

SCHEDULE 2

Amendments to statutory instruments

PART 2

Other statutory instruments

Cleaner Road Transport Vehicles Regulations 2011

37. For regulation 6(3) and (4) (enforcement of duties) substitute—

“(3) Subject to paragraph (4), Part 5 of the Utilities Contracts Regulations 2016 has effect as if any reference in that Part to—

- (a) the duty owed in accordance with regulation 104 of those Regulations included reference to the duty owed in accordance with paragraph (1);
- (b) a utility included a reference to an operator;
- (c) an economic operator included any person who is an economic operator for the purpose of these Regulations.

(3A) Subject to paragraph (4), Part 5 of the Concession Contracts Regulations 2016 has effect as if any reference in that Part to—

- (a) the duty owed in accordance with regulation 50 of those Regulations included reference to that duty owed in accordance with paragraph (1);
- (b) a contracting authority or a utility included a reference to an operator;
- (c) an economic operator included any person who is an economic operator for the purpose of these Regulations.

(4) Where Part 3 of the Public Contracts Regulations 2015 or Parts 5 of the Utilities Contracts Regulations 2016 or the Concessions Contracts Regulations 2016 have effect in relation to an economic operator by virtue of paragraph (2)(b), (3)(b) or (3A)(b)—

- (a) the operator does not owe any duty under that Part to a person who is not a national of or established in an EEA State;
- (b) in proceedings against an operator under that Part the Court may not make a declaration of ineffectiveness, an order imposing a civil financial penalty or an order shortening the duration of the contract;
- (c) the operator is not required to refrain from entering into any contract by reason of any proceedings having been started under that Part.”.