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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 89**

**The Utilities Contracts (Scotland) Regulations 2012 (revoked)**

**PART 10**

**REVOCATION, SAVINGS AND TRANSITIONAL PROVISIONS**

**Revocations**

**48.** Subject to regulation 49, the instruments specified in column 1 of Part A of Schedule 5 (which have the numbers specified in column 2) are revoked to the extent specified in column 3 of that part.

**Savings and transitional provisions**

**49.**—(1) Where a utility has commenced a contract award procedure or a design contest before 1st May 2012, the Regulations referred to in regulation 48 continue to have effect on and after 1st May 2012 in relation to that contract award procedure or design contest, as if those Regulations had not been revoked in accordance with regulation 48.

(2) For the purposes of paragraph (1), a procedure or contest has been commenced before 1st May 2012 if, before that date—

- (a) a call for competition has been made in order to invite offers or requests to be selected to tender for, or to negotiate in respect of, a proposed contract, framework agreement or dynamic purchasing system;
- (b) in any case where there is no requirement to make a call for competition, the utility has dispatched any form of advertisement seeking offers or expressions of interest in a proposed contract, framework agreement or dynamic purchasing system;
- (c) where there is no such advertising, the utility has contacted any economic operator in order to—
  - (i) seek expressions of interest or offers in respect of a proposed contract, framework agreement or dynamic purchasing system; or
  - (ii) respond to an unsolicited expression of interest or offer in respect of a proposed contract, framework agreement or dynamic purchasing system; or
- (d) the utility has sent a notice to the Official Journal in accordance with the Utilities Contracts (Scotland) Regulations 2006<sup>M1</sup> in order to hold a design contest.

(3) Where a framework agreement has been concluded before 1st May 2012, these Regulations do not apply to the award of any specific contract under that framework agreement.

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**Marginal Citations**

**M1** [S.S.I. 2006/2.](#)

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**Status:** Point in time view as at 01/05/2012.

**Changes to legislation:** There are currently no known outstanding effects for the The Utilities Contracts (Scotland) Regulations 2012 (revoked), PART 10. (See end of Document for details)

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### **Consequential amendments**

**50.** The instruments specified in column 1 of Part B of Schedule 5 (which have the numbers specified in column 2) are amended in accordance with the provisions in column 3 of that Part.

**Status:**

Point in time view as at 01/05/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the The Utilities Contracts (Scotland) Regulations 2012 (revoked), PART 10.