

Economy and Fair Work Committee  
Wednesday 19 November 2025  
32<sup>nd</sup> Meeting, 2025 (Session 6)

## **Note by the Clerk on Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2025 (2025/draft)**

### **Overview**

1. At this meeting, the Committee will take evidence from the Minister for Public Finance and officials on the Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2025, before debating a motion in the name of the Minister inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below—

**Title of instrument:** [Public Procurement \(Iraq Free Trade Agreement\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2025 \[draft\]](#)

**Laid under:** [The Procurement Act 2023](#)

**Laid on:** 6 October 2025

**Procedure:** Affirmative

**Lead committee to report by:** 30 November 2025

**Commencement:** If approved, the instrument comes into force on 31 December 2025

### **Procedure**

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to—
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.
6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee—
  - an evidence session with the Minister and officials, followed by
  - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument.

## **Delegated Powers and Law Reform Committee consideration**

8. The DPLR Committee considered the instrument on 4 November and reported in its [82<sup>nd</sup> Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

## **Purpose of the instrument**

9. The Scottish Government's Policy Note accompanying the instrument is included in the annexe. This instrument implements part of an international agreement making changes to the procurement chapter of the [Agreement on Partnership and Co-operation between the United Kingdom and Iraq](#). It does this by inserting a reference to the agreement into the schedules of the following regulations relating to public procurement—
  - [Public Contracts \(Scotland\) Regulations 2015](#);
  - [Utilities Contracts \(Scotland\) Regulations 2016](#); and
  - [Concession Contracts \(Scotland\) Regulations 2016](#).
10. The effect is that Iraqi suppliers will be entitled to the same treatment as Scottish or other UK suppliers, when bidding for contracts covered by the agreement. Similar provisions are expected to be made by the UK and Welsh governments.
11. A [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#) was carried out, and no impacts were identified. The Policy Note states that no other impact assessments were conducted, as any potential effects would stem from the UK Government's agreement itself, not from any instruments implementing it.

## **Report**

12. Following today's proceedings, a draft report will be prepared by the clerks. The Committee is invited to delegate responsibility for agreeing the draft report to the Convener.

**Clerks to the Committee**  
**November 2025**

## **Annexe: Accompanying material**

### **Scottish Government Policy Note**

#### **THE PUBLIC PROCUREMENT (IRAQ FREE TRADE AGREEMENT) (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2025 SSI 2025/XXX**

The above instrument was made in exercise of the powers conferred by section 91(1) of the Procurement Act 2023. The instrument is subject to affirmative procedure.

#### **Summary Box**

This instrument makes amendments to Scottish public procurement regulations for the purpose of implementing the procurement chapter of the Agreement on Partnership and Co-operation between the United Kingdom and Iraq.

#### **Policy Objectives**

This instrument implements the procurement chapter of the Agreement on Partnership and Co-operation between the United Kingdom and Iraq, by amending the lists of international agreements which are relevant to Scottish procurement legislative requirements.

The effect of this is that suppliers from Iraq will be entitled to the same treatment as Scottish or other UK suppliers, when bidding for contracts which are covered by this agreement. They will also be able to bring legal action on the same basis as Scottish or other UK suppliers.

The UK and Welsh Governments are expected to make similar provisions.

#### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights: In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

#### **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

#### **Consultation**

There has been no consultation on this instrument as this is an international obligation which must be implemented. The Scottish Government does not have any substantive discretion in the matter.

### **Impact Assessments**

Impact assessments have not been carried out in relation to this instrument, as any impacts are brought about by the agreement concluded by the UK Government, rather than this instrument, which merely implements the technical provisions of that agreement.

The procurement rule changes described in this policy note are nonetheless expected to have minimal impact on public purchasers and businesses.

### **Financial Effects**

The Minister for Public Finance confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Scottish Procurement and Property Directorate  
October 2025