

*Draft Regulations laid before Parliament under paragraph 4(1) of Schedule 2 to the Trade Act 2021, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

# **PUBLIC PROCUREMENT**

## **The Public Procurement (International Trade Agreements) (Amendment) Regulations 2022**

<i>Made</i>	-	-	-	-	***
<i>Coming into force</i>	-	-			***

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 2(1) and (2), 4(1)(c) and (d) and 5(1) of the Trade Act 2021<sup>(1)</sup>.

In accordance with paragraph 4(1) of Schedule 2 to the Trade Act 2021, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

### **PART 1**

#### **GENERAL**

##### **Citation, commencement and extent**

**1.—(1)** These Regulations may be cited as the Public Procurement (International Trade Agreements) (Amendment) Regulations 2022 and come into force on the day after the day they are made.

**(2)** The amendments made by these Regulations have the same extent as the provisions to which they relate.

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<sup>(1)</sup> [2021 c. 10](#). See the definition of “international trade agreement” in section 2(2) and the definitions of “appropriate authority” and “free trade agreement” in section 5(1).

## PART 2

### AMENDMENT OF UNITED KINGDOM SECONDARY LEGISLATION

#### Amendments to the Public Contracts Regulations 2015

2.—(1) The Public Contracts Regulations 2015(2) are amended as follows.

(2) In regulation 69(2) (abnormally low tenders), after sub-paragraph (e) insert—

“(g) whether the price or costs take into account the grant of subsidies.”.

(3) In Schedule 4A (international trade agreements), after the last entry (for the Government of the Republic of Serbia), insert—

“Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 8th July 2021.”.

#### Amendments to the Concession Contracts Regulations 2016

3.—(1) The Concession Contracts Regulations 2016(3) are amended as follows.

(2) In Schedule 4 (international trade agreements), after the last entry (for the Government of the Republic of Serbia), insert—

“Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 8th July 2021.”.

#### Amendments to the Utilities Contracts Regulations 2016

4.—(1) The Utilities Contracts Regulations 2016(4) are amended as follows.

(2) In regulation 84(2) (abnormally low tenders), after sub-paragraph (e) insert—

“(g) whether the price or costs take into account the grant of subsidies.”.

(3) In Schedule 3 (international trade agreements), after the last entry (for the Government of the Republic of Serbia), insert—

“Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed at London on 8th July 2021.”.

## PART 3

### AMENDMENT OF SCOTTISH SECONDARY LEGISLATION

#### Amendments to the Public Contracts (Scotland) Regulations 2015

5.—(1) The Public Contracts (Scotland) Regulations 2015(5) are amended as follows.

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- (2) [S.I. 2015/102](#), as amended by [S.I. 2020/1319](#) and [S.I. 2021/787](#); there are other amending instruments but none is relevant.
- (3) [S.I. 2016/273](#), as amended by [S.I. 2019/624](#), [S.I. 2020/1319](#), [S.I. 2021/573](#), [S.I. 2021/787](#), [S.I. 2021/872](#) and [S.I. 2021/1221](#).
- (4) [S.I. 2016/274](#), as 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](#) and [S.I. 2021/1221](#).
- (5) [S.S.I. 2015/446](#), as amended by [S.S.I. 2016/47](#), [S.S.I. 2020/468](#), [S.I. 2021/573](#), [S.I. 2021/787](#), [S.I. 2021/872](#) and [S.S.I. 2021/378](#).