
STATUTORY INSTRUMENTS

2019 No. 624

The Public Procurement (Electronic Invoices etc.) Regulations 2019

Amendments to the Concession Contracts Regulations 2016

- 4.—(1) The Concession Contracts Regulations 2016(1) are amended as follows.
- (2) In regulation 38(8)(m), for “section 2 or 4” substitute “sections 1, 2 or 4”.
- (3) After regulation 64 insert—

“PART 5A

Processing of invoices submitted electronically

Contractual provisions relating to the processing of electronic invoices

64A.—(1) This regulation applies in respect of any concession contract which has been awarded, or which is to be awarded, in accordance with these Regulations.

(2) A contracting authority or utility must ensure that every concession contract which it awards contains a provision requiring the contracting authority or utility to accept and process an electronic invoice submitted for payment by or on behalf of the contractor where the conditions in paragraph (3) are met.

(3) The conditions are that—

- (a) the invoice is undisputed; and
- (b) the invoice complies with the standard on electronic invoicing.

(4) A failure to comply with paragraph (2) does not, of itself, affect the validity of a contract that has been entered into.

(5) To the extent that a concession contract which has been awarded does not contain express provision requiring the contracting authority or utility to accept and process an electronic invoice where the conditions in paragraph (3) are met, a term to that effect is to be implied into the contract.

(6) For the purposes of this regulation, an electronic invoice complies with the standard on electronic invoicing where it complies with—

- (a) the European standard, and
- (b) any of the syntaxes,

published in Commission Implementing Decision (EU) 2017/1870 as amended from time to time.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) In this regulation, “electronic invoice” means an invoice which has been issued, transmitted and received in a structured electronic format which allows for its automatic and electronic processing.

Application of regulation 64A to utilities and sub-central contracting authorities

64B.—(1) Regulation 64A does not apply until 18th April 2020 in respect of a concession contract awarded by—

- (a) a utility; or
- (b) a contracting authority which is a sub-central contracting authority.

(2) In this regulation, “sub-central contracting authority” has the meaning given by regulation 2(1) of the Public Contracts Regulations 2015.”.