
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 145

The Procurement (Scotland) Regulations 2016

PART 4

SPECIFIC DUTIES

Publication of contract notices, prior information notices and award notices on the Public Contracts website

7.—(1) Where a notice to be published in accordance with section 23(1) of the Act relates to [^{F1}a higher value regulated procurement] for which notice must be published in accordance with regulations 49, 50, 51 and 78 of the 2015 Regulations, a contracting authority must comply with regulation 53(3) and (4) of those Regulations.

(2) A contracting authority must publicise its intention to seek offers—

- (a) by publishing a contract notice; or
- (b) where paragraph (3) applies, by publishing a contract notice or a prior information notice.

(3) This paragraph applies where the contract is to be awarded by a sub-central contracting authority.

(4) A contract notice published in accordance with paragraph (2) must contain the information set out in Part C of Annex V to the Directive^[F2], but as if—

- (a) in paragraph 2, reference to “for the reasons set out in the second and third subparagraphs of Article 53(1),” were omitted,
- (b) paragraph 24 (financing by EU funds) were omitted,
- (c) in paragraph 26, “in the *Official Journal of the European Union*” read “on the Public Contracts website”,
- (d) in paragraph 28, “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website].

(5) A prior information notice published in accordance with paragraph (2) must contain the information set out in sections I and II of Part B of Annex V to the Directive ^[F3], but as if—

- (a) in section I—
 - (i) in paragraph 2, reference to “for the reasons set out in the second and third subparagraphs of Article 53(1),” were omitted,
 - (ii) in paragraph 9 “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website, and
- (b) in section II, paragraph 12 were omitted].

(6) Not later than 30 days after the award of a contract to be published in accordance with section 23(2) of the Act, a contracting authority must send for publication a contract award notice.

(7) A contract award notice must contain the information set out in Part D of Annex V to the Directive ^[F4], but as if—

- (a) in paragraph 9, “referred to in Article 67” were omitted,
 - (b) in paragraph 11(b), the words “member State or from a third” were omitted,
 - (c) paragraph 15 (financing by EU funds) were omitted,
 - (d) in paragraph 17, “in the *Official Journal of the European Union*” read “on the Public Contracts website”,
 - (e) in paragraph 18, “date of dispatch” were a reference to the date on which the notice is submitted to the Public Contracts website].
- (8) A contracting authority may withhold information from publication in a contract award notice where the release of the information would—
- (a) impede law enforcement or otherwise be contrary to the public interest;
 - (b) prejudice the commercial interests of any person; or
 - (c) prejudice fair competition between economic operators.
- (9) In this regulation, “sub-central contracting authority” has the same meaning as in the 2015 Regulations.

Textual Amendments

- F1** Words in [reg. 7\(1\)](#) substituted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **10(2)(a)** (with sch. paras. 1-5)
 - F2** [Reg. 7\(4\)\(a\)-\(d\)](#) and words inserted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **10(2)(b)** (with sch. paras. 1-5)
 - F3** [Reg. 7\(5\)\(a\)\(b\)](#) and words inserted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **10(2)(c)** (with sch. paras. 1-5)
 - F4** [Reg. 7\(7\)\(a\)-\(e\)](#) and words inserted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **10(2)(d)** (with sch. paras. 1-5)
-

Commencement Information

- I1** [Reg. 7](#) in force at 18.4.2016, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Procurement (Scotland) Regulations 2016, Section 7.