
STATUTORY INSTRUMENTS

2011 No. 2053

The Public Procurement (Miscellaneous
Amendments) Regulations 2011

PART 2

AMENDMENT OF THE PUBLIC CONTRACTS REGULATIONS 2006

Transfer of functions etc

16.—(1) In regulation 2(1), omit the definition of “Office of Government Commerce”.

(2) In each of the following provisions, for “Office of Government Commerce” substitute “Cabinet Office”:

- (a) regulation 14(2);
- (b) regulation 30(9);
- (c) regulation 32(16);
- (d) regulation 40(1);
- (e) regulation 40(2) (in both places);
- (f) regulation 41(1) (in both places);
- (g) regulation 41(3).

(3) In regulation 47N(1)—

(a) for paragraph (7) substitute—

“(7) Subject to paragraph (7A), where a contracting authority is ordered by the High Court of England and Wales to pay a civil financial penalty under this regulation—

- (a) the Court’s order must state that the penalty is payable to the Minister for the Cabinet Office;
- (b) the Court must send a copy of the order to the Minister;
- (c) the contracting authority must pay the penalty to the Minister; and
- (d) the Minister must, on receipt of the penalty, pay it into the Consolidated Fund.

(7A) Where the Minister for the Cabinet Office, or the Cabinet Office, is ordered to pay a civil financial penalty under this Part—

- (a) paragraph (7) does not apply; and
- (b) the Minister for the Cabinet Office must pay the penalty into the Consolidated Fund.”;

(b) in paragraph (8), for “Where” substitute “Subject to paragraph (8A), where”;

(c) after paragraph (8), insert—

“(8A) Where the Department of Finance and Personnel is ordered to pay a civil financial penalty under this Part—

(a) Paragraph (8) does not apply; and

(b) the Department must pay the penalty into the Consolidated Fund of Northern Ireland.”; and

(d) in paragraph (9)(a)—

(i) for “Treasury” substitute “Minister for the Cabinet Office”; and

(ii) for “them” substitute “the Minister”.

(4) In Schedule 1, under the entry for “HM Treasury”, omit “Office of Government Commerce”.