
STATUTORY INSTRUMENTS

2024 No. 716

The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024

Saving provisions relating to the 2011 Regulations

3.—(1) Despite the revocation of the 2011 Regulations by section 119(1) of, and paragraph 4 of Schedule 11 to, the Act, those Regulations continue to apply in respect of procurement procedures, contracts and framework agreements in any of the circumstances described in paragraph (2).

(2) The circumstances are that, with reference to the 2011 Regulations, before 28th October 2024—

- (a) a contracting authority has awarded the contract or concluded the framework agreement;
- (b) a contracting authority has sought offers in relation to a proposed Part B services contract or a framework agreement in respect of which only Part B services contracts can be based or awarded, other than one excluded by virtue of regulation 7 or 9, for any services referred to in sub-paragraph (c), (d) or (e) of regulation 6(1);
- (c) a contracting authority has contacted an economic operator in order to commence the negotiated procedure without prior publication of a contract notice in accordance with regulations 16(1) and 18(1), (2), (9) and (10);
- (d) a contracting authority using the restricted procedure has submitted a contract notice inviting requests to be selected to tender in accordance with regulation 17(2);
- (e) a contracting authority using the negotiated procedure has submitted a contract notice inviting requests to be selected to negotiate in accordance with regulation 18(3);
- (f) a contracting authority using the competitive dialogue procedure has submitted a contract notice inviting requests to participate in accordance with regulation 19(4).

(3) Where the 2011 Regulations continue to apply in accordance with paragraph (1), the Act does not apply.

(4) Terms used in this regulation have the same meaning as in the 2011 Regulations⁽¹⁾ as they had effect immediately before 28th October 2024.

⁽¹⁾ For the meaning of “competitive dialogue procedure”, “contract notice”, “framework agreement”, “negotiated procedure”, “Part B services contract” and “restricted procedure”, see regulation 3(1) to (3), for the meaning of “contracting authority”, see regulation 4, and for the meaning of “economic operator”, see regulation 5(1) of the 2011 Regulations.