

POLICY NOTE

THE PUBLIC PROCUREMENT (AGREEMENT ON GOVERNMENT PROCUREMENT) (THRESHOLDS ETC.) (AMENDMENT) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/424

The above instrument was made using the powers in regulation 15A(4) of the Utilities Contracts (Scotland) Regulations 2016 sections 1(1) and 4(1) of the Trade Act 2021 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the instrument

To correct two errors in the Public Procurement (Agreement on Government Procurement) (Thresholds etc.) (Amendment) (Scotland) Regulations 2021 before it comes into force.

Policy Objectives

1. The objective is to ensure the correct changes are made to the Public Contracts (Scotland) Regulations 2015 and to the Utilities Contracts (Scotland) Regulations 2016 by correcting the Public Procurement (Agreement on Government Procurement) (Thresholds etc.) (Amendment) (Scotland) Regulations 2021 (SSI 2021/378) which comes into force on 1 January 2022.
2. The instrument replaces the reference to “Schedule 2” with “Schedule 1” in the Public Procurement (Agreement on Government Procurement) (Thresholds etc.) (Amendment) (Scotland) Regulations 2021 where it amends the Public Contracts (Scotland) Regulations 2015.
3. The instrument amends the reviewable financial threshold value in regulation 4(2)(b) of the Public Procurement (Agreement on Government Procurement) (Thresholds etc.) (Amendment) (Scotland) Regulations 2021, to ensure that the threshold value being amended in the Utilities Contracts (Scotland) Regulations 2016 is accurately aligned with those specified by the World Trade Organisation’s Government Procurement Agreement (GPA), which public bodies in Scotland are subject to as part of the UK’s GPA membership. The instrument removes “£462,955” and substitutes it with “£426,955”.

Explanation of the law being amended by the Regulations

4. The purpose of SSI 2021/378 was twofold
 - to update threshold figures found in the Public Contracts (Scotland) Regulations 2015, the Utilities Contracts (Scotland) Regulations 2016, and the Concession Contracts (Scotland) Regulations 2016; and
 - remove a reference to a non-existent body from Part 2 of Schedule 1 of the Public Contracts (Scotland) Regulations 2015.
5. However, that SSI contained two errors (outlined in paragraphs 2 and 3 above) and the current SSI corrects those errors.

Consultation

6. There has been no public consultation as the changes made by the SSI are solely to correct errors in SSI 2021/378.

Impact Assessments

7. Impact assessments have not been prepared for this instrument because the SSI is solely to correct factual errors in SSI 2021/378.

Financial Effects

8. There is no requirement for a BRIA for this SSI, as it is solely correcting technical errors in SSI 2021/378 and has no financial effects on the Scottish Government, local government or on business.

Scottish Government
November 2021