

**Changes to legislation:** The Concession Contracts (Scotland) Regulations 2016 is up to date with all changes known to be in force on or before 27 July 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

## SCHEDULE 1

Regulation 2(1)

## ACTIVITIES CONSTITUTING WORKS

**Commencement Information**

**II** Sch. 1 in force at 18.4.2016, see **reg. 1(2)**

In this Schedule, ‘NACE Rev.1’ has the same meaning as in [Council Regulation \(EEC\) No 3037/90](#) on the statistical classification of economic activities in the European Community<sup>(1)</sup>[<sup>F1</sup>as that Regulation had effect in EU law immediately before IP completion day], and numerical references in the columns relating to the NACE Rev.1 relate to the Annex to that Regulation. In the event of any difference of interpretation between the CPV and the NACE Rev.1, the CPV nomenclature shall apply.

<i>NACE Rev. 1</i>					<b>CPV Code</b>
<b>SECTION F</b>			<b>CONSTRUCTION</b>		
<i>Division</i>	<i>Group</i>	<i>Class</i>	<i>Subject</i>	<i>Notes</i>	
45			Construction	This division includes: — construction of new buildings and works, restoring and common repairs.	45000000
	45.1		Site preparation		45100000
		45.11	Demolition and wrecking of buildings; earth moving	This class includes: — demolition of buildings and other structures, — clearing of building sites, — earth moving: excavation, landfill, levelling and grading of construction sites, trench digging, rock removal, blasting, etc. — site preparation for mining, — overburden removal and other development and preparation	45110000

(1) OJ L 293, 24.10.1990, p.1; last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p.1).

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				<p>of mineral properties and sites.</p> <p>This class also includes:</p> <ul style="list-style-type: none"> <li>— building site drainage.</li> <li>— drainage of agricultural or forestry land.</li> </ul>	
		45.12	Test drilling and boring	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— drilling of production oil or gas wells, see 11.20.</li> <li>— water well drilling, see 45.25,</li> <li>— shaft sinking, see 45.25,</li> <li>— oil and gas field exploration, geophysical, geological and seismic surveying, see 74.20.</li> </ul>	45120000
	45.2		Building of complete constructions or parts thereof; civil engineering		45200000
		45.21	General construction of buildings and civil	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— construction of all types of buildings construction of</li> </ul>	<p>45210000</p> <p>Except:</p> <ul style="list-style-type: none"> <li>—45213316</li> </ul>

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			engineering works	<p>civil engineering constructions,</p> <ul style="list-style-type: none"> <li>— bridges, including those for elevated highways, viaducts, tunnels and subways,</li> <li>— long-distance pipelines, communication and power lines,</li> <li>— urban pipelines, urban communication and power lines,</li> <li>— ancillary urban works,</li> <li>— assembly and erection of prefabricated constructions on the site.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— service activities incidental to oil and gas extraction, see 11.20,</li> <li>— erection of complete prefabricated constructions from self-manufactured parts not of concrete, see divisions 20, 26 and 28,</li> <li>— construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports</li> </ul>	<p>45220000</p> <p>45231000</p> <p>45232000</p>

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				installations, see 45.23, — building installation, see 45.3, — building completion, see 45.4, — architectural and engineering activities, see 74.20, — project management for construction, see 74.20.	
		45.22	Erection of roof covering and frames	This class includes: — erection of roofs, — roof covering, — waterproofing.	45261000
		45.23	Construction of highways, roads, airfields and sport facilities	This class includes: — construction of highways, streets, roads, other vehicular and pedestrian ways, — construction of railways, — construction of airfield runways, — construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, — painting of markings on road surfaces and car parks.  This class excludes:	45212212 and DA03  45230000  except: — 45231000 — 45232000 — 45234115

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				— preliminary earth moving, see 45.11.	
		45.24	Construction of water projects	This class includes: — construction of: — waterways, harbour and river works, pleasure ports (marinas), locks etc.; — dams and dykes, — dredging, — subsurface work.	45240000
		45.25	Other construction work involving special trades	This class includes: — construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment, — construction of foundations, including pile driving, — water well drilling and construction, shaft sinking, — erection of non-self-manufactured steel elements, — steel bending, — bricklaying and stone setting, — scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms,	45250000 45262000

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				<ul style="list-style-type: none"> <li>— erection of chimneys and industrial ovens.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— renting of scaffolds without erection and dismantling, see 71.32</li> </ul>	
	45.3		Building installation		45300000
		45.31	Installation of electrical wiring and fittings	<p>This class includes: installation in buildings or other construction projects of:</p> <ul style="list-style-type: none"> <li>— electrical wiring and fittings,</li> <li>— telecommunications systems,</li> <li>— electrical heating systems,</li> <li>— residential antennas and aerials,</li> <li>— fire alarms,</li> <li>— burglar alarm systems,</li> <li>— lifts and escalators,</li> <li>— lightning conductors, etc.</li> </ul>	45213316 45310000 Except: — 45316000
		45.32	Insulation work activities	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation in buildings or other construction projects of thermal, sound or vibration insulation.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— waterproofing, see 45.22.</li> </ul>	45320000
		45.33	Plumbing	This class includes:	45330000

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				<ul style="list-style-type: none"> <li>— installation in buildings or other construction projects of:</li> <li>— plumbing and sanitary equipment,</li> <li>— gas fittings,</li> <li>— heating, ventilation, refrigeration or air- conditioning equipment and ducts,</li> <li>— sprinkler systems</li> </ul> This class excludes: <ul style="list-style-type: none"> <li>— installation of electrical heating systems, see 45.31.</li> </ul>	
		45.34	Other building installation	This class includes: <ul style="list-style-type: none"> <li>— installation of illumination and signalling systems for roads, railways, airports and harbours,</li> <li>— installation in buildings or other construction projects of fittings and fixtures n.e.c.</li> </ul>	45234115 45316000 45340000
	45.4		Building completion		45400000
		45.41	Plastering	This class includes: <ul style="list-style-type: none"> <li>— application in buildings or other construction projects of interior and exterior plaster or stucco,</li> </ul>	45410000

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				including related lathing materials.	
		45.42	Joinery installation	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation of not self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials,</li> <li>— interior completion such as ceilings, wooden wall coverings, movable partitions, etc.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— laying of parquet and other wood floor coverings, see 45.43</li> </ul>	45420000
		45.43	Floor and wall covering	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— laying, tiling, hanging or fitting in buildings or other construction projects of:</li> <li>— ceramic, concrete or cut stone wall or floor tiles,</li> <li>— parquet and other wood floor coverings carpets and linoleum floor coverings,</li> <li>— including of rubber or plastic,</li> </ul>	45430000



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				<ul style="list-style-type: none"> <li>— terrazzo, marble, granite or slate floor or wall coverings,</li> <li>— wallpaper.</li> </ul>	
		45.44	Painting and glazing	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— interior and exterior painting of buildings,</li> <li>— painting of civil engineering structures,</li> <li>— installation of glass, mirrors, etc.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— installation of windows, see 45.42.</li> </ul>	45440000
		45.45	Other building completion	<p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation of private swimming pools,</li> <li>— steam cleaning, sand blasting and similar activities for building exteriors,</li> <li>— other building completion and finishing work n.e.c.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— interior cleaning of buildings and other structures see 74.70.</li> </ul>	45212212 and DA04 45450000
	45.5		Renting of construction or demolition equipment with operator		45500000
		45.50	Renting of construction or demolition	<p>This class excludes:</p> <ul style="list-style-type: none"> <li>— renting of construction</li> </ul>	45500000

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			equipment with operator	or demolition machinery and equipment without operators, see 71.32.	

**Textual Amendments**

**F1** Words in *sch. 1* inserted (31.12.2020) by [The Public Procurement etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/468\)](#), regs. 1(2), **8(32)** (with *sch. paras. 1-5*)

[<sup>F2</sup>SCHEDULE 1A

Regulation 2(1)

PARTIES TO THE GPA

**Textual Amendments**

**F2** *Sch. 1A* inserted (11.6.2021) by [The Public Procurement \(Agreement on Government Procurement\) \(Amendment\) Regulations 2021 \(S.I. 2021/573\)](#), regs. 1(1), **7(5)**

- Armenia
- Australia
- Canada
- European Union
- Hong Kong, China
- Iceland
- Israel
- Japan
- Korea, Republic of
- Liechtenstein
- Moldova, Republic of
- Montenegro
- Netherlands with respect to Aruba
- New Zealand
- [<sup>F3</sup>North Macedonia, Republic of]
- Norway
- the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
- Singapore
- Switzerland

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Ukraine  
United States]

#### Textual Amendments

- F3** Words in sch. 1A inserted (30.10.2023) by [The Public Procurement \(Agreement on Government Procurement\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/287\)](#), regs. 1(2), 4(3)

## SCHEDULE 2

Regulations 2(1), 4, 5(1), 9(1)(b), 15(1),  
16, 22(6), 23(2), 24(1), 25(1), 46(1)(c)(iii)

### ACTIVITIES EXERCISED BY UTILITIES

The provisions of these Regulations governing concession contracts awarded by utilities (referred to in this Schedule as “the relevant provisions”) shall apply to the following activities.

#### Gas and heat

1.—(1) In the case of gas and heat, the relevant provisions shall apply to the following activities—

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas or heat;
- (b) the supply of gas or heat to such networks.

(2) The supply by a utility referred to in regulation 5(1)(b) or (c) (meaning of “utility”) of gas or heat to fixed networks which provide a service to the public do not fall within the scope of this Schedule if all of the following conditions are met—

- (a) the production of gas or heat by that utility is the unavoidable consequence of carrying out an activity other than those referred to in this paragraph or in paragraphs 2 or 3;
- (b) the supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20% of that utility’s turnover on the basis of the average for the preceding three years, including the current year.

(3) In this paragraph, “supply” includes the generation/production, wholesale and retail sale of gas, other than the production of gas in the form of extraction which, instead, falls within the scope of paragraph 6.

#### Commencement Information

- I2** [Sch. 2 para. 1](#) in force at 18.4.2016, see [reg. 1\(2\)](#)

#### Electricity

2.—(1) In the case of electricity, the relevant provisions shall apply to the following activities—

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity;
- (b) the supply of electricity to such networks.

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(2) The supply by a utility referred to in regulation 5(1)(b) or (c) (meaning of “utility”) of electricity to fixed networks which provide a service to the public shall not fall within the scope of this Schedule if all of the following conditions are met—

- (a) the production of electricity by that utility takes place because its consumption is necessary for carrying out an activity other than those referred to in this paragraph or paragraphs 1 or 3;
- (b) the supply to the public network depends only on that utility’s own consumption and has not exceeded 30% of that utility’s total production of energy, on the basis of the average for the preceding three years, including the current year.

(3) In this paragraph, “supply” includes generation/production, wholesale and retail sale of electricity.

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**Commencement Information**

**I3** Sch. 2 para. 2 in force at 18.4.2016, see [reg. 1\(2\)](#)

**Transport services**

**3.—(1)** The relevant provisions shall apply to activities relating to the provision or operation of networks providing a service to the public in the field of transport by—

- (a) railway;
- (b) automated systems;
- (c) tramway;
- (d) trolley bus;
- (e) bus; or
- (f) cable.

(2) For the purposes of this paragraph, a network shall be considered to exist if the service is provided under operating conditions laid down by a competent authority, such as—

- (a) conditions on the routes to be served;
- (b) the capacity to be made available; or
- (c) the frequency of the service.

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**Commencement Information**

**I4** Sch. 2 para. 3 in force at 18.4.2016, see [reg. 1\(2\)](#)

**Ports and airports**

**4.** The relevant provisions shall apply to activities relating to the exploitation of a geographical area for the purpose of the provision of airports and maritime or inland ports or other terminal facilities to carriers by air, sea or inland waterway.

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**Commencement Information**

**I5** Sch. 2 para. 4 in force at 18.4.2016, see [reg. 1\(2\)](#)

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## Postal services activities

- 5.—(1) The relevant provisions shall apply to activities relating to the provision of—
- (a) postal services;
  - (b) services other than postal services, on condition that such services are provided by an entity which also provides postal services and provided that the postal services are not directly exposed to competition within the meaning of regulation 33(2) of the Utilities Contracts (Scotland) Regulations 2016.
- (2) In this paragraph—
- (a) “postal item” means an item addressed in the final form in which it is to be carried, irrespective of weight, which includes—
    - (i) correspondence;
    - (ii) books;
    - (iii) catalogues;
    - (iv) newspapers;
    - (v) periodicals; and
    - (vi) postal packages containing merchandise with or without commercial value;
  - (b) “postal services” means services consisting of the clearance, sorting, routing and delivery of postal items, including both services falling within as well as services falling outside the scope of the universal service set up in accordance with the Postal Services Act 2011(2);
  - (c) “services other than postal services” means services provided in the following areas—
    - (i) mail service management services (services both preceding and subsequent to despatch, including mailroom management services),
    - (ii) services concerning postal items not included in the definition of “postal item” in paragraph (a), such as direct mail bearing no address.

### Commencement Information

I6 Sch. 2 para. 5 in force at 18.4.2016, see reg. 1(2)

## Oil and gas

6. The relevant provisions shall apply to activities relating to the exploitation of a geographical area for the purpose of—
- (a) extracting oil or gas;
  - (b) exploring for, or extracting, coal or other solid fuels.

### Commencement Information

I7 Sch. 2 para. 6 in force at 18.4.2016, see reg. 1(2)

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(2) 2011 c. 5.

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## SCHEDULE 3

Regulations 5(1)(c), 9(2), 21, 22(2), 26(3),  
33, 34

## SOCIAL AND OTHER SPECIFIC SERVICES

**Commencement Information**

**18** Sch. 3 in force at 18.4.2016, see **reg. 1(2)**

<i>CPV Code</i>	<i>Description</i>
75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0 (Supply services of domestic help personnel); 79624000-4 (Supply services of nursing personnel) and 79625000-1 (Supply services of medical personnel) from 85000000-9 to 85323000-9; 98133100-5, 98133000-4; 98200000-5; 98500000-8 (Private households with employed persons) and 98513000-2 to 98514000-9 (Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services)	Health, social and related services
85321000-5 and 85322000-2, 75000000-6 (Administration, defence and social security services), 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8; from 92000000-1 to 92700000-8; 79950000-8 (Exhibition, fair and congress organisation services), 79951000-5 (Seminar organisation services), 79952000-2 (Event services), 79952100-3 (Cultural event organisation services), 79953000-9 (Festival organisation services), 79954000-6 (Party organisation services), 79955000-3 (Fashion shows organisation services), 79956000-0 (Fair and exhibition organisation services)	Administrative social, educational, healthcare and cultural services
75300000-9	Compulsory social security services
75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services
98000000-3; 98120000-0; 98132000-7; 98133110-8 and 98130000-3	Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services
98131000-0	Religious services

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<i>CPV Code</i>	<i>Description</i>
55100000-1 to 55410000-7; 55521000-8 to 55521200-0 (55521000-8 Catering services for private households, 55521100-9 Meals-on-wheels services, 55521200-0 Meal delivery service) 55520000-1 Catering services, 55522000-5 Catering services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions, 55524000-9 School catering services 55510000-8 Canteen services, 55511000-5 Canteen and other restricted-clientele cafeteria services, 55512000-2 Canteen management services, 55523100-3 School-meal services	Hotel and restaurant services
79100000-5 to 79140000-7; 75231100-5;	Legal services, to the extent not excluded by regulation 12(1)(e)
75100000-7 to 75120000-3; 75123000-4; 75125000-8 to 75131000-3	Other administrative services and government services
75200000-8 to 75231000-4	Provision of services to the community
75231210-9 to 75231230-5; 75240000-0 To 75252000-7; 794300000-7; 98113100-9	Prison related services, public security and rescue services to the extent not excluded by regulation 12(1)(k)
79700000-1 to 79721000-4 (Investigation and security services, Security services, Alarm-monitoring services, Guard services, Surveillance services, Tracing system services, Absconder-tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services) 79722000-1(Graphology services), 79723000-8 (Waste analysis services)	Investigation and security services
98900000-2 (Services provided by extra-territorial organisations and bodies) and 98910000-5 (Services specific to international organisations and bodies)	International services
64000000-6 (Postal and telecommunications services), 64100000-7 (Post and courier services), 64110000-0 (Postal services), 64111000-7 (Postal services related to newspapers and periodicals), 64112000-4 (Postal services related to letters), 64113000-1 (Postal services related to parcels), 64114000-8 (Post office counter services), 64115000-5 (Mailbox rental), 64116000-2 (Post-restante services), 64122000-7 (Internal office mail and messenger services)	Postal services

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CPV Code	Description
50116510-9 (Tyre-remoulding services), 71550000-8 (Blacksmith services)	Miscellaneous services

## SCHEDULE 4

Regulations 28(5) and 40(9)

LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL  
CONVENTIONS REFERRED TO IN REGULATION 40(9)**Commencement Information**

**I9** Sch. 4 in force at 18.4.2016, see [reg. 1\(2\)](#)

ILO Convention 87 on Freedom of Association and Protection of the Right to Organise;  
 ILO Convention 98 on the Right to Organise and Collective Bargaining;  
 ILO Convention 29 on Forced Labour;  
 ILO Convention 105 on Abolition of Forced Labour;  
 ILO Convention 138 on Minimum Age;  
 ILO Convention 111 on Discrimination (Employment and Occupation);  
 ILO Convention 100 on Equal Remuneration;  
 ILO Convention 182 on Worst Forms of Child Labour;  
 Vienna Convention for the protection of the Ozone Layer and Montreal Protocol on substances that deplete the Ozone Layer;  
 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);  
 Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);  
 Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (PIC Convention) and its 3 regional Protocols.

[<sup>F4</sup>SCHEDULE 5

Regulation 51B

## INTERNATIONAL TRADE AGREEMENTS

**Textual Amendments**

**F4** Sch. 5 inserted (2.7.2021) by [The Public Procurement \(International Trade Agreements\) \(Amendment\) Regulations 2021 \(S.I. 2021/787\)](#), regs. 1(1), **7(3)**

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Chile, signed at Santiago on 30th January 2019.

Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation, signed at Bern on 11th February 2019.



**Changes to legislation:** The Concession Contracts (Scotland) Regulations 2016 is up to date with all changes known to be in force on or before 27 July 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

Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel, signed at Tel Aviv on 18th February 2019.

Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed in St Lucia on 22nd March 2019.

Trade Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Colombia, the Republic of Ecuador and the Republic of Peru, of the other part, signed at Quito on 15th May 2019.

Agreement Establishing an Association between the United Kingdom of Great Britain and Northern Ireland and Central America, signed at Managua on 18th July 2019.

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Korea, of the other part, signed at London on 22nd August 2019.

Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and Georgia, signed at London on 21st October 2019.

Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kosovo, signed at Pristina on 3rd December 2019.

Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine, signed at London on 8th October 2020.

Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership, signed at Tokyo on 23rd October 2020.

Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of North Macedonia, signed at Skopje on 3rd December 2020.

Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada, signed at Ottawa on 9th December 2020.

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Singapore, signed at Singapore on 10th December 2020.

Trade Continuity Agreement between the United Kingdom of Great Britain and Northern Ireland and the United Mexican States, signed at Mexico City on 15th December 2020.

Strategic Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Moldova, signed at Chisnau on 24th December 2020.

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Socialist Republic of Viet Nam, signed at London on 29th December 2020.

Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Albania, signed at Tirana on 5th February 2021.

Partnership, Trade and Cooperation Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Serbia, signed at Belgrade on 16th April 2021.

[<sup>F5</sup>Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 8th July 2021.]

**Changes to legislation:** *The Concession Contracts (Scotland) Regulations 2016 is up to date with all changes known to be in force on or before 27 July 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**

- F5** Words in sch. 5 inserted (27.6.2022) by [The Public Procurement \(International Trade Agreements\) \(Amendment\) Regulations 2022 \(S.I. 2022/766\)](#), regs. 1(1), **7(2)** (with reg. 9)

[<sup>F6</sup>Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and Australia, signed at London on 16th December 2021 and Adelaide on 17th December 2021.]

**Textual Amendments**

- F6** Words in sch. 5 inserted (30.5.2023) by [The Public Procurement \(Miscellaneous Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/124\)](#), regs. 2, **6(4)** (with reg. 3)

[<sup>F6</sup>Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand, signed at London on 28th February 2022.]

[<sup>F7</sup>Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023.]]

**Textual Amendments**

- F7** Words in sch. 5 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. 22** (with Sch. paras. 23-26)

### Changes to legislation:

The Concession Contracts (Scotland) Regulations 2016 is up to date with all changes known to be in force on or before 27 July 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.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- sch. 1 words inserted by [S.S.I. 2019/112 reg. 7\(32\)](#) (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))
- Regulations applied by [2023 c. 54 s. 119\(2\)\(c\)](#)
- reg. 2(1) word inserted by [S.S.I. 2019/112 reg. 7\(2\)\(c\)](#) (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. 2(1) words inserted by [S.S.I. 2019/112 reg. 7\(2\)\(b\)](#) (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))
- reg. 2(1) words inserted by [S.S.I. 2019/112 reg. 7\(2\)\(d\)](#) (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. 2(1) words inserted by [S.S.I. 2019/112 reg. 7\(2\)\(f\)](#) (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. 2(1) words inserted by [S.S.I. 2019/112 reg. 7\(2\)\(h\)](#) (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. 2(1) words omitted by [S.S.I. 2019/112 reg. 7\(2\)\(a\)](#) (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. 2(1) words omitted by [S.S.I. 2019/112 reg. 7\(2\)\(e\)](#) (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. 2(1) words omitted by [S.S.I. 2019/112 reg. 7\(2\)\(g\)](#) (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. 2(1) words revoked by [S.S.I. 2019/112 reg. 7\(2\)\(c\)](#) (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. 5(4)(b) word inserted by [S.S.I. 2019/112 reg. 7\(3\)\(b\)](#) (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))
- reg. 5(4)(b) words revoked by [S.S.I. 2019/112 reg. 7\(3\)\(a\)](#) (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. 8(1) sum substituted by [S.S.I. 2019/112 reg. 7\(5\)\(a\)](#) (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. 8(1) sum substituted by S.S.I. 2019/112, reg. 7(5)(a) (as amended) by [S.S.I. 2019/414 reg. 2\(4\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/414 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(c))
- reg. 8(2) omitted by [S.S.I. 2019/112 reg. 7\(5\)\(b\)](#) (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))

- reg. 8(4) word substituted by [S.S.I. 2019/112 reg. 7\(5\)\(c\)](#) (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. 9(1)(a) words substituted by [S.S.I. 2019/112 reg. 7\(7\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(7)(a) revoked without ever coming into force by S.S.I. 2019/173, reg. 4(3))
- reg. 9(1)(b) words omitted by [S.S.I. 2019/112 reg. 7\(7\)\(b\)](#) (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))
- reg. 9(2) omitted by [S.S.I. 2019/112 reg. 7\(7\)\(c\)](#) (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) word inserted by [S.S.I. 2019/112 reg. 7\(8\)\(a\)](#) (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) word substituted by [S.S.I. 2019/112 reg. 7\(8\)\(b\)](#) (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))
- reg. 11(1)(a) word substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(i\)\(bb\)](#) (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)(a) words substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(i\)\(aa\)](#) (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)(b) words substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(ii\)](#) (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. 11(1)(c) words substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(iii\)](#) (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)(f) words substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(iv\)](#) (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)(g) words substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(v\)\(aa\)](#) (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)(g) words substituted by [S.S.I. 2019/112 reg. 7\(9\)\(a\)\(v\)\(bb\)](#) (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(2) words omitted by [S.S.I. 2019/112 reg. 7\(9\)\(b\)](#) (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))
- reg. 12(1)(e)(v) words substituted by [S.S.I. 2019/112 reg. 7\(10\)\(a\)\(iii\)](#) (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. 12(1)(e)(iv) words substituted by [S.S.I. 2019/112 reg. 7\(10\)\(a\)\(iii\)](#) (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. 12(1)(o) words substituted by [S.S.I. 2019/112 reg. 7\(10\)\(b\)\(i\)](#) (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. 12(1)(o) words substituted by [S.S.I. 2019/112 reg. 7\(10\)\(b\)\(ii\)](#) (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. 15(5)(a) words substituted by [S.S.I. 2019/112 reg. 7\(11\)\(a\)](#) (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. 47(1) word omitted by [S.S.I. 2019/112 reg. 7\(27\)\(b\)](#) (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))
- reg. 47(1)(c) omitted by [S.S.I. 2019/112 reg. 7\(27\)\(c\)](#) (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. 51(1) words substituted by [S.S.I. 2019/112 reg. 7\(28\)\(a\)\(i\)](#) (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. 51(1) words substituted by [S.S.I. 2019/112 reg. 7\(28\)\(a\)\(ii\)](#) (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. 51(2)-(5) omitted by [S.S.I. 2019/112 reg. 8\(2\)](#) (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. 51(2) substituted by [S.S.I. 2019/112 reg. 7\(28\)\(b\)](#) (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))
- reg. 51(2) words substituted in earlier amending provision S.S.I. 2019/112, reg. 7(28)(b) by [S.S.I. 2019/114 reg. 2\(7\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 51(4) omitted by [S.S.I. 2019/112 reg. 7\(28\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(28)(d)(da) substituted for reg. 7(28)(d) by S.S.I. 2019/114, reg. 2(7)(b) and then S.S.I. 2019/112 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(a))
- reg. 51(4) words substituted by S.S.I. 2019/112, reg. 7(28)(d)(i) (as substituted) by [S.S.I. 2019/114 reg. 2\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 51(4)(a) words substituted by S.S.I. 2019/112, reg. 7(28)(d)(ii)(aa) (as substituted) by [S.S.I. 2019/114 reg. 2\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 51(4)(a) words substituted by S.S.I. 2019/112, reg. 7(28)(d)(ii)(bb) (as substituted) by [S.S.I. 2019/114 reg. 2\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 51(5) word substituted by [S.S.I. 2019/112 reg. 7\(28\)\(e\)\(ii\)\(aa\)](#) (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. 51(5) words substituted by [S.S.I. 2019/112 reg. 7\(28\)\(e\)\(i\)](#) (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. 51(5) words substituted by [S.S.I. 2019/112 reg. 7\(28\)\(e\)\(ii\)\(bb\)](#) (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. 52(5)(a) word substituted by [S.S.I. 2019/112 reg. 7\(29\)\(a\)](#) (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. 52(5)(a) words substituted by [S.S.I. 2019/112 reg. 7\(29\)\(b\)](#) (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))
- reg. 52(5)(a) words substituted by [S.S.I. 2019/112 reg. 7\(29\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(29)(c) revoked without ever coming into force by S.S.I. 2019/173, reg. 4(3))

- reg. 52(5)(a) words substituted by [S.S.I. 2019/112 reg. 7\(29\)\(d\)](#) (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. 55(5) words substituted by [S.S.I. 2019/112 reg. 7\(30\)\(a\)](#) (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. 55(6)(a) substituted by [S.S.I. 2019/112 reg. 7\(30\)\(b\)](#) (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))
- reg. 55(6)(b) words substituted by [S.S.I. 2019/112 reg. 7\(30\)\(c\)](#) (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. 7(2)-(5) substituted for reg. 7(2) by [S.S.I. 2019/112 reg. 7\(4\)](#) (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. 8A inserted by [S.S.I. 2019/112 reg. 7\(6\)](#) (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. 12(1)(e)(i)(aa) words substituted by [S.S.I. 2019/112 reg. 7\(10\)\(a\)\(i\)](#) (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. 12(1)(e)(i)(bb) words substituted by [S.S.I. 2019/112 reg. 7\(10\)\(a\)\(ii\)](#) (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. 33(2)(a)(i)-(iii) and words inserted by [S.S.I. 2019/112 reg. 7\(19\)\(a\)](#) (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. 34(4) inserted by [S.S.I. 2019/112 reg. 7\(20\)\(c\)](#) (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. 35(5)(6) inserted by [S.S.I. 2019/112 reg. 7\(21\)\(e\)](#) (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. 40(19)-(21) inserted by [S.S.I. 2019/112 reg. 7\(23\)\(c\)](#) (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. 46(4)(a)-(c) and words inserted by [S.S.I. 2019/112 reg. 7\(26\)\(b\)](#) (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))
- reg. 51(3)(3A) substituted for reg. 51(3) by [S.S.I. 2019/112 reg. 7\(28\)\(c\)](#) (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. 51(4A) inserted by S.S.I. 2019/112, reg. 7(28)(da) (as substituted) by [S.S.I. 2019/114 reg. 2\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.S.I. 2019/114 revoked immediately before IP completion day by S.S.I. 2020/468, regs. 1(3), 2(2)(b))
- reg. 60ZA inserted by [S.S.I. 2019/112 reg. 7\(31\)](#) (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))