

SCHEDULE

TRANSITIONAL ETC. PROVISION

PART 3

PROVISIONS COMMENCED ON IP COMPLETION DAY

Procurement involving contracting authorities or utilities from other member States

- 6.—(1) This paragraph applies in relation to the omission, by these Regulations, of—
- (a) regulation 39 of the Public Contracts Regulations 2015 (procurement involving contracting authorities from other member States);
 - (b) regulation 57 of the Utilities Contracts Regulations 2016 (procurement involving utilities from other member States).
- (2) Those omissions do not imply—
- (a) any prohibition of the activities authorised by the omitted regulations (which activities might, accordingly, be carried on to any extent that would have been lawful if the omitted regulations had never existed); or
 - (b) that any matters provided for in those regulations are necessarily to have a different effect unless so required by applicable law (including rules for resolving any conflicts between the laws of different jurisdictions).

Commencement Information

- I1** Sch. para. 6 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

Saving of implied power to terminate contracts

- 7.—(1) This paragraph applies where—
- (a) a contract was awarded before IP completion day; and
 - (b) immediately before IP completion day, the contract contained a power—
 - (i) implied by regulation 73(3) of the Public Contracts Regulations 2015 to terminate the contract on the ground mentioned in regulation 73(1)(c) of those Regulations;
 - (ii) implied by regulation 44(3) of the Concession Contracts Regulations 2016 to terminate the contract on the ground mentioned in regulation 44(1)(c) of those Regulations; or
 - (iii) implied by regulation 89(3) of the Utilities Contracts Regulations 2016 to terminate the contract on the ground mentioned in regulation 89(1)(c) of those Regulations.
- (2) On and after IP completion day, that power continues despite the omission, by these Regulations, of regulation 73(1)(c), 44(1)(c) or 89(1)(c), as the case may be.

Commencement Information

- I2** Sch. para. 7 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

Saving of regulation 60(2) of the Concession Contracts Regulations 2016

8. The amendment made by these Regulations to regulation 60(2) of the Concession Contracts Regulations 2016 (application of the first ground of ineffectiveness) does not apply where the contract referred to in regulation 60(2) was awarded before IP completion day.

Commencement Information

I3 [Sch. para. 8](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

Saving in relation to voluntary transparency notices

9.—(1) This paragraph applies in relation to the amendments made by these Regulations to—

- (a) regulation 99(3) and (4) of the Public Contracts Regulations 2015;
- (b) regulation 114(3) and (4) of the Utilities Contracts Regulations 2016;
- (c) regulation 60(3) and (4) of the Concession Contracts Regulations 2016.

(2) Those amendments do not apply in relation to a voluntary transparency notice that was published in the Official Journal of the European Union if the notice was sent, before IP completion day, to be so published.

Commencement Information

I4 [Sch. para. 9](#) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, PART 3.