

---

STATUTORY INSTRUMENTS

---

**2016 No. 274**

**The Utilities Contracts Regulations 2016**

**PART 6**

**REVOCATION, MODIFICATION, SAVINGS  
AND TRANSITIONAL PROVISIONS**

**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—
  - (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

---

**Status:** Point in time view as at 18/04/2016.

**Changes to legislation:** The Utilities Contracts Regulations 2016, Section 122 is up to date with all changes known to be in force on or before 05 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) 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.

**Status:**

Point in time view as at 18/04/2016.

**Changes to legislation:**

The Utilities Contracts Regulations 2016, Section 122 is up to date with all changes known to be in force on or before 05 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.