
STATUTORY INSTRUMENTS

2006 No. 5

The Public Contracts Regulations 2006

PART 1

GENERAL

Contracting authorities

- 3.**—(1) For the purposes of these Regulations each of the following is a contracting authority—
- (a) a Minister of the Crown;
 - (b) a government department;
 - (c) the House of Commons;
 - (d) the House of Lords;
 - (e) the Northern Ireland Assembly Commission;
 - (f) the Scottish Ministers;
 - (g) the Scottish Parliamentary Corporate Body;
 - (h) the National Assembly for Wales;
 - (i) a local authority;
 - (j) a fire authority constituted by a combination scheme under the Fire Services Act 1947⁽¹⁾;
 - (k) a fire and rescue authority—
 - (i) within the meaning of section 1 of the Fire and Rescue Services Act 2004⁽²⁾;
 - (ii) constituted by a scheme under section 2 of that Act; or
 - (iii) constituted by a scheme to which section 4 of that Act applies;
 - (l) the Fire Authority for Northern Ireland;
 - (m) a police authority established under section 3 of the Police Act 1996⁽³⁾;
 - (n) the Metropolitan Police Authority established under section 5B⁽⁴⁾ of the Police Act 1996;
 - (o) a police authority established under section 2 of the Police (Scotland) Act 1967⁽⁵⁾;
 - (p) the Northern Ireland Policing Board;
 - (q) an authority established under section 10 of the Local Government Act 1985⁽⁶⁾;
 - (r) a joint authority established by Part IV of that Act;
 - (s) any body established in accordance with an order under section 67 of that Act;

(1) 1947 c. 41.

(2) 2004 c. 21.

(3) 1996 c. 16.

(4) Section 5B of the Police Act 1996 was inserted by the Greater London Authority Act 1999(c. 29).

(5) 1967 c. 77.

(6) 1985 c. 51.

- (t) the Broads Authority;
 - (u) any joint board, the constituent members of which consist of any of the bodies specified in paragraphs (i), (j), (m), (n), (o), (p), (q), (r) and (s);
 - (v) a National Park authority established by an Order under section 63 of the Environment Act 1995(7);
 - (w) a corporation established, or a group of individuals appointed to act together, for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and—
 - (i) financed wholly or mainly by another contracting authority;
 - (ii) subject to management supervision by another contracting authority; or
 - (iii) more than half of the board of directors or members of which, or, in the case of a group of individuals, more than half of those individuals, are appointed by another contracting authority;
 - (x) an association of or formed by one or more of the above; and
 - (y) to the extent not specified in sub-paragraphs (a) to (v), an entity specified in Schedule 1.
- (2) In the application of these Regulations to a local authority in England, “local authority” in paragraph (1) means—
- (a) a county council, a district council, a London borough council, a parish council, the Council of the Isles of Scilly;
 - (b) the Common Council of the City of London in its capacity as local authority or police authority; or
 - (c) the Greater London Authority or a functional body within the meaning of the Greater London Authority Act 1999(8).
- (3) In the application of these Regulations to a local authority in Wales, “local authority” in paragraph (1) means a county council, a county borough council or a community council.
- (4) In the application of these Regulations to a local authority in Scotland, “local authority” in paragraph (1) has the same meaning as in section 235(1) of the Local Government (Scotland) Act 1973(9) and also includes a joint board or joint committee within the meaning of section 235(1) of that Act.
- (5) In the application of these Regulations to a local authority in Northern Ireland, “local authority” in paragraph (1) means a district council within the meaning of the Local Government Act (Northern Ireland) 1972(10).
- (6) Where an entity specified in paragraph (1) does not have the capacity to enter into a contract, the contracting authority in relation to that entity is a person whose function it is to enter into contracts for that entity.

(7) 1995 c. 25.

(8) 1999 c. 29.

(9) 1973 c. 65; section 253(1), as substituted by section 180(1) of, and paragraph 92(66)(c) of Schedule 13 to, the Local Government etc. (Scotland) Act 1994 c. 39, now provides that a local authority means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 c. 39.

(10) 1972 c. 9 (N.I.).