

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5264 GIBRALTAR Thursday 6th November 2025

LEGAL NOTICE NO. 256 OF 2025

PUBLIC FINANCE (CONTROL AND AUDIT) ACT

PROCUREMENT (PUBLIC SECTOR CONTRACTS) (AMENDMENT) REGULATIONS 2025

In exercise of the powers conferred upon him by section 75 of the Public Finance (Control and Audit) Act, and all other enabling powers, the Minister with responsibility for Finance has made the following Regulations-

Title.

1. These Regulations may be cited as the Procurement (Public Sector Contracts) (Amendment) Regulations 2025.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendments to the Procurement (Public Sector Contracts) Regulations 2016.

3.(1) Regulation 32A of the Procurement (Public Sector Contracts) Regulations 2016 is amended in accordance with this regulation.

(2) In subregulation (2), after paragraph (c) insert-

“(d) where this is necessary and proportionate in cases where the Minister has reasonable grounds to believe that the negotiated procedure without prior publication is necessary to protect one or more of the following-

- (i) public morals, order or safety;
- (ii) human, animal or plant life or health; or
- (iii) intellectual property;

(e) on the basis of the circumstances and on the conditions set out in Article XIII of the World Trade Organisation Agreement on Government Procurement 2012 as amended from time to time.”

(3) Delete subregulation (4).

(4) Immediately preceding subregulation (4) insert-

“(4A) In determining whether to award a contract in the circumstances set out in subregulation (2)(c), the contracting authority may take into account public interest considerations including but not limited to those listed in subregulations (2)(d) and (4B).

(4B) In determining whether to award a contract in the circumstances set out in subregulation (2)(d), the Minister may take into account public interest considerations, including but not limited to the following-

- (a) risk of disruption to the provision of services;
- (b) safeguarding jobs;
- (c) safeguarding critical infrastructure;
- (d) the economic and financial stability of Gibraltar and its businesses.”.

(5) In regulation 76(1), for “this Section” substitute “Part 2 of these Regulations”.

Dated: 6th November 2025.

F R PICARDO,
Minister with responsibility for Finance.

EXPLANATORY MEMORANDUM

These Regulations amend the Procurement (Public Sector Contracts) Regulations 2016 in order to expand the circumstances in which the use of the negotiated procedure without prior publication may be used to award public contracts in circumstances in the public interests.