POLICY NOTE

THE PUBLIC PROCUREMENT (IRAQ FREE TRADE AGREEMENT) (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2025

SSI 2025/391

The above instrument was made in exercise of the powers conferred by section 91(1) of the Procurement Act 2023. The instrument is subject to affirmative procedure.

Summary Box

This instrument makes amendments to Scottish public procurement regulations for the purpose of implementing the procurement chapter of the Agreement on Partnership and Co-operation between the United Kingdom and Iraq.

Policy Objectives

This instrument implements the procurement chapter of the Agreement on Partnership and Co-operation between the United Kingdom and Iraq, by amending the lists of international agreements which are relevant to Scottish procurement legislative requirements.

The effect of this is that suppliers from Iraq will be entitled to the same treatment as Scottish or other UK suppliers, when bidding for contracts which are covered by this agreement. They will also be able to bring legal action on the same basis as Scottish or other UK suppliers.

The UK and Welsh Governments are expected to make similar provisions.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

There has been no consultation on this instrument as this is an international obligation which must be implemented. The Scottish Government does not have any substantive discretion in the matter.

Impact Assessments
Impact assessments have not been carried out in relation to this instrument, as any impacts are brought about by the agreement concluded by the UK Government, rather than this instrument, which merely implements the technical provisions of that agreement.

The procurement rule changes described in this policy note are nonetheless expected to have minimal impact on public purchasers and businesses.

Financial Effects

The Minister for Public Finance confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Scottish Procurement and Property Directorate

October 2025