
STATUTORY INSTRUMENTS

2024 No. 716

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

Saving provisions relating to the 2016 UC Regulations

8.—(1) Despite the revocation of the 2016 UC Regulations by section 119(1) of, and paragraph 7 of Schedule 11 to, the Act, those Regulations continue to apply 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 2016 UC Regulations, before 26th May 2023, a utility submitted for publication in accordance with regulation 71 (publication on the UK e-notification service) a periodic indicative notice as a call for competition in accordance with regulation 44(4)(a)(1).

(3) The circumstances in this paragraph are that, with reference to the 2016 UC Regulations, before 28th October 2024—

- (a) a utility has awarded the contract, concluded the framework agreement or established the dynamic purchasing system;
 - (b) a utility has contacted an economic operator in respect of a proposed contract to which regulation 33 (contracts subject to special arrangements) applies;
 - (c) a utility has contacted an economic operator to commence the negotiated procedure without prior call for competition in any of the cases set out in regulation 50 (use of the negotiated procedure without prior call for competition);
 - (d) one of the following notices has been submitted for publication in accordance with regulation 71(1) (publication on the UK e-notification service)—
 - (i) a notice on the existence of a qualification system required by regulation 68;
 - (ii) a contract notice required by regulation 69;
 - (iii) a contest notice required by regulation 95.
- (4) Where the 2016 UC 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 52 of the 2016 UC 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) the period of validity of a qualification system under regulation 68 of the 2016 UC 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.

(1) Regulation 44(4)(a) was revoked by [S.I. 2023/484](#) and by [S.I. 2023/567 \(W. 88\)](#). For transitional provisions, see regulation 5 of each S.I.

Status: This is the original version (as it was originally made).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

(5) Terms used in this regulation have the same meaning as in the 2016 UC Regulations⁽²⁾ as they had effect immediately before 28th October 2024.

(2) For the meaning of “call for competition”, “contest notice”, “contract notice”, “dynamic purchasing system”, “economic operator”, “framework agreement”, “periodic indicative notice” and “utilities”, see regulation 2(1) of the 2016 UC Regulations. For the meaning of “UK e-notification service”, see regulation 71(6) of those Regulations and regulation 51(5) of the 2015 Regulations. For the meaning of “negotiated procedure” and “qualification system”, see regulation 2(2) of the 2016 Regulations.