

TR302

Procurement Act 2020

## Procurement Regulations 2020

SL 2020/249

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Procurement Regulations 2020*.

### 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Procurement Act 2020* section 41 comes into operation.

### 3. State agencies prescribed (Act s. 5(1)(c))

For the purposes of the Act, each of the following entities is prescribed to be a State agency —

- (a) the Commissioner for Children and Young People appointed under the *Commissioner for Children and Young People Act 2006* section 7(1);
- (b) the Information Commissioner appointed under the *Freedom of Information Act 1992* section 56(1);
- (c) the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971* section 5(1).

### 4. Transitional provisions for existing common use arrangements

- (1) In this regulation —

*existing common use arrangement* means an arrangement —

- (a) entered into by the State Supply Commission; and
- (b) under which the State Supply Commission obtains from a supplier a standing contractual offer for the supply of goods or services to 1 or more public authorities or persons or bodies approved under section 23 of the former Act; and
- (c) that is in force immediately before transition day;

*former Act* has the meaning given in section 40 of the Act;

***public authority*** has the meaning given in section 3(1) of the former Act;

***State Supply Commission*** has the meaning given in section 40 of the Act;

***supply*** has the meaning given in section 3(1) of the former Act;

***transition day*** has the meaning given in section 40 of the Act.

- (2) On and after transition day, each existing common use arrangement is taken to be a common use contractual arrangement.
- (3) Unless the parties to an existing common use arrangement agree otherwise on or after transition day, a reference to a potential customer in the existing common use arrangement is, despite any definition of the term in the existing common use arrangement, taken to be a reference to each State agency and authorised body (as those terms are defined in section 4(1) of the Act).

V. MOLAN, Clerk of the Executive Council.

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