SCOTTISH STATUTORY INSTRUMENTS

2025 No. 299

PUBLIC PROCUREMENT

The Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations 2025

Made - - - -	*28th October 2025*
Laid before the Scottish Parliament	*30th October 2025*
Coming into force - -	*1st January 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by regulations 5A(4) and 83A(2) of the Public Contracts (Scotland) Regulations 2015(**a**), regulations 15A(4) and 108A(2) of the Utilities Contracts (Scotland) Regulations 2016(**b**), regulations 8A(4) and 60ZA(2) of the Concession Contracts (Scotland) Regulations 2016(**c**), sections 1(1)(a) and 4(1)(d) of the Trade Act 2021(**d**) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations 2025.

(2) These Regulations come into force on 1 January 2026.

Amendment of the Public Contracts (Scotland) Regulations 2015

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

(2) In regulation 5(1) (thresholds)—

(a) in sub-paragraph (a), for "£5,372,609" substitute "£5,193,000",

(b) in sub-paragraph (b), for "£139,688" substitute "£135,018",

(c) in sub-paragraph (c), for "£214,904" substitute "£207,720".

(**a**) S.S.I. 2015/446 as relevantly amended by S.S.I. 2021/378 and S.S.I. 2023/300. Regulations 5A and 83A were inserted by regulation 4(6) and (57) of the Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/468) ("the 2020 Regulations").

(**b**) S.S.I. 2016/49 as relevantly amended by S.S.I. 2020/468, S.S.I. 2021/378 and S.S.I. 2023/300. Regulations 15A and 108A were inserted by regulation 6(7) and (59) of the 2020 Regulations.

(**c**) S.S.I. 2016/65 as relevantly amended by S.S.I. 2021/378 and S.S.I. 2023/300. Regulations 8A and 60ZA were inserted by regulation 8(6) and (31) of the 2020 Regulations.

(**d**) 2021 c. 10.

Amendment of the Utilities Contracts (Scotland) Regulations 2016

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

(2) In regulation 15(1) (thresholds)—

(a) in sub-paragraph (a), for "£429,809" substitute "£415,440",

(b) in sub-paragraph (b), for "£5,372,609" substitute "£5,193,000".

Amendment of the Concession Contracts (Scotland) Regulations 2016

4. In regulation 8(1) (thresholds and methods for calculating the estimated value of the concession contract) of the Concession Contracts (Scotland) Regulations 2016, for "£5,372,609" substitute "£5,193,000".

Saving where public contract procurement procedures commenced before 1 January 2026

5.—(1) In this Regulation—

(a) "the Procurement Regulations" means the following and, in relation to any procedure, means whichever of the following applies to that procedure—

(i) the Public Contracts (Scotland) Regulations 2015,

(ii) the Utilities Contracts (Scotland) Regulations 2016,

(iii) the Concession Contracts (Scotland) Regulations 2016,

(b) the following have the same meaning as in the Procurement Regulations—

(i) concession contract,

(ii) contract,

(iii) contracting authority,

(iv) design contest,

(v) dynamic purchasing system,

(vi) economic operator,

(vii) framework agreement,

(viii) public contract,

(ix) UK e-notification service,

(x) utility,

(c) "procedure" means all processes undertaken by the contracting authority in accordance with the Procurement Regulations, with the intention of awarding a contract, concession contract or public contract but does not include procedures taken for the purposes of modifying a contract, concession contract or public contract.

(2) Nothing in these Regulations affects any procedure or design contest that commenced under the Procurement Regulations before 1 January 2026.

(3) For that purpose, a procedure or design contest has been commenced before 1 January 2026 if, before that date—

(a) a notice has been submitted for publication on the UK e-notification service in accordance with the Procurement Regulations, in order to—

(i) invite offers or requests to be selected to tender for or to negotiate in respect of a proposed contract, concession contract, public contract, framework agreement or dynamic purchasing system, or

(ii) advertise an intention to carry out a design contest,

(b) the contracting authority or utility has published any form of advertisement seeking offers or expressions of interest in a proposed contract, concession contract, public contract, framework agreement or dynamic purchasing system, or

(c) the contracting authority or utility has contacted any economic operator in order to—

(i) seek expressions of interest or offers in respect of a proposed contract, concession contract, public contract, framework agreement or dynamic purchasing system, or

(ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed contract, concession contract, public contract, framework agreement or dynamic purchasing system.

IVAN MCKEE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
28th October 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the thresholds that apply in the field of public procurement that are specified in the Public Contracts (Scotland) Regulations 2015, the Utilities Contracts (Scotland) Regulations 2016 and the Concession Contracts (Scotland) Regulations 2016 respectively in accordance with the obligations of the United Kingdom under the Agreement on Government Procurement agreed among certain World Trade Organisation members including the United Kingdom and as required by each set of Regulations being amended.

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