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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 446**

**PUBLIC PROCUREMENT**

**The Public Contracts (Scotland) Regulations 2015**

*Made - - - - 16th December 2015*

*Laid before the Scottish*

*Parliament - - - - 18th December 2015*

*Coming into force in accordance with Regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>M1</sup> and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in that section and it appears to the Scottish Ministers that it is expedient for certain references in respect of the following EU Instruments to be construed as references to those EU Instruments or provisions of those EU Instruments (as appropriate) as amended from time to time—

- (1) Directive [1999/93/EC](#) of the European Parliament and of the Council on a Community framework for electronic signatures<sup>M2</sup>;
- (2) Regulation (EC) No [2195/2002](#) of the European Parliament and of the Council on the Common Procurement Vocabulary<sup>M3</sup>;
- (3) Directive [2002/21/EC](#) of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services<sup>M4</sup>;
- (4) Directive [2004/39/EC](#) of the European Parliament and of the Council on markets in financial instruments amending Council Directives [85/611/EEC](#) and [93/6/EEC](#) and Directive [2000/12/EC](#) of the European Parliament and of the Council and repealing Council Directive [93/22/EEC](#)<sup>M5</sup>;
- (5) Commission Decision [2009/767/EC](#) setting out measures facilitating the use of procedures by electronic means through the points of single contact under Directive [2006/123/EC](#) of the European Parliament and of the Council on services in the internal market (notified under document C(2009) 7806<sup>M6</sup>;
- (6) Directive [2010/13/EU](#) of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-visual Media Services Directive)<sup>M7</sup>;
- (7) Commission Decision [2011/130/EU](#) establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive [2006/123/EC](#) of the European Parliament and of the Council on services in the internal market (notified under document C(2011) 1081)<sup>M8</sup>;

**Status:** Point in time view as at 31/12/2021.

**Changes to legislation:** The Public Contracts (Scotland) Regulations 2015, Introductory Text is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (8) Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive [89/106/EEC](#)<sup>M9</sup>;
- (9) Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation, amending Council Directives [89/686/EEC](#) and [93/15/EEC](#) and Directives [94/9/EC](#), [94/25/EC](#), [95/16/EC](#), [97/23/EC](#), [98/34/EC](#), [2004/22/EC](#), [2007/23/EC](#), [2009/23/EC](#) and [2009/105/EC](#) of the European Parliament and of the Council and repealing Council Decision [87/95/EEC](#) and Decision No [1673/2006/EC](#) of the European Parliament and of the Council<sup>M10</sup>;
- (10) Directive 2014/23/EU of the European Parliament and of the Council on the award of concession contracts<sup>M11</sup>;
- (11) Directive 2014/24/EU of the European Parliament and of the Council on public procurement and repealing Directive [2004/18/EC](#)<sup>M12</sup>; and
- (12) [Directive 2014/25/EU of the European Parliament and of the Council on procurement entities operating in the water, energy, transport and postal services sectors and repealing Directive [2004/17/EC](#)<sup>M13</sup>,
- and they are to be construed accordingly.

#### Marginal Citations

- M1** 1972 c.68. Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#) (“the 2008 Act”), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28, and was amended by the 2008 Act, Schedule, Part 1.
- M2** OJ L 13, 19.1.2000, p.12, amended by Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1).
- M3** OJ L 340, 16.12.2002, p.1.
- M4** OJ L 108, 24.4.2002, p.33; last amended by Directive 2009/140/EC (OJ L 337, 18.12.2009, p.37).
- M5** OJ L 145, 30.4.2004, p.1.
- M6** OJ L 274, 20.10.2009, p.36, last amended by Commission Decision 2013/662/EU (OJ L 306, 16.11.2013, p.21).
- M7** OJ L 95, 15.4.2010, p.1.
- M8** OJ L 53, 26.2.2011, p.66.
- M9** OJ L 88, 4.4.2011, p.5, last amended by Commission Delegated Regulation (EU) No 574/2014 (OJ L 159, 28.5.2014, p.41).
- M10** OJ L 316, 14.11.2012, p.1.
- M11** OJ L 94, 28.3.2014, p.1.
- M12** OJ L 94, 28.3.2014, p.65.
- M13** OJ L 94, 28.3.2014, p.243.

**Status:**

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**Changes to legislation:**

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