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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**EXITING THE EUROPEAN UNION  
PUBLIC PROCUREMENT**

The Public Procurement etc. (Scotland)  
(Amendment) (EU Exit) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1

THE PUBLIC PROCUREMENT ETC. (SCOTLAND)  
(AMENDMENT) (EU EXIT) REGULATIONS 2019

PART 1

GENERAL

1. Citation, commencement, extent and transitional and saving provision

PART 2

AMENDMENT OF PRIMARY LEGISLATION

2. The Procurement Reform (Scotland) Act 2014

PART 3

AMENDMENT OF SECONDARY LEGISLATION

CHAPTER 1

THE PUBLIC CONTRACTS (SCOTLAND) REGULATIONS 2015

3. Amendments commenced on exit day
4. Amendments commenced eight months after exit day

CHAPTER 2

THE UTILITIES CONTRACTS (SCOTLAND) REGULATIONS 2016

5. Amendments commenced on exit day

*Draft Legislation:* This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019* ISBN 978-0-11-104067-6

6. Amendments commenced eight months after exit day

### CHAPTER 3

#### THE CONCESSION CONTRACTS (SCOTLAND) REGULATIONS 2016

7. Amendments commenced on exit day
8. Amendment commenced eight months after exit day

### CHAPTER 4

9. Amendment of the Procurement (Scotland) Regulations 2016

### CHAPTER 5

#### AMENDMENT OF OTHER SUBORDINATE LEGISLATION

10. The Public Contracts (Scotland) Regulations 2012
11. The Utilities Contracts (Scotland) Regulations 2012  
Signature

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#### SCHEDULE — TRANSITIONAL AND SAVINGS PROVISIONS

1. Interpretation
2. General principles
3. Transitional provision in for the Public Contracts (Scotland) Regulations 2015
4. Transitional provision in for the Utilities Contracts (Scotland) Regulations 2016
5. Savings in relation to procurements commenced before exit day
6. Procurement involving contracting authorities or utilities from other member States
7. Saving with modification of certain references to compatibility with EU law
8. Saving of implied power to terminate contracts
9. Saving with modification of certain references to design contests in relation to procurements commenced before exit day
10. Saving, in relation to procurements commenced before exit day, of duty owed to economic operators from EEA states
11. Saving, in relation to procurements commenced before exit day, of duty owed to economic operators from states party to certain bilateral agreements
12. Saving in relation to procurements commenced before regulations 4, 6 and 8 come into force
13. Saving in relation to affiliated undertakings

Explanatory Note