

S.I. No. 36/1992 - European Communities (Award of Public Works Contracts) Regulations, 1992.

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EUROPEAN COMMUNITIES (AWARD OF PUBLIC WORKS CONTRACTS) REGULATIONS, 1992.

I, BERTIE AHERN, Minister for Finance, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 71/304/EEC¹, Council Directive No. 71/305/EEC² and Council Directive No. 89/440/EEC³, hereby make the following Regulations:

¹ O.J. No. L185/1, 15.8.71.

² O.J. No. L185/5, 25.8.71.

³ O.J. No. L210/1, 21.7.89.

1. These Regulations may be cited as the European Communities (Award of Public Works Contracts) Regulations, 1992.

2. (1) In these Regulations—

"the Council Directives" means Council Directive No. 71/304/EEC, Council Directive No. 71/305/EEC and Council Directive No. 89/440/EEC.

(2) A word or expression that is used in these Regulations and is also used in the Council Directives has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Directives.

3. These Regulations shall apply to public works contracts to which the Council Directives apply.

4. In awarding public works contracts a Contracting Authority, where appropriate, shall comply with the Council Directives and shall follow the relevant procedures, if any, set out in the said Council Directives.

5. There is hereby abolished, in respect of the natural persons and companies or firms covered by Title 1 of the General Programmes for the abolition of restrictions on freedom of establishment⁴ and providing services or act through agencies or branches, the restriction referred to in Title III of the said General Programmes affecting the right to enter into, award, perform or participate in the performance of public works contracts on behalf of the State, or regional or local authorities or legal persons covered by public law and any provisions of any statute or statutory instrument (within the meaning of the Statutory Instruments Act, 1947) or any administrative decision purporting to impose any of the said restrictions hereby stands repealed or revoked as the case may be.