

Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and sections 39(10) and 161(4) of the Small Business, Enterprise and Employment Act 2015, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

PUBLIC PROCUREMENT

**The Public Procurement (Electronic
Invoices etc.) Regulations 2019**

Made - - - - 0000

Coming into force in accordance with regulation 1

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by section 2(2) of, read with paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽¹⁾ and by sections 39(1) and (5)(d) and 161(2) of the Small Business, Enterprise and Employment Act 2015⁽²⁾.

The Minister for the Cabinet Office is designated for the purposes of the European Communities Act 1972 in relation to public procurement⁽³⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Minister for the Cabinet Office that it is expedient for certain references to Commission Implementing Decision (EU) 2017/1870⁽⁴⁾ to be construed as references to that instrument as amended from time to time.

In accordance with section 39(6) of the Small Business, Enterprise and Employment Act 2015, the Minister for the Cabinet Office has undertaken such consultation as the Minister considers appropriate.

In accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972⁽⁵⁾ and sections 39(10) and 161(4) of the Small Business, Enterprise and Employment Act 2015, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(1) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) (“the 2008 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and amended by paragraph 1 of Schedule 1 to S.I. 2007/1388 and the Schedule to the 2008 Act. By virtue of the amendment to section 1(2) made by section 1 of the European Economic Area Act 1993 (c. 51), regulations may be made under section 2(2) to implement obligations of the United Kingdom created by or arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073, OJ No L1, 3.11.1994, p.3) and the Protocol adjusting that Agreement signed at Brussels on 17th March 1993 (Cm 2183, OJ No L1, 3.1.1994, p.572). Both sections 2(2) and paragraph 1A of Schedule 2 are prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16), from exit day (see section 20 of that Act).

(2) 2015 c. 26; section 39 was amended by paragraph 108 of Schedule 6 to the Wales Act 1917 (c. 4).

(3) S.I. 2010/2473.

(4) OJ No L 266, 17.10.2017, p.19-21.

(5) Paragraph 2(2) of Schedule 2 was amended by section 27(2)(a) of the 2006 Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Public Procurement (Electronic Invoices etc.) Regulations 2019 No. 624
