
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 2

The Utilities Contracts (Scotland) Regulations 2006

PART 8

MISCELLANEOUS

Publication of notices

- 40.**—(1) Any notice required by these Regulations to be sent to the Official Journal shall be—
- (a) in the correct format and contain the necessary information specified by Commission Regulation EC (No. 1564/2005) and contain any other information which the utility considers useful; and
 - (b) sent to the Office for Official Publications of the European Union by electronic means in the format and in accordance with the procedures specified in paragraph (3) of Annex XX to the Utilities Directive or by other means.
- (2) Where a notice is not sent by electronic means in accordance with paragraph (1)(b), the utility may in exceptional cases request the Official Journal to publish a contract notice within 5 days of the date of despatch, provided that the notice is sent to the Official Journal by facsimile.
- (3) The utility shall not place a notice in any publication—
- (a) before the date on which the notice is despatched in accordance with paragraph (1)(b); or
 - (b) which contains any additional information to that contained in the notice despatched in accordance with paragraph (1)(b) or published on the utility's buyer profile in accordance with regulation 15.
- (4) The utility shall refer in the notice to the date of despatch of that notice to the Official Journal or the date of its publication on its buyer profile where it publishes a notice in the circumstances referred to in paragraph (3).
- (5) A utility shall not publish a periodic indicative notice on its buyer profile before the date on which notice of its publication in that form is despatched to the Commission in accordance with regulation 15(3) and the utility shall refer to the date of that despatch on its buyer profile.
- (6) A utility shall retain evidence of the date of despatch to the Official Journal of each notice.
- (7) When a utility is not required to publish a contract notice in respect of a particular contract, it may nevertheless publish such a notice in accordance with the provisions of this regulation.