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STATUTORY INSTRUMENTS

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**2016 No. 274**

**The Utilities Contracts Regulations 2016**

PART 1

GENERAL

CHAPTER 3

MATERIAL SCOPE

*SECTION 2*

*Excluded contracts and design contests; special provisions  
for procurement involving defence and security aspects*

SUB-SECTION 2 Procurement involving defence and security aspects

**Defence and security**

- 24.**—(1) These Regulations do not apply to—
- (a) contracts falling within the scope of the Defence and Security Regulations;
  - (b) contracts to which those Regulations do not apply by virtue of regulations 7 or 9 of those Regulations.
- (2) These Regulations do not apply to contracts and design contests not otherwise exempted by paragraph (1) to the extent that—
- (a) the protection of the essential security interests of the United Kingdom or another member State cannot be guaranteed by less intrusive measures, for example, by imposing requirements aimed at protecting the confidential nature of information which the utility makes available in a contract award procedure as provided for in these Regulations; or
  - (b) the application of these Regulations would oblige the United Kingdom to supply information the disclosure of which it considers contrary to the essential interests of its security.
- (3) Where the procurement and performance of the contract or design contest are classified as secret or must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in any part of the United Kingdom, these Regulations do not apply provided that the United Kingdom has determined that the essential interests concerned cannot be guaranteed by less intrusive measures, such as those referred to in paragraph (2)(a).