

2013 No. 282

PUBLIC PROCUREMENT

The Public Contracts (Scotland) Amendment Regulations 2013

Made - - - - 26th September 2013

Laid before the Scottish Parliament 30th September 2013

Coming into force - - 14th November 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Public Contracts (Scotland) Amendment Regulations 2013 and come into force on 14th November 2013.

(2) These Regulations extend to Scotland only.

Amendment of Schedule 6 to the Public Contracts (Scotland) Regulations 2012 (Professional or Trade Registers)

2.—(1) Schedule 6 to the Public Contracts (Scotland) Regulations 2012(b) is amended as follows.

(2) In paragraph 1 (public services contracts), after the entry relating to Bulgaria insert—

“in Croatia, Sudski registar trgovačkih društava u Republici Hrvatskoj or Obrtni registar Republike Hrvatske;”.

(3) In paragraph 2 (public works contracts), after the entry relating to Bulgaria insert—

“in Croatia, Sudski registar trgovačkih društava u Republici Hrvatskoj or Obrtni registar Republike Hrvatske;”.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) (which was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”), section 27(4)). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2012/88, to which there are amendments not relevant to these Regulations.

(4) In paragraph 3 (public supply contracts), after the entry relating to Bulgaria insert—

“in Croatia, Sudski registar trgovačkih društava u Republici Hrvatskoj or Obrtni registar Republike Hrvatske;”.

St Andrew's House,
Edinburgh
26th September 2013

NICOLA STURGEON
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Contracts (Scotland) Regulations 2012 (“the principal Regulations”).

The principal Regulations implemented, for Scotland, Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public services contracts (“Directive 2004/18”) (OJ No L 134, 30.4.2004, p.114).

Council Directive 2013/16/EU of 13 May 2013 adapting certain directives in the field of public procurement, by reason of the accession of the Republic of Croatia (OJ L 158, 10.6.2013, p.184) amends the list of professional or trade registers in Directive 2004/18 to include the professional or trade registers for the Republic of Croatia as a result of its accession to the European Union on 1st July 2013. Regulation 2 amends the corresponding lists in Schedule 6 to the principal Regulations.

No Business and Regulatory Impact Assessment has been produced for this instrument as no impact on the private and voluntary sectors is foreseen.

No Equality Impact Assessment has been produced for this instrument as this instrument will not affect different sections of the population in different ways.

A Transposition Note has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Scottish Procurement and Commercial Directorate, Europa Building, 450 Argyle Street, Glasgow, G2 8LG and online at www.legislation.gov.uk.

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