

SCHEDULE 2

Amendments to statutory instruments

PART 1

The Public Contracts Regulations 2015

5. For regulation 7 (utilities) substitute—

“Contracts in the water, energy, transport and postal services sectors

- 7.—(1) This Part does not apply to public contracts or design contests which—
- (a) under the UCR 2016 are awarded or organised by contracting authorities—
 - (i) exercising one or more of the activities referred to in regulations 9 to 15 of those Regulations, and
 - (ii) for the pursuit of those activities;
 - (b) are excluded from the scope of the UCR 2016 by regulations 18, 23 or 34 of those Regulations; or
 - (c) are awarded or organised—
 - (i) by a contracting authority which provides postal services within the meaning of regulation 14 of the UCR 2016, and
 - (ii) for the pursuit of any of the following activities—
 - (aa) added value services linked to and provided entirely by electronic means (including the secure transmission of coded documents by electronic means, address management services and transmission of registered electronic mail);
 - (bb) financial services which are covered by CPV codes 66100000-1 to 66720000-3 and by regulation 21(1)(d) of the UCR 2016, including in particular postal money orders and postal giro transfers;
 - (cc) philatelic services;
 - (dd) logistics services (services combining physical delivery and warehousing, or either of them, with other non-postal functions).
- (2) In this regulation, “the UCR 2016” means the Utilities Contracts Regulations 2016.”.