

Procurement Reform (Scotland) Act 2014

1. The Procurement Act 2023 came into force in England and Wales on 24 February 2025 but does not apply in Scotland. In Scotland, the primary legislative framework is the Procurement Reform (Scotland) Act 2014, together with the Public Contracts (Scotland) Regulations 2015 and related secondary legislation. This legal framework collectively governs regulated procurements carried out by Scottish contracting authorities, including local authorities, health boards, and other public bodies operating in Scotland.
2. The Scottish Building Contract Committee (SBCC) does not reflect amendments based on the Procurement Act 2023 in Scotland, as Scottish public procurements are governed by the Procurement Reform (Scotland) Act 2014 and the Public Contracts (Scotland) Regulations 2015. Where SBCC contracts refer to “Statutory Requirements” in Scotland, this should be interpreted with reference to the 2014 Act, the 2015 Regulations, and relevant Scottish procurement policy notes. Scottish contracting authorities must continue to comply with their statutory duties under the 2014 Act, such as their sustainable procurement duty, the requirement to prepare and maintain procurement strategies, and obligations relating to regulated contracts. Unlike the position in England and Wales, no new statutory termination rights or implied payment terms arise in Scotland by virtue of the Procurement Act 2023, and any such provisions will generally be expressed within the contract documentation.
3. As the Procurement Act 2023 and its transitional regime do not apply in Scotland, there is no equivalent repeal of the Public Contracts (Scotland) Regulations 2015, nor any transitional period requiring the continued application of superseded legislation. For SBCC contracts used in Scotland, including the 2024 editions, parties should ensure that contract amendments and schedules are consistent with the 2014 Act. Where Scottish contracting authorities are procuring works or services, they may require specific amendments or additional clauses to ensure that such contracts are drafted consistently with the Scottish legislative framework. In certain circumstances it may be appropriate to continue using existing SBCC documentation, such as if an authority’s internal procurement strategy, ongoing procurement processes, or associated governance documents are aligned to those editions.