

SCHEDULE 6

CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS

PART 1

Consequential amendments to Acts of Parliament

Late Payment of Commercial Debts (Interest) Act 1998

1. In section 4 of the Late Payment of Commercial Debts (Interest) Act 1998^{M1} (period for which statutory interest runs), in subsection (8), in the definition of “public authority” for “regulation 3 of the Public Contracts Regulations 2006^{M2}” substitute “ regulation 2(1) of the Public Contracts Regulations 2015 ”.

Marginal Citations

- M1** 1998 c.20; section 4(8) was amended by regulation 2(1) and (6) of [S.I. 2013/395](#) and regulation 2(1) and (6) of [S.S.I. 2013/77](#).
- M2** [S.I. 2006/5](#), amended by [S.I. 2007/3542](#), 2008/2256, 2683, 2848, 2009/1307, 2992, 2010/133, 976, 2011/1043, 1848, 2053, 2581, 3058, 2013/252, 1431, 2014/834 and by the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), [Schedule 20](#), paragraph 2.

Greater London Authority Act 1999

2. The Greater London Authority Act 1999^{M3} is amended as follows.

Marginal Citations

- M3** 1999 c.29.

3.—(1) Section 355^{M4} (duties of waste collection authorities etc.) is amended as follows.

(2) In subsection (7)(a) for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006^{M5} ”.

(3) After subsection (7) insert—

“(8) In any case where—

- (a) an authority is required to comply with the Public Contracts Regulations 2015 in the awarding of a waste contract,
- (b) in compliance with those regulations the authority sends the contract notice relating to the awarding of that contract to the Publications Office of the European Union, and
- (c) after the authority sends that notice, the Mayor revises the provisions of the London Environment Strategy dealing with municipal waste management,” this section, and any guidance issued under it, are to have effect in relation to the awarding of that contract as if the revision had not been made.

Changes to legislation: The Public Contracts Regulations 2015, PART 1 is up to date with all changes known to be in force on or before 08 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

Marginal Citations

- M4** Section 355(7) was amended by paragraphs 1, 6(a) and 7 of Schedule 23 and Part 33 of Schedule 25 to the Localism Act 2011 (c.20).
- M5** S.I. 2006/6, amended by S.I. 2008/2848, 2011/1043, 2053, 2012/1659, 2013/610; there are other amending instruments but none is relevant.

4.—(1) Section 356 (directions by the Mayor) is amended as follows.

(2) In subsection (3)(a) for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006 ”.

(3) After subsection (3) insert—

“(3A) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority to exercise a function in relation to the awarding of a waste contract if—

- (a) the authority is required to comply with the Public Contracts Regulations 2015 in awarding that contract, and
- (b) in compliance with those regulations the authority has sent the contract notice relating to the awarding of that contract to the Publications Office of the European Union.”.

5.—(1) Section 358^{M6} (information about new waste contracts) is amended as follows.

(2) In subsection (1) for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006 ”.

(3) After subsection (1) insert—

“(1ZA) If, in the awarding of a waste contract, a waste authority in compliance with the Public Contracts Regulations 2015 has decided—

- (a) to send to the Publications Office of the European Union a prior information notice relating to the awarding of the contract, or
- (b) to publish such a notice on the authority's buyer profile, subsection (1A) below applies.”.

(4) In subsection (1A) for “that notice” substitute “ the notice in question ”.

(5) In subsection (1B) for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006 ”.

(6) After subsection (1B) insert—

“(1BA) If, in the awarding of a waste contract, a waste authority in compliance with Public Contracts Regulations 2015—

- (a) has decided not to send or publish a prior information notice, but
- (b) decides to send to the Publications Office of the European Union a contract notice relating to the awarding of the contract, subsection (1C) below applies.”.

(7) In subsection (1C) for “that notice” substitute “ the notice in question ”.

(8) In subsection (2) for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006 or the Public Contracts Regulations 2015 ”.

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M6 Section 358(1), (1A), (1B) and (1C) were amended by s.39(1) to (3) of the [Greater London Authority Act 2007 \(c.24\)](#)

6. In section 359 (confidential information about waste contracts) in subsection (1)(c) for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006 or the Public Contracts Regulations 2015 ”.

7.—(1) Section 360^{M7} (interpretation) is amended as follows.

(2) In subsection (2)—

- (a) in the definition of “buyer profile” for “the public procurement regulations” substitute “ the Utilities Contracts Regulations 2006 or the Public Contracts Regulations 2015 ”,
- (b) omit the definition of “the public procurement regulations”, and
- (c) insert in the appropriate place—
 - (i) “ “contract notice” has the same meaning as in regulation 49 of the Public Contracts Regulations 2015,” and
 - (ii) “ “prior information notice” has the same meaning as in regulation 48 of the Public Contracts Regulations 2015,”.

(3) In subsection (3)—

- (a) after “waste authority” insert “ in compliance with the Utilities Contracts Regulations 2006 ”,
- (b) omit paragraph (a) (and the “or” immediately following it), and
- (c) in paragraph (b) omit the words from “in a case” to “2006,”.

(4) In subsection (4)—

- (a) after “waste authority” insert “ in compliance with the Utilities Contracts Regulations 2006 ”,
- (b) omit paragraph (a) (and the “or” immediately following it), and
- (c) omit the words from “in a case” to “2006,”.

Marginal Citations

M7 Section 360 was amended by section 39(6) to (8) of the Greater London Authority Act 2007 and regulation 48(a) of and paragraph 1 of Schedule 7 to [S.I. 2006/5](#).

Public Services (Social Value) Act 2012

8.—(1) Section 1 of the Public Services (Social Value) Act 2012^{M8} (contracts of relevant authorities) is amended as follows.

(2) In subsection (2)(a) for “the Official Journal of the European Union” substitute “ the Publications Office of the European Union ”.

(3) Subsection (13) is omitted.

(4) In subsection (15)—

- (a) in the definition of “framework agreement” after “Regulations” insert “ (whether or not the Regulations apply) ”,

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- (b) the definition of “public services contract” is omitted,
 - (c) in the definition of “the Regulations” for “Public Contracts Regulations 2006 (S.I. 2006/5)” substitute “ Part 2 of the Public Contracts Regulations 2015 (S.I. 2015/102) ”, and
 - (d) in the definition of “relevant authority” for “for the purposes of the Regulations” substitute “ within the meaning of the Regulations (whether or not the Regulations apply) ”.
- (5) After subsection (15) insert—
- “(16) For the purposes of this section references to a public services contract are to—
 - (a) a public service contract to which the Regulations apply (or which is treated as such a contract by the Regulations), or
 - (b) any contract, not being a contract falling within paragraph (a), which would have been a public services contract to which the Public Contracts Regulations 2006 would have applied (or which would have been treated by those Regulations as such a contract) if those Regulations had not been revoked”.

Marginal Citations

M8 [2012 c.3.](#)

Health and Social Care Act 2012

9. In section 76 of the Health and Social Care Act 2012 ^{M9} (regulations under section 75), in subsection (8)(b) for “the Public Contracts Regulations 2006 (S.I. 2006/5)” substitute “ the Public Contracts Regulations 2015 (S.I. 2015/102) ”.

Marginal Citations

M9 [2012 c.7.](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 54 Sch. 11 para. 5](#)

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)