
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 446

The Public Contracts (Scotland) Regulations 2015

PART 2 S

RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

CHAPTER 1 S

SCOPE AND GENERAL PRINCIPLES

SECTION 1

Scope

Exclusions: Public contracts awarded, and design contests organised, pursuant to international rules S

10.—(1) These Regulations do not apply to procurement for the award of a public contract or the organisation of a design contest which the contracting authority is obliged to award or organise in accordance with procurement procedures which are established by—

- (a) an international agreement or any other legal instrument creating international law obligations, concluded in conformity with the [^{F1}Retained] Treaties, between the United Kingdom and one or more [^{F2}other] country or any part thereof and covering works, supplies or services intended for the joint implementation or exploitation of a project by the signatories; ^{F3} ...

^{F3}(b)

[^{F4}(2) These Regulations do not apply to procurement for the award of a relevant international public contract or the organisation of a relevant international design contest in a case where the applicable procurement rules restrict the participation of economic operators in the procedure.

(2A) In the case of procurement for the award of a relevant international public contract or relevant international design contest where the applicable procurement rules do not restrict the participation of economic operators in the procedure, the only regulation that applies to the procurement is regulation 26B (equal treatment of economic operators).]

(3) This Regulation does not apply to procurement for the award of a contract or the organisation of a design contest involving defence or security aspects awarded or organised pursuant to international rules.

[^{F5}(4) In this regulation, “relevant international public contract” and “relevant international design contest” mean a public contract or design contest that—

- (a) the contracting authority awards or organises in accordance with procurement rules provided by an international organisation or international financing institution, and
- (b) is fully financed, or co-financed for the most part, by that organisation or institution.]

Changes to legislation: *The Public Contracts (Scotland) Regulations 2015, Section 10 is up to date with all changes known to be in force on or before 18 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) View outstanding changes*

Textual Amendments

- F1** Word in reg. 10(1)(a) inserted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **4(9)(a)** (with sch. paras. 1-5)
- F2** Word in reg. 10(1)(a) substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **4(9)(b)** (with sch. paras. 1-5)
- F3** [Reg. 10\(1\)\(b\)](#) and word omitted (coming into force in accordance with s. 7(1) of the amending Act) by virtue of [Trade \(Comprehensive and Progressive Agreement for Trans-Pacific Partnership\) Act 2024 \(c. 6\)](#), **Sch. para. 13(2)** (with Sch. paras. 23-26)
- F4** [Reg. 10\(2\)\(2A\)](#) substituted for [reg. 10\(2\)](#) (coming into force in accordance with s. 7(1) of the amending Act) by [Trade \(Comprehensive and Progressive Agreement for Trans-Pacific Partnership\) Act 2024 \(c. 6\)](#), **Sch. para. 13(3)** (with Sch. paras. 23-26)
- F5** [Reg. 10\(4\)](#) inserted (coming into force in accordance with s. 7(1) of the amending Act) by [Trade \(Comprehensive and Progressive Agreement for Trans-Pacific Partnership\) Act 2024 \(c. 6\)](#), **Sch. para. 13(4)** (with Sch. paras. 23-26)

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations applied by [2023 c. 54 s. 119\(2\)\(a\)](#)
- reg. 10(1)(a) word inserted by [S.S.I. 2019/112 reg. 3\(10\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 10(1)(a) words substituted by [S.S.I. 2019/112 reg. 3\(10\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 11(1)(e)(i)(aa) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 11(1)(e)(i)(bb) words substituted by [S.S.I. 2019/112 reg. 3\(11\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 78(1)(i)(ii) and words inserted by [S.S.I. 2019/112 reg. 3\(52\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))