

Scottish Procurement

Scottish Procurement Policy Note

SPPN 6/2019

25 June 2019



Scottish Government
Riaghaltas na h-Alba
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Minor amendments to utilities and concession contracts legislation

Purpose

1. This SPPN is to tell you about minor amendments to the Utilities Contracts (Scotland) Regulations 2016 and the Concession Contracts (Scotland) Regulations 2016.

Key Points

- The [Public Procurement etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) were laid before the Scottish Parliament on 20 May 2019.
- Unless a motion to annul the regulations is passed by the Parliament, the regulations will come into effect on 1 July 2019.
- The amendments are minor in nature.

Amendments to the Utilities Contracts (Scotland) Regulations 2016

2. [Regulation 2](#) amends the [Utilities Contracts \(Scotland\) Regulations 2016](#), which implement Directive [2014/25/EU](#). The amendments made by this regulation are largely to ensure a consistent approach to use of terminology concerning service contracts, whilst regulation 2(3) corrects a typographical error.

Amendments to the Concession Contracts (Scotland) Regulations 2016

3. [Regulation 3](#) amends the [Concession Contracts \(Scotland\) Regulations 2016](#), which implement Directive [2014/23/EU](#). Regulation 3(2) ensures the scope of the exclusion at regulation 9(1)(a) of the Concession Contracts (Scotland) Regulations 2016 is limited to service concession contracts, as required by Article 10(1) of the Directive. Regulation 3(3) corrects a typographical error.

Amendments to the Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019

4. [Regulation 4](#) amends the [Public Procurement etc. \(Scotland\) \(Amendment\) \(EU Exit\) Regulations 2019](#). With a view to limiting the burden on Parliamentary time, the amendments set out in regulations 2 and 3 were originally included in the Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019 which were being laid before Parliament in any case, in order to prepare for a 'no-deal' exit from the EU. This would have meant that in the event of a 'no-deal' exit from the EU, these errors would have been corrected. With the future of those regulations uncertain, however, we considered it necessary to make these amendments in their own right. Regulation 4 therefore omits these amendments from the Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019.

Dissemination

5. Please bring this SPPN to the attention of all relevant staff, including those in agencies, non-departmental public bodies and other sponsored public bodies within your area of responsibility.

Contact

6. If you have any questions about this SPPN, please contact us at scottishprocurement@gov.scot.

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