

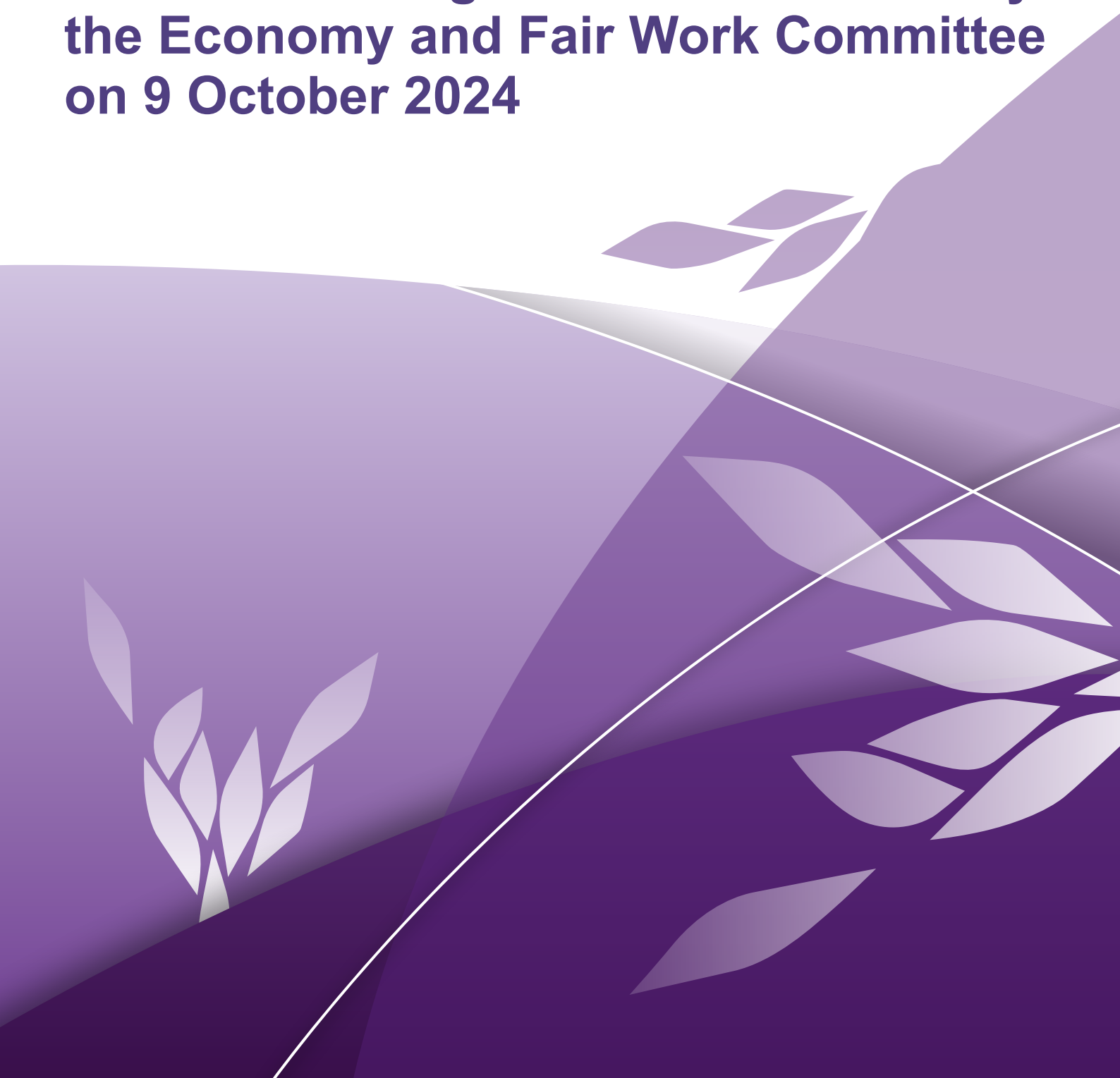


The Scottish Parliament
Pàrlamaid na h-Alba

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Economy and Fair Work Committee

Subordinate Legislation considered by the Economy and Fair Work Committee on 9 October 2024



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Economy and Fair Work Committee

To consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic; and on matters relating to just transition.



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Introduction

1. This report concerns the [Public Procurement \(International Trade Agreements\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2024](#), laid before the Parliament by the Scottish Government on 12 September 2024. The instrument, laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
2. It is for the Economy and Fair Work Committee, as lead committee, to decide whether or not to recommend approval.

About the instrument

3. The instrument amends the following Scottish procurement regulations—
 - [the Concession Contracts \(Scotland\) Regulations 2016](#);
 - [the Public Contracts \(Scotland\) Regulations 2015](#); and
 - [the Utilities Contracts \(Scotland\) Regulations 2016](#).
4. The Scottish Government is required to make these amendments following updates to UK International Trade Agreements (ITAs) which remove access to bidders from the following countries to the procurement of certain health care services—
 - Georgia;
 - the Republic of Albania;
 - the Republic of Kosovo;
 - the Republic of Moldova;
 - the Republic of North Macedonia; and
 - Ukraine.
5. The instrument also updates the list of ITAs to reflect the date and location of the amended agreements and inserts a reference into each of the above regulations to a new ITA with Kazakhstan. The UK Government is expected to make similar changes to procurement legislation in the rest of the UK.
6. This instrument relies on an enabling power in section 91 of the UK [Procurement Act 2023](#). The [Policy Note accompanying the instrument](#) highlights an error in Section 122 (14) of that Act, where this enabling power is incorrectly referred to as being in section 90. The Policy Note states that the UK Government is considering options to correct this and has provided assurances that it will do so in due course.

Consideration by the DPLR Committee

7. The DPLR Committee considered the instrument on 24 September 2024 and [reported on it in 56th Report, 2024](#).
8. It welcomed the UK Government's commitment to amend the Procurement Act 2023 to correct the reference to the enabling power in section 122(14), as highlighted in the policy note accompanying the SSI.
9. It made no recommendations in relation to the instrument.

Consideration by the Economy and Fair Work Committee

10. The Committee took evidence on the instrument from the Minister for Public Finance on 9 October 2024.
11. The Committee asked the Minister if any businesses from the countries specified in the instrument currently provided health care services in Scotland, and which health care services were covered by the amendments to the ITAs. The Minister undertook to respond in writing to both questions.
12. Following the oral evidence, the Minister moved motion S6M-14474—

That the Economy and Fair Work Committee recommends that the Public Procurement (International Trade Agreements) (Miscellaneous Amendments) (Scotland) Regulations 2024 be approved.
13. The Motion was agreed to.
14. **Accordingly, the Committee recommends to the Parliament that the draft Public Procurement (International Trade Agreements) (Miscellaneous Amendments) (Scotland) Regulations 2024 be approved.**

