2023/484\)](#), regs. 1(2), **4(22)(b)** (with regs. 1(4)(b), 5); and omitted (W.) (26.5.2023) by virtue of [The Public Procurement \(International Trade](#)

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Utilities Contracts Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), **4(22)(b)**
(with reg. 5)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Utilities Contracts Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 54 Sch. 11 para. 7](#)
- reg. 105A(3) word inserted by [S.I. 2023/506 reg. 4\(22\)\(a\)](#) (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. 105A(3)(b) omitted by [S.I. 2023/506 reg. 4\(22\)\(b\)](#) (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)

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. 20(2)(2A) substituted for reg. 20(2) by [2024 c. 6 Sch. para. 9\(3\)](#)
- reg. 20(5) inserted by [2024 c. 6 Sch. para. 9\(6\)](#)
- reg. 21(1)(c)(i)(aa) words substituted by [S.I. 2019/560 reg. 9\(12\)\(a\)\(i\)](#) (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. 21(1)(c)(i)(bb) words substituted by [S.I. 2019/560 reg. 9\(12\)\(a\)\(ii\)](#) (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. 70(2)(a)(iiia) inserted by [2024 c. 6 Sch. para. 10](#)