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STATUTORY INSTRUMENTS

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**2020 No. 1319**

**The Public Procurement (Amendment  
etc.) (EU Exit) Regulations 2020**

**PART 3**

**AMENDMENT OF SECONDARY LEGISLATION**

**CHAPTER 4**

**AMENDMENT OF OTHER SUBORDINATE LEGISLATION**

**The Public Contracts Regulations 2006**

**12.**—(1) To the extent that the Public Contracts Regulations 2006(1) (“the 2006 Regulations”) continue to have prospective effect, their effect is modified as follows.

(2) The 2006 Regulations have prospective effect as if the following were omitted—

- (a) regulation 14(2) (which requires certain reports to be supplied to the European Commission on request);
- (b) regulation 32(16) (which provides for the provision of certain reports requested by the European Commission);
- (c) regulation 40(2) (which requires certain information to be provided for the European Commission).

(3) Where—

- (a) immediately before IP completion day, a procurement has been commenced,
- (b) on or after IP completion day, a contract is awarded or any other act is done, pursuant to that procurement, and
- (c) that award or other act would, if it had occurred before IP completion day, have been covered by an exemption from requirements of the 2006 Regulations by virtue of any provision in those Regulations,

that award or other act is covered by that exemption on and after IP completion day regardless of whether the terms used to define that exemption in the 2006 Regulations would otherwise have been apt to continue to achieve that effect on and after IP completion day.

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**Commencement Information**

**II** [Reg. 12](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

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(1) [S.I. 2006/5](#). The Regulations were revoked by [S.I. 2015/102](#) but subject to savings. Before being revoked, the Regulations had been amended by [S.I. 2007/3542](#), [2008/2256](#), [2683](#), [2848](#), [2009/1307](#), [2992](#), [2010/133](#), [976](#), [2011/1043](#), [1848](#), [2053](#), [2581](#), [3058](#), [2013/252](#), [1431](#), [2014/834](#) and by the Enterprise and Regulatory Reform Act 2013 (c. 24), Schedule 20, paragraph 2.

## The Utilities Contracts Regulations 2006

13.—(1) To the extent that the Utilities Contracts Regulations 2006(2) (“the 2006 Regulations”) continue to have prospective effect, their effect is modified as follows.

- (2) The 2006 Regulations have prospective effect as if—
- (a) regulation 7(7) (which relates to information requested by the European Commission) were omitted;
  - (b) in regulation 8(3) (which provides for certain information to be sent to or for the European Commission)—
    - (i) in sub-paragraph (a), the words from “5,000,000 euro” in the words before sub-paragraph (i) to the end of paragraph (xiii) read “£4,101,850, submit, within 48 days of the award, a contract award notice to the UK e-notification service for publication, containing the information referred to in regulation 70(2)(a) of the Utilities Contracts Regulations 2016”;
    - (ii) in sub-paragraph (b)—
      - (aa) “400,000 euro” read “£328,150”;
      - (bb) “5,000,000 euro” read “£4,101,850”;
      - (cc) paragraph (ii) read as follows—
        - “(ii) if the Minister requests that information in relation to any such contract, forthwith send it to the Minister.”;
  - (c) regulation 38(2) (which provides for the provision of certain reports requested by the European Commission) were omitted.
- (3) Where—
- (a) immediately before IP completion day, a procurement has been commenced,
  - (b) on or after IP completion day, a contract is awarded or any other act is done, pursuant to that procurement, and
  - (c) that award or other act would, if it had occurred before IP completion day, have been covered by an exemption from requirements of the 2006 Regulations by virtue of any provision in those Regulations,

that award or other act is covered by that exemption on and after IP completion day regardless of whether the terms used to define that exemption in the 2006 Regulations would otherwise have been apt to continue to achieve that effect on and after IP completion day.

### Commencement Information

**I2** [Reg. 13](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

## The Service Charges (Consultation Requirements) (England) Regulations 2003

14.—(1) The Service Charges (Consultation Requirements) (England) Regulations 2003(3) are amended as follows.

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- (2) [S.I. 2006/6](#). The Regulations were revoked by [S.I. 2016/274](#) but subject to savings. Before being revoked, the Regulations had been amended by [S.I. 2007/2157](#), [3542](#), [2008/2256](#), [2848](#), [2009/3100](#), [2011/1043](#), [1441](#), [2053](#), [1848](#), [2012/1659](#), [2013/610](#), [2015/102](#).
- (3) [S.I. 2003/1987](#), amended by [S.I. 2006/5](#), [2015/102](#); there are other amending instruments but none is relevant.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “public notice”, for the words from “published” to the end substitute “published, pursuant to the Public Contracts Regulations 2015, on the UK e-notification service (as defined by those Regulations)”.

**Commencement Information**

**I3** [Reg. 14](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

**The Provision of Services Regulations 2009**

**15.**—(1) The Provision of Services Regulations 2009<sup>(4)</sup> are amended as follows.

(2) In regulation 31 (certificates and other documents), in paragraph (5)(g), omit “(read with regulation 58(5))”.

**Commencement Information**

**I4** [Reg. 15](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

**The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013**

**16.**—(1) The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013<sup>(5)</sup> are amended as follows.

(2) In Schedule 2 (application of the Utilities Contracts Regulations 2016), in Part 1, in the entry relating to regulation 99 (information and documentation requirements), in the second column—

- (a) for ““the Commission”, in the first place it occurs,” substitute ““the Minister for the Cabinet Office” in sub-paragraph (a)”;
- (b) for “, in the second place it occurs,” substitute “as if the subsequent reference to “the Minister” in sub-paragraph (a)”;
- (c) for “(3), (8) and (9)” substitute “(3) and (7)(b) and (c).”

**Commencement Information**

**I5** [Reg. 16](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

(4) [S.I. 2009/2999](#), amended by [S.I. 2015/102](#); there are other amending instruments but none is relevant.

(5) [S.I. 2013/1582](#), amended by [S.I. 2016/275](#); there are other amending instruments but none is relevant.

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, CHAPTER 4.