
WELSH STATUTORY INSTRUMENTS

2023 No. 567

**The Public Procurement (International Trade Agreements)
(Amendment) (Wales) (No. 2) Regulations 2023**

Amendment to the Utilities Contracts Regulations 2016

- 4.—(1) The Utilities Contracts Regulations 2016(1) are amended as follows.
- (2) In regulation 2 (definitions), in paragraph (1)—
- (a) omit the definition of “invitation to confirm interest”;
 - (b) in the definition of “periodic indicative notice”, omit “, or where relevant, 91(1)(b)”;
 - (c) in the definition of “procurement document”, omit “, the periodic indicative notice”.
- (3) In regulation 17 (methods for calculating the estimated value of the procurement)—
- (a) in paragraph (15A), omit “that is not a devolved Welsh authority”;
 - (b) in paragraph (20), omit “that is not a devolved Welsh authority”.
- (4) In regulation 36 (principles of procurement), in paragraph (4), omit “that are not devolved Welsh authorities”.
- (5) In regulation 40 (rules applicable to communication)—
- (a) in paragraph (14)(a), omit “or from the date on which the invitation to confirm interest is sent”;
 - (b) in paragraph (15)(b), omit “or the invitation to confirm interest”.
- (6) In regulation 44 (choice of procedures), omit paragraphs (4)(a) and (5).
- (7) In regulation 45 (open procedure)—
- (a) in paragraph (2), for “paragraphs (4) to (6)” substitute “paragraphs (4A) to (6)”;
 - (b) omit paragraph (4);
 - (c) in paragraph (4A), omit “that are not devolved Welsh authorities”.
- (8) In regulation 46 (restricted procedure), omit paragraph (2)(b) and the “; or” before it.
- (9) In regulation 47 (negotiated procedure with prior call for competition), omit paragraph (2)(b) and the “; or” before it.
- (10) In regulation 48 (competitive dialogue), omit paragraph (2)(b) and the “; or” before it.
- (11) In regulation 52 (dynamic purchasing systems)—
- (a) omit paragraph (9)(b) and the “; or” before it;
 - (b) in paragraph (23)—
 - (i) after sub-paragraph (a), insert “or”;
 - (ii) omit sub-paragraph (b) and the “, or” after it.

(1) S.I. 2016/274, amended by S.I. 2016/696, S.I. 2019/624, S.I. 2020/1319, S.I. 2021/573, S.I. 2021/787, S.I. 2021/872, S.I. 2021/1221, S.I. 2022/766 and S.I. 2023/484.

- (12) In regulation 53 (electronic auctions), in paragraph (7), omit “, in the invitation to confirm interest”.
- (13) In regulation 54 (electronic catalogues), in paragraph (5)(a), omit “, in the invitation to confirm interest”.
- (14) In regulation 63 (communication of technical specifications), omit paragraph (1)(b) and the “; or” before it.
- (15) In regulation 65 (division of contracts into lots)—
- (a) in paragraph (2)—
 - (i) after sub-paragraph (a), insert “or”;
 - (ii) omit sub-paragraph (b) and the “, or” after it;
 - (b) in both paragraphs (3)(b) and (5)(b), omit “to confirm interest.”
- (16) In regulation 67 (periodic indicative notices), omit paragraphs (5), (6) and (8).
- (17) In regulation 70 (contract award notices), omit paragraph (3).
- (18) In regulation 73 (electronic availability of procurement documents)—
- (a) in paragraph (1), omit “or the date on which an invitation to confirm interest is sent”;
 - (b) in paragraph (4), omit “or the invitation to confirm interest”;
 - (c) in paragraph (5)—
 - (i) after sub-paragraph (a), insert “or”;
 - (ii) omit sub-paragraph (b) and the “, or” after it.
- (19) In regulation 74 (invitations to candidates)—
- (a) omit paragraph (2);
 - (b) in paragraph (3), for “paragraphs (1) and (2)” substitute “paragraph (1)”;
 - (c) omit paragraph (6).
- (20) In regulation 91 (publication of notices), in paragraph (1)—
- (a) after sub paragraph (a), insert “or”;
 - (b) omit sub-paragraph (b) and the “, or” after it.
- (21) In regulation 92 (principles of awarding contracts), in paragraph (3), omit “, periodic indicative notice”.
- (22) In regulation 105A (duty owed to economic operators from GPA parties), in paragraph (3)—
- (a) after sub-paragraph (a), insert “or”;
 - (b) omit sub-paragraph (b) and the “, or” after it.
- (23) In Schedule 3 (international trade agreements), before the entry for the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and Australia, omit “For utilities that are not devolved Welsh authorities:”.