



# 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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*Status: This is the original version (as it was originally enacted).*

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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.