
STATUTORY INSTRUMENTS

2011 No. 2053

**The Public Procurement (Miscellaneous
Amendments) Regulations 2011**

PART 1

GENERAL AND TRANSITIONAL

Time limits and the Public Contracts Regulations: modification of the existing saving of the original provisions

5.—(1) This regulation applies where, by virtue of regulation 11 of the 2009 Regulations, regulation 47(7)^{M1} of the Public Contracts Regulations is not affected by regulation 10 of the 2009 Regulations.

(2) In those circumstances, that regulation 47(7) shall have effect as modified by the following provisions of this regulation.

(3) Where the date of knowledge has occurred before 1st October 2011, regulation 47(7) shall have effect as if paragraph (b) provided—

“(b) those proceedings are brought within 3 months from the date when the economic operator first knew or ought to have known that grounds for the bringing of the proceedings had arisen unless the Court considers that there is good reason for extending the period within which proceedings may be brought.”

(4) Where the date of knowledge occurs on or after 1st October 2011, regulation 47(7) shall have effect—

(a) as if paragraph (b) provided—

“(b) those proceedings are brought within 30 days from the date of knowledge unless the Court considers that there is good reason for extending the period within which proceedings may be brought, in which case the Court may extend that period up to a maximum of 3 months from the date of knowledge.”; and

(b) as if “date of knowledge” were defined for that purpose as the date when the economic operator first knew or ought to have known that grounds for the bringing of the proceedings had arisen.

(5) In this regulation, “the 2009 Regulations” means the Public Contracts (Amendment) Regulations 2009^{M2}.

Marginal Citations

M1 Regulation 47(7), paragraph (b) of which addressed time limits in Part 9 of the Public Contracts Regulations as originally made in 2006, was omitted when a new Part 9 was substituted by regulation 10 of the 2009 Regulations, but its effect was preserved in relation to certain transitional cases by regulation 11 of the 2009 Regulations.

Status: Point in time view as at 01/10/2011.

Changes to legislation: There are currently no known outstanding effects for the The Public Procurement (Miscellaneous Amendments) Regulations 2011, Section 5. (See end of Document for details)

M2 [S.I. 2009/2992.](#)

Status:

Point in time view as at 01/10/2011.

Changes to legislation:

There are currently no known outstanding effects for the The Public Procurement (Miscellaneous Amendments) Regulations 2011, Section 5.