
STATUTORY INSTRUMENTS

2024 No. 716

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

Saving provisions relating to the 2015 Regulations

5.—(1) Despite the revocation of the 2015 Regulations by section 119(1) of, and paragraph 5 of Schedule 11 to, the Act, those Regulations continue to apply, as modified by paragraph (4)(b) and (c), in respect of procurement procedures, contracts, framework agreements and dynamic purchasing systems in any of the circumstances described in paragraphs (2) and (3).

(2) The circumstances in this paragraph are that, with reference to the 2015 Regulations, before 26th May 2023, a sub-central contracting authority submitted for publication in accordance with regulation 51 (publication on the UK e-notification service) a prior information notice as a call for competition in accordance with regulation 26(9).

(3) The circumstances in this paragraph are that, with reference to the 2015 Regulations, before 28th October 2024—

- (a) a contracting authority has awarded the contract, concluded the framework agreement or established the dynamic purchasing system;
- (b) a contracting authority has contacted an economic operator in order to commence the negotiated procedure without prior publication in any of the specific cases and circumstances set out in regulation 32;
- (c) either—
 - (i) a contract notice required by regulation 26(8) or 75(1)(a) (publication of notices: public contracts for social and other specific services), or
 - (ii) a contest notice required by regulation 79 (notices)has been submitted for publication in accordance with regulation 51;

- (d) a contracting authority has had published on the UK e-notification service a voluntary transparency notice expressing its intention to enter into a contract in accordance with regulation 99(3)(b) (grounds for ineffectiveness: one of the conditions for the non-application of the first ground);
- (e) a contracting authority has published information about a contract award opportunity on Contracts Finder in accordance with regulation 110(2) (publication of contract award opportunities on Contracts Finder).

(4) Where the 2015 Regulations continue to apply in accordance with paragraph (1)—

- (a) the Act does not apply;
- (b) the period of validity of a dynamic purchasing system under regulation 34 of those Regulations—
 - (i) may not be changed after 27th October 2025, and
 - (ii) expires (if it has not already done so) at the end of 27th October 2028;
- (c) regulation 113 of those Regulations (payment of undisputed invoices within 30 days by contracting authorities, contractors and subcontractors) is to be read as if—

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- (i) in paragraph (7), in the words before sub-paragraph (a)—
 - (aa) for “Every financial year” there were substituted “In every period, the first being the period beginning with 28th October 2024 and ending with 31st March 2025 and subsequent periods being each subsequent successive period of six months”, and
 - (bb) after “preceding”, for “financial year” there were substituted “period”,
- (ii) in paragraph (8)(b), for “financial year” there were substituted “period”, and
- (iii) in paragraph (11), the definition of “financial year” were omitted.

(5) Terms used in this regulation have the same meaning as in the 2015 Regulations⁽¹⁾ as they had effect immediately before 28th October 2024.

⁽¹⁾ For the meaning of “call for competition”, “contest notice”, “contract notice”, “contracting authority”, “Contracts Finder”, “dynamic purchasing system”, “economic operator”, “framework agreement”, “negotiated procedure” and “sub-central contracting authority”, see regulation 2(1) of the 2015 Regulations. For the meaning of “contract award opportunity”, “the UK e-notification service” and “voluntary transparency notice”, see, respectively, regulations 110(6), 51(5) and 99(4) (as amended by [S.I. 2020/1319](#)), of those Regulations.