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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 446**

**The Public Contracts (Scotland) Regulations 2015**

**PART 2**

**RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE**

**CHAPTER 1**

**SCOPE AND GENERAL PRINCIPLES**

*SECTION 1*

*Scope*

**Specific situations: Contracts subsidised by a contracting authority**

**14.—(1)** These Regulations apply to procurement for the award of—

- (a) a works contract which is subsidised directly by a contracting authority by more than 50% and the estimated value of which, [<sup>F1</sup>inclusive of value added tax, where appropriate], is equal to or greater than the sum specified in [<sup>F2</sup>regulation 5(1)(a)] as amended from time to time, where those contracts involve one of the following activities—
  - (i) civil engineering activities listed in Schedule 2; or
  - (ii) building works for hospitals, facilities intended for sports, recreation and leisure, school and university buildings and buildings used for administrative purposes; or
- (b) a service contract which is subsidised directly by a contracting authority by more than 50% and the estimated value of which, [<sup>F3</sup>inclusive of value added tax, where appropriate], is equal to or greater than the sum specified in [<sup>F4</sup>regulation 5(1)(b)] as amended from time to time and which is connected to a works contract as referred to in paragraph (a).

(2) The contracting authority providing a subsidy referred to in paragraph (1) must ensure compliance with these Regulations where the authority does not itself award the subsidised contract or where the authority awards that contract for and on behalf of another person.

(3) The contracting authority providing the subsidy referred to in paragraph (1) must notify the recipient of the subsidy that these Regulations apply in the circumstances referred to in this regulation.

**Textual Amendments**

- F1** Words in [reg. 14\(1\)\(a\)](#) substituted (1.1.2022) by [The Public Procurement \(Agreement on Government Procurement\) \(Thresholds etc.\) \(Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/378\)](#), [regs. 1\(2\), 3\(4\)\(a\)](#) (with [reg. 6](#))
- F2** Words in [reg. 14\(1\)\(a\)](#) substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), [regs. 1\(2\), 4\(13\)\(a\)](#) (with [sch. paras. 1-5](#))

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**Changes to legislation:** *The Public Contracts (Scotland) Regulations 2015, Section 14 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F3** Words in reg. 14(1)(b) substituted (1.1.2022) by The Public Procurement (Agreement on Government Procurement) (Thresholds etc.) (Amendment) (Scotland) Regulations 2021 (S.S.I. 2021/378), regs. 1(2), **3(4)(b)** (with reg. 6)
- F4** Words in reg. 14(1)(b) substituted (31.12.2020) by The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468), regs. 1(2), **4(13)(b)** (with sch. paras. 1-5)

**Changes to legislation:**

The Public Contracts (Scotland) Regulations 2015, Section 14 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Regulations applied by [2023 c. 54 s. 119\(2\)\(a\)](#)
- reg. 14(1)(a) words substituted by [S.S.I. 2019/112 reg. 3\(14\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 14(1)(b) words substituted by [S.S.I. 2019/112 reg. 3\(14\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 11(1)(e)(i)(aa) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 11(1)(e)(i)(bb) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 78(1)(i)(ii) and words inserted by [S.S.I. 2019/112 reg. 3\(52\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))