SCOTTISH STATUTORY INSTRUMENTS

2026 No. 104

PUBLIC PROCUREMENT

The Public Procurement (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026

Made - - - -	*19th February 2026*
Coming into force - -	*24th March 2026*

The Scottish Ministers make the following Regulations in exercise of the powers 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 (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026 and come into force on 24 March 2026.

Saving

2.—(1) The amendments made by these Regulations do not apply to a procurement commenced before 24 March 2026.

(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,

(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**) 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...".

(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—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at London on 24 July 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—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at London on 24 July 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—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at London on 24 July 2025.".

IVAN McKEE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
19th February 2026

(**a**) S.S.I. 2015/446; relevant amending instruments are S.I. 2021/787 and S.S.I. 2025/391. 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. 2025/391. 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. 2025/391. There are other amendments which are not relevant to these Regulations.

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 India.

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