



Defence Reform Act 2014

2014 CHAPTER 20

PART 2

SINGLE SOURCE CONTRACTS

SSRO: other functions

35 Opinions and determinations

- (1) The SSRO must, on a reference made to it by a person mentioned in subsection (2)—
- (a) give an opinion on a matter relating to a qualifying defence contract or a proposed qualifying defence contract, where the matter is specified for the purposes of this paragraph, or
 - (b) make a determination in relation to such a matter, where the matter is specified for the purposes of this paragraph.

“Specified” means specified in single source contract regulations.

- (2) The persons referred to in subsection (1) are—
- (a) the Secretary of State;
 - (b) an authorised person;
 - (c) the primary contractor (in the case of a qualifying defence contract);
 - (d) the person who proposes to enter into the contract with the Secretary of State (in the case of a proposed contract).
- (3) The SSRO may give an opinion on any matter relating to—
- (a) a qualifying defence contract, on a reference made to it by the Secretary of State and the primary contractor;
 - (b) a proposed qualifying defence contract, on a reference made to it by the Secretary of State and the other proposed party to the contract.
- (4) When giving an opinion or making a determination in relation to any matter under or by virtue of this Part, the SSRO may require the payment of such costs as the SSRO considers appropriate—

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- (a) in the case of a qualifying defence contract, by one party to the contract to the other, or
 - (b) in the case of a proposed contract, by one proposed party to the contract to the other.
- (5) The costs that the Secretary of State may be required to pay under subsection (4) include, in particular, costs incurred by a primary contractor in taking a step specified in a compliance notice under section 31, where the SSRO determines that it was unreasonable for the primary contractor to be required to take that step.
- (6) Subsection (7) applies where, in the case of a contract entered into before the relevant date, the contract requires the Review Board for Government Contracts to make a determination or give an opinion in relation to any matter referred to it.
- (7) If a party to the contract refers the matter after the relevant date, the determination or opinion is to be made or given instead by the SSRO.

Commencement Information

- I1** S. 35 in force at 14.7.2014 for specified purposes by [S.I. 2014/1751](#), [art. 4\(r\)](#)
- I2** S. 35 in force at 5.12.2014 in so far as not already in force by [S.I. 2014/3162](#), [art. 3\(c\)](#)

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Changes and effects yet to be applied to :

- s. 35(1)(a) words omitted by [2023 c. 54 Sch. 10 para. 18\(2\)](#)
- s. 35(2)(c) substituted by [2023 c. 54 Sch. 10 para. 18\(3\)](#)
- s. 35(2)(d) word substituted by [2023 c. 54 Sch. 10 para. 18\(4\)\(a\)](#)
- s. 35(2)(d) words omitted by [2023 c. 54 Sch. 10 para. 18\(4\)\(b\)](#)
- s. 35(3) substituted by [2023 c. 54 Sch. 10 para. 18\(5\)](#)
- s. 35(4)(a) words omitted by [2023 c. 54 Sch. 10 para. 18\(6\)](#)
- s. 35(5) word omitted by [2023 c. 54 Sch. 10 para. 18\(7\)](#)

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](#)