

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 101 - The Public Procurement (Amendment etc.) (EU Exit) (No.2) Regulations 2019

*Laid in the UK Parliament: 11 February 2019*

#### Sifting

|  |              |
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| Subject to sifting in UK Parliament?   | No           |
| Procedure:   | Affirmative  |
| Date of consideration by the House of Commons European Statutory Instruments Committee | N/A          |
| Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee   | N/A          |
| Date sifting period ends in UK Parliament  | N/A          |
| Written statement under SO 30C:  | Paper 27     |
| SICM under SO 30A (because amends primary legislation)                                 | Not required |

#### Scrutiny procedure

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| Outcome of sifting   | N/A              |
| Procedure  | Affirmative      |
| Date of consideration by the Joint Committee on Statutory Instruments                | Not known        |
| Date of consideration by the House of Commons Statutory Instruments Committee        | Not known        |
| Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee | 26 February 2019 |

#### Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018.

These Regulations are being made in order to amend the Public Procurement (Amendment etc.) (EU Exit) Regulations 2019 before they come into effect in such a way as to preserve in domestic law, for a time-limited period of 18 months, the duties which United Kingdom (UK) contracting authorities and other contracting entities currently owe towards economic operators from countries with which the European Union (EU) has, before exit day, concluded a trade agreement by which it is bound.

In doing so, the UK wish to demonstrate that it is able to comply with the procurement obligations arising from those EU-third country trade

agreements which the UK intends to 'transition' to apply to the UK as an independent party following EU Exit.

These Regulations have no effect on the legislative competence of the Assembly or Welsh Minister's executive competence. These Regulations do not create any new international obligations.

Legal Advisers agree with the statement laid by the Welsh Government dated 13th February regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.