
STATUTORY INSTRUMENTS

2015 No. 102

The Public Contracts Regulations 2015

PART 2

RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

CHAPTER 1

SCOPE AND GENERAL PRINCIPLES

SECTION 1

Scope

SUB-SECTION 3 *Exclusions*

Specific exclusions for service contracts

- 10.**—(1) This Part does not apply to public service contracts—
- (a) for the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property, or which concern interests in or rights over any of them;
 - (b) for—
 - (i) the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services, that are awarded by audiovisual or radio media service providers, or
 - (ii) broadcasting time or programme provision that are awarded to audiovisual or radio media service providers;
 - (c) for arbitration or conciliation services;
 - (d) for any of the following legal services:—
 - (i) legal representation of a client by a lawyer ^{F1}... in—
 - (aa) an arbitration or conciliation held in [^{F2}the United Kingdom, another] country or before an international arbitration or conciliation instance, or
 - (bb) judicial proceedings before the courts, tribunals or public authorities of [^{F3}the United Kingdom or another] country or before international courts, tribunals or institutions;
 - (ii) legal advice given—
 - (aa) in preparation of any of the proceedings referred to in paragraph (i), or
 - (bb) where there is a tangible indication and high probability that the matter to which the advice relates will become the subject of such proceedings, provided that the advice is given by a lawyer ^{F4}...;

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- (iii) document certification and authentication services which must be provided by notaries;
- (iv) legal services provided by trustees or appointed guardians or other legal services the providers of which are designated by a court or tribunal in the ^[F5]United Kingdom] or are designated by law to carry out specific tasks under the supervision of such tribunals or courts;
- (v) other legal services which in the ^[F6]United Kingdom] are connected, even occasionally, with the exercise of official authority;
- (e) for—
 - (i) financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments within the meaning of ^[F7]Directive 2014/65/EU] of the European Parliament and of the Council ^{M1} as amended from time to time,
 - (ii) central bank services, or
 - (iii) operations conducted with the European Financial Stability Facility and the European Stability Mechanism;
- (f) for loans, whether or not in connection with the issue, sale, purchase or transfer of securities or other financial instruments;
- (g) which are employment contracts;
- (h) for civil defence, civil protection, and danger prevention services that are provided by non-profit organisations or associations, and which are covered by CPV codes 75250000-3, 75251000-0, 75251100-1, 75251110-4, 75251120-7, 75252000-7, 75222000-8, 98113100-9 and 85143000-3 except patient transport ambulance services;
- (i) for public passenger transport services by rail or metro; or
- (j) for political campaign services covered by CPV codes 79341400-0, 92111230-3 and 92111240-6, when awarded by a political party in the context of an election campaign.
- (2) In this Regulation—
 - (a) “audiovisual media services” and “media service providers” have, respectively, the meanings given by Articles 1(1)(a) and 1(1)(d) of Directive 2010/13/EU of the European Parliament and of the Council ^{M2} as amended from time to time;
 - ^[F8](aa) “lawyer” means a person practising as an advocate, barrister or solicitor in any part of the United Kingdom or in Gibraltar;
 - (b) “programme” has the meaning given by Article 1(1)(b) of that Directive as amended from time to time, but also includes radio programmes and radio programme materials; and
 - (c) “programme material” has the same meaning as “programme”.

Textual Amendments

- F1** Words in reg. 10(1)(d)(i) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(a)(i)(aa)** (with Sch. paras. 3-5)
- F2** Words in reg. 10(1)(d)(i)(aa) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(a)(i)(bb)** (with Sch. paras. 3-5)
- F3** Words in reg. 10(1)(d)(i)(bb) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(a)(i)(cc)** (with Sch. paras. 3-5)
- F4** Words in reg. 10(1)(d)(ii) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(a)(ii)** (with Sch. paras. 3-5)

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- F5** Words in reg. 10(1)(d)(iv) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(a)(iii)** (with Sch. paras. 3-5)
- F6** Words in reg. 10(1)(d)(v) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(a)(iii)** (with Sch. paras. 3-5)
- F7** Words in reg. 10(1)(e)(i) substituted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 5 para. 23** (with reg. 7)
- F8** Reg. 10(2)(aa) inserted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(9)(b)** (with Sch. paras. 3-5)

Marginal Citations

- M1** OJ No L 145, 30.4.2004, p1, last amended by Directive 2010/78/EU of the European Parliament and of the Council (OJ No L 331, 15.12.2010, p120).
- M2** OJ No L 95, 15.3.2010, p1.

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Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 54 Sch. 11 para. 5](#)
- reg. 10(1)(d)(v) words substituted by [S.I. 2019/560 reg. 5\(9\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 10(1)(d)(iv) words substituted by [S.I. 2019/560 reg. 5\(9\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 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. 6(15A) words omitted by [S.I. 2023/506 reg. 2\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2023/506 revoked before coming into force by The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), 6)
- reg. 10(1)(d)(i)(aa) words substituted by [S.I. 2019/560 reg. 5\(9\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 10(1)(d)(i)(bb) words substituted by [S.I. 2019/560 reg. 5\(9\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- reg. 18(4) words omitted by [S.I. 2023/506 reg. 2\(4\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2023/506 revoked before coming into force by The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023 (S.I. 2023/567), regs. 1(2), 6)