(i) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;

(ii) they have legal personality; and

(iii) they have any of the following characteristics:

(A) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law;

(B) they are subject to management supervision by those authorities or bodies; or

(C) they have an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

(b) **Body governed by public law** as defined by the *Public Contracts (Scotland) Regulations 2015* means a body that has legal personality, is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and which:

(i) is financed for the most part by the State, regional or local authorities, or by any other body governed by public law;

(ii) is subject to management supervision by any such authority or body; or

(iii) has an administrative, managerial or supervisory board more than half the members of which were appointed by any body referred to in subparagraph (i).

Indicative Lists of Contracting Authorities which are Bodies Governed by Public Law:

Bodies

1. Health and Safety Executive
2. Advisory, Conciliation and Arbitration Service
3. Homes England
4. NHS Blood and Transplant Service
5. Environment Agency
6. Scottish Enterprise
7. Ordnance Survey Limited
8. Financial Conduct Authority

Categories

1. Maintained schools
2. Universities and colleges financed for the most part by other contracting authorities
3. National Museums and Galleries
4. Fire and Rescue Authorities
5. Police Authorities
6. Police and Crime Commissioners
7. New Town Development Corporations
8. Urban Development Corporations
9. National Park Authorities
10. Registered providers of social housing

Notes to Section B:

1. For greater certainty, procurement by contracting authorities which are regional or local government authorities that are district councils, metropolitan boroughs, London boroughs or smaller administrative units such as parish or community councils is not covered in this Section, including procurement by successor regional or local government contracting authorities of substantively equivalent population sizes.

2. The following shall not be considered as covered procurement until such time as the United Kingdom has accepted that the Parties concerned provide satisfactory reciprocal access to their own sub-central procurement markets for goods, suppliers, services and service providers from the United Kingdom:

(a) in regard of goods, suppliers, services and service providers from Malaysia, Mexico, New Zealand and Viet Nam, procurement by all procuring entities listed in this Section, except in the case of bodies governed by public law; and

(b) in regard of goods, suppliers, services and service providers from Australia and Canada, procurement between 200,000 SDR and 355,000 SDR by procuring entities covered under this Section.

3. The provisions of Article 15.19 (Domestic Review) shall not apply to Japan in contesting the award of contracts by United Kingdom entities, whose value is less than the threshold applied for the same category of contracts awarded by Japan.

4. Where a procuring entity covered in this Section has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of any agreement, the period shall not be less than 10 days.