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STATUTORY INSTRUMENTS

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**2019 No. 623**

**The Public Procurement (Amendment  
etc.) (EU Exit) (No. 2) Regulations 2019**

**Amendment of the Public Procurement (Amendment etc.) (EU Exit) Regulations 2019**

2.—(1) The Public Procurement (Amendment etc.) (EU Exit) Regulations 2019<sup>(1)</sup> are amended as follows.

(2) In regulation 1 (citation, commencement and transitional and saving provision)—

- (a) in paragraph (2), for “and 10” substitute “10 and 21”;
- (b) in paragraph (3)—
  - (i) for “8 and 10” substitute “8, 10 and 21”;
  - (ii) for “eight” substitute “18”.

(3) In regulation 5 (amendments to the Public Contracts Regulations 2015<sup>(2)</sup> that are commenced on exit day)—

- (a) in paragraph (20) (amendment of regulation 25 which concerns conditions relating to the GPA and other international agreements)—
  - (i) omit sub-paragraph (a);
  - (ii) in sub-paragraph (b)—
    - (aa) for paragraph (i) substitute—

“(i) for “is bound” substitute “was, immediately before exit day, bound”;;”;
    - (bb) omit paragraph (ii);
- (b) in paragraph (45) (amendment of regulation 68 which concerns life-cycle costing), in sub-paragraph (a), for paragraph (ii) substitute—

“(i) for “is bound” substitute “was, immediately before exit day, bound”;;”;
- (c) in paragraph (58) (amendment of regulation 90 which concerns the duty owed to economic operators from certain states)—
  - (i) in sub-paragraph (a)(i)(bb), for “Condition 1 or Condition 2” substitute “Condition 1, Condition 2 or Condition 3”;
  - (ii) for sub-paragraph (c) substitute—
    - “(c) in paragraph (3)—
      - (i) for the words from the beginning to “applies if” substitute “Condition 3 is that”;
      - (ii) in sub-paragraph (a)—

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(1) S.I. 2019/560.

(2) S.I. 2015/102, amended by S.I. 2016/275; there are other amending instruments but none is relevant.

(aa) for “there is” substitute “immediately before exit day there was”;

(bb) for “is bound” substitute “was bound”;

(ca) after paragraph (3) insert—

“(3A) Paragraph (3)(b) is to be applied as if the United Kingdom were a member State.”;

(4) In the heading to regulation 6 (amendments commenced eight months after exit day), for “eight” substitute “18”.

(5) In regulation 7 (amendments to the Concession Contracts Regulations 2016<sup>(3)</sup> that are commenced on exit day), in paragraph (28) (amendment of regulation 51 which concerns the duty owed to economic operators from certain states)—

(a) in sub-paragraph (a)(i)(bb), for “Condition 1 or Condition 2” substitute “Condition 1, Condition 2 or Condition 3”;

(b) for sub-paragraph (c) substitute—

“(c) in paragraph (3)—

(i) for the words from the beginning to “applies if” substitute “Condition 3 is that”;

(ii) in sub-paragraph (a)—

(aa) for “there is” substitute “immediately before exit day there was”;

(bb) for “is bound” substitute “was bound”;

(ca) after paragraph (3) insert—

“(3A) Paragraph (3)(b) is to be applied as if the United Kingdom were a member State.”;

(6) In the heading to regulation 8 (amendment commenced eight months after exit day), for “eight” substitute “18”.

(7) In regulation 9 (amendments to the Utilities Contracts Regulations 2016<sup>(4)</sup> that are commenced on exit day)—

(a) in paragraph (28) (amendment of regulation 43 which concerns conditions relating to the GPA and other international agreements)—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (b)—

(aa) for paragraph (i) substitute—

“(i) for “is bound” substitute “was, immediately before exit day, bound”;

(bb) omit paragraph (ii);

(b) in paragraph (47) (amendment of regulation 83 which concerns life-cycle costing), in sub-paragraph (a), for paragraph (ii) substitute—

“(ii) for “is bound” substitute “was, immediately before exit day, bound”;

(c) in paragraph (60) (amendment of regulation 105 which concerns the duty owed to economic operators from certain states)—

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(3) [S.I. 2016/273](#).

(4) [S.I. 2016/274](#), to which there are amendments not relevant to these Regulations.

- (i) in sub-paragraph (a)(i)(bb), for “Condition 1 or Condition 2” substitute “Condition 1, Condition 2 or Condition 3”;
  - (ii) for sub-paragraph (c) substitute—
    - “(c) in paragraph (3)—
      - (i) for the words from the beginning to “applies if” substitute “Condition 3 is that”;
      - (ii) in sub-paragraph (a)—
        - (aa) for “there is” substitute “immediately before exit day there was”;
        - (bb) for “is bound” substitute “was bound”;
      - (ca) after paragraph (3) insert—
        - “(3A) Paragraph (3)(b) is to be applied as if the United Kingdom were a member State.”;
- (8) In the heading to regulation 10 (amendments commenced eight months after exit day), for “eight” substitute “18”.
- (9) In regulation 21 (cessation of rights etc under certain international agreements), in paragraph (1), in the words after sub-paragraph (b), for “on exit day” substitute “when this regulation comes into force”.
- (10) In the Schedule (transitional and saving provision)—
- (a) in paragraph 3(2)—
    - (i) in paragraph (a), omit sub-paragraph (ii);
    - (ii) in paragraph (c), omit sub-paragraph (i);
  - (b) omit paragraph 9.