Draft Regulations laid before the Scottish Parliament under section 122(14) of the Procurement Act 2023, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

PUBLIC PROCUREMENT

The Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2025

Made - - - -	*2025*
Coming into force - -	*31st December 2025*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 91(1) of the Procurement Act 2023(**a**) and all other powers enabling them to do so.

In accordance with section 122(14)(**b**) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2025 and come into force on 31 December 2025.

Saving

2.—(1) The amendments made by these Regulations do not apply to a procurement commenced before 31 December 2025.

(2) For the purposes of paragraph (1)—

(a) a procurement commences when the person carrying out the procurement, or a person acting on that person's behalf—

(i) publishes an advertisement seeking expressions of interest or offers in relation to the contract to be awarded at the conclusion of the procurement,

(ii) contacts another person to seek an expression of interest or offer in relation to the contract, or

(iii) responds to an unsolicited expression of interest or offer in relation to the contract,

(**a**) 2023 c. 54.
(**b**) Section 122(14)(a) was corrected by correction slip dated November 2024 (ISBN 978-0-10-570239-9) so that "section 90..." instead reads "section 91...".

(b) nothing done in the course of holding a design contest is to be regarded as commencing a procurement in relation to the subject matter of the contest.

(3) In this regulation—

"contract" includes—

(a) framework agreement (as defined by any of the Regulations amended by regulations 3 to 5), and references to a contract's award include the conclusion of a framework agreement,

(b) dynamic purchasing system (as defined by any of the Regulations amended by regulations 3 to 5), and references to a contract's award include the establishment of a dynamic purchasing system,

"design contest" means any process treated as a design contest by any of the Regulations amended by regulations 3 to 5,

"procurement" means the process leading to the award of a contract.

Amendment of the Public Contracts (Scotland) Regulations 2015

3. In Schedule 4A (international trade agreements) of the Public Contracts (Scotland) Regulations 2015(**a**), at the end insert—

> "The Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq, signed at London on 14 January 2025.".

Amendment of the Utilities Contracts (Scotland) Regulations 2016

4. In Schedule 2A (international trade agreements) of the Utilities Contracts (Scotland) Regulations 2016(**b**), at the end insert—

> "The Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq, signed at London on 14 January 2025.".

Amendment of the Concession Contracts (Scotland) Regulations 2016

5. In Schedule 5 (international trade agreements) of the Concession Contracts (Scotland) Regulations 2016(**c**), at the end insert—

> "The Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq, signed at London on 14 January 2025.".

(**a**) S.S.I. 2015/446; relevant amending instruments are S.I. 2021/787 and S.S.I. 2024/332. There are other amendments which are not relevant to these Regulations.
(**b**) S.S.I. 2016/49; relevant amending instruments are S.I. 2021/787 and S.S.I. 2024/332. There are other amendments which are not relevant to these Regulations.
(**c**) S.S.I. 2016/65; relevant amending instruments are S.I. 2021/787 and S.S.I. 2024/332. There are other amendments which are not relevant to these Regulations.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Contracts (Scotland) Regulations 2015, the Utilities Contracts (Scotland) Regulations 2016 and the Concession Contracts (Scotland) Regulations 2016 ("Scottish public procurement regulations").

The Scottish public procurement regulations contain provisions requiring contracting authorities to treat economic operators from countries with which the United Kingdom has an International Trade Agreement ("ITA") no less favourably than economic operators from the United Kingdom. Details of the relevant ITAs are set out in schedules to the Scottish public procurement regulations. These Regulations insert into the Scottish public procurement regulations the United Kingdom's ITA with the Republic of Iraq.

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