



Defence Reform Act 2014

2014 CHAPTER 20

PART 2

SINGLE SOURCE CONTRACTS

Qualifying defence contracts

14 Regulations relating to qualifying defence contracts

- (1) The Secretary of State may by regulations under this Part (“single source contract regulations”) make provision in relation to qualifying defence contracts.
- (2) For the purposes of this Part, a contract is a “qualifying defence contract” if—
 - (a) it is a contract under which the Secretary of State procures goods, works or services [^{F1}wholly or substantially] for defence purposes from another person (a “primary contractor”),
 - (b) the value of the contract is of or above the amount specified in single source contract regulations,
 - (c) the contract does not fall within a description specified in the regulations, and
 - (d) subsection (3), (4) or (5) applies to the contract.
- (3) This subsection applies to a contract if—
 - (a) the contract is entered into on or after the relevant date, and
 - (b) the award of the contract is not the result of a competitive process.
- (4) This subsection applies to a contract if—
 - (a) the contract was entered into before the relevant date,
 - (b) the award of the contract was not the result of a competitive process,
 - (c) the contract is amended on or after that date, and
 - (d) in amending the contract, the Secretary of State and the primary contractor agree that it is to be a qualifying defence contract.

Changes to legislation: Defence Reform Act 2014, Cross Heading: Qualifying defence contracts is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) This subsection applies to a contract, whether entered into before or after the relevant date, if—
- (a) the award of the contract is the result of a competitive process,
 - (b) the contract is amended on or after the relevant date,
 - (c) the amendment is not the result of a competitive process, and
 - (d) in amending the contract, the Secretary of State and the primary contractor agree that it is to be a qualifying defence contract.
- [^{F2}(5A) Single source contract regulations may specify circumstances in which a contract entered into by the Secretary of State with a primary contractor is or is not to be treated as amending an existing contract between those parties for the purposes of this section.]
- (6) Single source contract regulations must make provision for determining whether the award, or amendment, of a contract is the result of a competitive process.
- (7) The Secretary of State may direct that a particular contract to which subsection (3) applies is not a qualifying defence contract even though the contract otherwise meets the requirements of subsection (2).
- (8) In this section, “defence purposes” has the meaning given by the regulations.
- [^{F3}(8A) The regulations may also specify when a contract is to be treated as substantially for defence purposes.]
- (9) In this Part—
- (a) “relevant date” means the date on which the first single source contract regulations come into force;
 - (b) references to “single source contract regulations” are to be read in accordance with subsection (1);
 - (c) references to a “primary contractor” are to be read in accordance with subsection (2)(a).

Textual Amendments

- F1** Words in s. 14(2)(a) inserted (19.1.2024) by [Procurement Act 2023 \(c. 54\)](#), s. 127(2), **Sch. 10 para. 2(2)**; S.I. 2024/61, reg. 2(1)(b)(ii) (with reg. 3)
- F2** S. 14(5A) inserted (19.1.2024) by [Procurement Act 2023 \(c. 54\)](#), s. 127(2), **Sch. 10 para. 2(3)**; S.I. 2024/61, reg. 2(1)(b)(ii) (with reg. 3)
- F3** S. 14(8A) inserted (19.1.2024) by [Procurement Act 2023 \(c. 54\)](#), s. 127(2), **Sch. 10 para. 2(4)**; S.I. 2024/61, reg. 2(1)(b)(ii) (with reg. 3)
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Commencement Information

- I1** S. 14 in force at 14.7.2014 for specified purposes by [S.I. 2014/1751](#), **art. 4(a)**
- I2** S. 14 in force at 5.12.2014 in so far as not already in force by [S.I. 2014/3162](#), **art. 3(a)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25(8A) inserted by [2023 c. 54 Sch. 10 para. 13\(3\)](#)
- s. 35A inserted by [2023 c. 54 Sch. 10 para. 19](#)