



Procurement Act 2023

CHAPTER 54

PROCUREMENT ACT 2023

PART 1

KEY DEFINITIONS

- 1 Procurement and covered procurement
- 2 Contracting authorities
- 3 Public contracts
- 4 Valuation of contracts
- 5 Mixed procurement: above and below threshold
- 6 Utilities contracts
- 7 Defence and security contracts
- 8 Concession contracts
- 9 Light touch contracts
- 10 Mixed procurement: special regime contracts

PART 2

PRINCIPLES AND OBJECTIVES

- 11 Covered procurement only in accordance with this Act
- 12 Covered procurement: objectives
- 13 The national procurement policy statement
- 14 The Wales procurement policy statement

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PART 3

AWARD OF PUBLIC CONTRACTS AND PROCEDURES

CHAPTER 1

PRELIMINARY STEPS

- 15 Planned procurement notices
- 16 Preliminary market engagement
- 17 Preliminary market engagement notices
- 18 Duty to consider lots

CHAPTER 2

COMPETITIVE AWARD

Terms of a procurement

- 19 Award of public contracts following a competitive tendering procedure
- 20 Competitive tendering procedures
- 21 Tender notices and associated tender documents
- 22 Conditions of participation
- 23 Award criteria
- 24 Refining award criteria
- 25 Sub-contracting specifications

Exclusions and modifications

- 26 Excluding suppliers from a competitive award
- 27 Excluding suppliers from a competitive flexible procedure
- 28 Excluding suppliers by reference to sub-contractors
- 29 Excluding a supplier that is a threat to national security
- 30 Excluding suppliers for improper behaviour
- 31 Modifying a section 19 procurement

Reserving contracts to certain suppliers

- 32 Reserving contracts to supported employment providers
- 33 Reserving contracts to public service mutuals

Awarding contracts by reference to dynamic markets

- 34 Competitive award by reference to dynamic markets
- 35 Dynamic markets: establishment
- 36 Dynamic markets: membership
- 37 Dynamic markets: removing members from the market
- 38 Dynamic markets: fees
- 39 Dynamic market notices
- 40 Qualifying utilities dynamic market notices: no duty to publish a tender notice

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CHAPTER 3

DIRECT AWARD

- 41 Direct award in special cases
- 42 Direct award to protect life, etc
- 43 Switching to direct award
- 44 Transparency notices

CHAPTER 4

AWARD UNDER FRAMEWORKS

- 45 Frameworks
- 46 Frameworks: competitive selection process
- 47 Frameworks: maximum term
- 48 Frameworks: implied terms
- 49 Open frameworks

CHAPTER 5

AFTER AWARD, STANDSTILL PERIODS AND NOTICES

- 50 Contract award notices and assessment summaries
- 51 Standstill periods on the award of contracts
- 52 Key performance indicators
- 53 Contract details notices and publication of contracts

CHAPTER 6

GENERAL PROVISION ABOUT AWARD AND PROCEDURES

Time limits and termination

- 54 Time limits
- 55 Procurement termination notices

Technical specifications

- 56 Technical specifications

Excluding suppliers

- 57 Meaning of excluded and excludable supplier
- 58 Considering whether a supplier is excluded or excludable

Debarment

- 59 Notification of exclusion of supplier
- 60 Investigations of supplier: exclusion grounds
- 61 Investigations under section 60: reports
- 62 Debarment list
- 63 Debarment decisions: interim relief
- 64 Debarment list: application for removal
- 65 Debarment decisions: appeals

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- 66 Debarment proceedings and closed material procedure

PART 4

MANAGEMENT OF PUBLIC CONTRACTS

Terms implied into public contracts

- 67 Electronic invoicing: implied term
68 Implied payment terms in public contracts

Notices about payments and performance

- 69 Payments compliance notices
70 Information about payments under public contracts
71 Assessment of contract performance

Sub-contracting

- 72 Sub-contracting: directions
73 Implied payment terms in sub-contracts

Modifying public contracts

- 74 Modifying a public contract
75 Contract change notices
76 Voluntary standstill period on the modification of contracts
77 Publication of modifications

Terminating public contracts

- 78 Implied right to terminate public contracts
79 Terminating public contracts: national security
80 Contract termination notices

PART 5

CONFLICTS OF INTEREST

- 81 Conflicts of interest: duty to identify
82 Conflicts of interest: duty to mitigate
83 Conflicts assessments

PART 6

BELOW-THRESHOLD CONTRACTS

- 84 Regulated below-threshold contracts
85 Regulated below-threshold contracts: procedure
86 Regulated below-threshold contracts: duty to consider small and medium-sized enterprises
87 Regulated below-threshold contracts: notices
88 Regulated below-threshold contracts: implied payment terms

PART 7

IMPLEMENTATION OF INTERNATIONAL OBLIGATIONS

- 89 Treaty state suppliers

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- 90 Treaty state suppliers: non-discrimination
- 91 Treaty state suppliers: non-discrimination in Scotland
- 92 Trade disputes

PART 8

INFORMATION AND NOTICES: GENERAL PROVISION

- 93 Pipeline notices
- 94 General exemptions from duties to publish or disclose information
- 95 Notices, documents and information: regulations and online system
- 96 Electronic communications
- 97 Information relating to a procurement
- 98 Record-keeping
- 99 Data protection

PART 9

REMEDIES FOR BREACH OF STATUTORY DUTY

- 100 Duties under this Act enforceable in civil proceedings
- 101 Automatic suspension of the entry into or modification of contracts
- 102 Interim remedies
- 103 Pre-contractual remedies
- 104 Post-contractual remedies
- 105 Post-contractual remedies: set aside conditions
- 106 Time limits on claims
- 107 Part 9 proceedings and closed material procedure

PART 10

PROCUREMENT OVERSIGHT

- 108 Procurement investigations
- 109 Recommendations following procurement investigations
- 110 Guidance following procurement investigations

PART 11

APPROPRIATE AUTHORITIES AND CROSS-BORDER PROCUREMENT

- 111 Welsh Ministers: restrictions on the exercise of powers
- 112 Northern Ireland department: restrictions on the exercise of powers
- 113 Minister of the Crown: restrictions on the exercise of powers
- 114 Definitions relating to procurement arrangements
- 115 Powers relating to procurement arrangements

PART 12

AMENDMENTS AND REPEALS

- 116 Disapplication of duty in section 17 of the Local Government Act 1988
- 117 Single source defence contracts
- 118 Concurrent powers and the Government of Wales Act 2006
- 119 Repeals etc

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PART 13

GENERAL

- 120 Power to disapply this Act in relation to procurement by NHS in England
- 120A Power to disapply this Act in relation to procurement by NHS in Wales
- 121 Power to amend this Act in relation to private utilities
- 122 Regulations
- 123 Interpretation
- 124 Index of defined expressions
- 125 Power to make consequential, etc, provision
- 126 Extent
- 127 Commencement
- 128 Short title

SCHEDULES

SCHEDULE 1 — Threshold amounts

- 1 (1) The threshold amount for a contract of a type...
- 2 An appropriate authority may by regulations amend this Schedule for...
- 3 An appropriate authority may by regulations amend this Schedule for...
- 4 A contract is a “works contract” if its main purpose...
- 5 (1) In this Schedule— “central government authority” means a contracting...

SCHEDULE 2 — Exempted contracts

PART 1 — COUNTERPARTY EXEMPTED CONTRACTS

- 1 General
- 2 Vertical arrangements
- 3 Horizontal arrangements
- 4 Defence and security contracts
- 5 Utilities contracts
- 6 (1) A utilities contract awarded for the supply of goods,...

PART 2 — SUBJECT-MATTER EXEMPTED CONTRACTS

- 7 General
- 8 Land and buildings etc
- 9 Broadcasting
- 10 A contract for the broadcast (by any means) by a...
- 11 Electronic communications services
- 12 A contract the main purpose of which is permitting a...
- 13 Alternative dispute resolution
- 14 Legal services
- 15 Financial services
- 16 (1) A contract for the provision or carrying out of...
- 17 A contract for the provision of services by the Bank...
- 18 Employment
- 19 Any other contract between a contracting authority and an individual...
- 20 Emergency services
- 21 Public passenger transport services
- 22 Research and development services
- 23 International agreements and organisations

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- 24 A contract awarded under a procedure— (a) adopted by an...
- 25 National security
- 26 Intelligence activities
- 27 Defence and security contracts
- 28 A defence and security contract where— (a) the supplier is...
- 29 A defence and security contract awarded under a procedure adopted...
- 30 A defence and security contract awarded under an arrangement between...
- 31 Utilities contracts
- 32 A utilities contract for the supply of water to a...
- 33 A utilities contract for the supply of energy, or fuel...
- 34 A contract for the supply of goods, services or works...
- 35 Concession contracts
- 36 (1) A concession contract that— (a) confers an exclusive right...
- 37 A concession contract for the provision of public passenger transport...
- 38 Commercial contracts of the City of London

SCHEDULE 3 — Estimating the value of a contract

- 1 General rule
- 2 Frameworks
- 3 Concession contracts
- 4 Anti-avoidance
- 5 Cases where estimate not possible

SCHEDULE 4 — Utility activities

PART 1 — ACTIVITIES THAT ARE UTILITY ACTIVITIES

- 1 Gas and heat
- 2 Electricity
- 3 Water
- 4 Transport
- 5 Ports and airports
- 6 Extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels
- 7 Interpretation of Schedule

PART 2 — ACTIVITIES THAT ARE NOT UTILITY ACTIVITIES

- 8 Generation of electricity in England, Scotland or Wales.
- 9 Production of electricity in England, Scotland or Wales.
- 10 Wholesale or retail sale of electricity in England, Scotland or...
- 11 Wholesale or retail sale of gas in England, Scotland or...
- 12 Exploration for oil in England, Scotland or Wales.
- 13 Exploration for natural gas in England, Scotland or Wales.
- 14 Production of oil in England, Scotland or Wales.
- 15 Production of natural gas in England, Scotland or Wales.
- 16 Development of infrastructure for production of oil in England, Scotland...
- 17 Development of infrastructure for production of natural gas in England,...

SCHEDULE 5 — Direct award justifications

- 1 This Schedule contains the direct award justifications.
- 2 Prototypes and development
- 3 In paragraph 2, “novel goods or services” means goods or...
- 4 Single suppliers

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- 5 The following conditions are met in relation to the public...
- 6 The following conditions are met in relation to the public...
- 7 Additional or repeat goods, services or works
- 8 The public contract concerns the supply of goods, services or...
- 9 In paragraphs 7 and 8— “existing goods, services or works”...
- 10 Commodities
- 11 Advantageous terms on insolvency
- 12 A supplier is “undergoing insolvency proceedings” if it has—
- 13 Urgency
- 14 For the purpose of paragraph 13, urgency is unavoidable if...
- 15 User choice contracts
- 16 In paragraph 15, “user choice services” means services—
- 17 The conditions are that— (a) the individual to whom the...
- 18 Defence and security
- 19 (1) The following conditions are met in relation to the...
- 20 The following conditions are met in relation to the public...

SCHEDULE 6 — Mandatory exclusion grounds

PART 1 — OFFENCES

- 1 A mandatory exclusion ground applies to a supplier if the...
- 2 Corporate manslaughter or corporate homicide
- 3 Terrorism
- 4 Theft, fraud, bribery etc
- 5 An offence at common law of conspiracy to defraud.
- 6 An offence under any of the following sections of the...
- 7 An offence under any of the following sections of the...
- 8 An offence under section 3 of the Theft Act 1978...
- 9 An offence under section 5 of the Theft (Northern Ireland)...
- 10 An offence under Article 172 or 172A of the Road...
- 11 An offence under section 58 of the Civic Government (Scotland)...
- 12 An offence under section 113 of the Representation of the...
- 13 An offence under section 178 of the Road Traffic Act...
- 14 An offence under section 327, 328 or 329 of the...
- 15 An offence under section 2, 3, 4, 6 or 7...
- 16 An offence under section 993 of the Companies Act 2006...
- 17 An offence under section 1, 2 or 6 of the...
- 18 An offence under section 49 of the Criminal Justice and...
- 19 Labour market, slavery and human trafficking offences
- 20 An offence under the Employment (Miscellaneous Provisions)
(Northern Ireland) Order...
- 21 An offence under section 31(1) of the National Minimum Wage...
- 22 An offence under the Gangmasters (Licensing) Act 2004 (offences
relating...
- 23 An offence under section 1, 2, 4 or 30 of...
- 24 An offence under section 1, 4 or 32 of the...
- 25 An offence under section 1, 2 or 4 of the...
- 26 An offence under section 27 of the Immigration Act 2016...
- 27 Organised crime
- 28 An offence under section 45 of the Serious Crime Act...
- 29 Tax offences
- 30 (1) An offence under the law of any part of...
- 31 An offence under section 45 or 46 of the Criminal...
- 32 Cartel offence

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- 33 Ancillary offences
- 34 Offences committed outside the United Kingdom
 - PART 2 — OTHER MANDATORY EXCLUSION GROUNDS
- 35 National security
- 36 Misconduct in relation to tax
- 37 (1) A mandatory exclusion ground applies to a supplier if...
- 38 (1) A mandatory exclusion ground applies to a supplier if—...
- 39 (1) A mandatory exclusion ground applies to a supplier if...
- 40 (1) A mandatory exclusion ground applies to a supplier if...
- 41 Competition law infringements
- 42 Equivalents outside the United Kingdom
- 43 Failure to cooperate with investigation
 - PART 3 — GENERAL
- 44 Excluded matters
- 45 Definitions

SCHEDULE 7 — Discretionary exclusion grounds

- 1 Labour market misconduct
- 2 A discretionary exclusion ground applies to a supplier if the...
- 3 A discretionary exclusion ground applies to a supplier if the...
- 4 Environmental misconduct
- 5 Insolvency, bankruptcy, etc
- 6 A discretionary exclusion ground applies to a supplier if the...
- 7 Potential competition infringements
- 8 A discretionary exclusion ground applies to a supplier if the...
- 9 (1) A discretionary exclusion ground applies to a supplier if—...
- 10 (1) A discretionary exclusion ground applies to a supplier if...
- 11 Professional misconduct
- 12 Breach of contract and poor performance
- 13 Acting improperly in procurement
- 14 National security
- 15 Excluded matters
- 16 Definitions
- 17 Other terms used in this Schedule and defined in Schedule...

SCHEDULE 8 — Permitted contract modifications

- 1 Provided for in the contract
- 2 Urgency and the protection of life, etc
- 3 Assume, for the purposes of paragraph 2, that the contract...
- 4 Unforeseeable circumstances
- 5 Materialisation of a known risk
- 6 In paragraph 5, a “known risk” means a risk that—...
- 7 In considering whether awarding a new contract would be in...
- 8 Additional goods, services or works
- 9 Transfer on corporate restructuring
- 10 Defence authority contracts
- 11 A modification of a defence authority contract is a permitted...

SCHEDULE 9 — Treaty state suppliers (specified international agreements)

- 1 The Agreement on Government Procurement signed at Marrakesh on 15...
- 2 Agreement establishing an Association between the United Kingdom of Great...

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- 3 Trade Agreement between the United Kingdom of Great Britain and...
- 4 Trade and Partnership Agreement between the Government of the United...
- 5 Economic Partnership Agreement between the CARIFORUM States, of the one...
- 6 Trade Agreement between the United Kingdom of Great Britain and...
- 7 Agreement Establishing an Association between the United Kingdom of Great...
- 8 Free Trade Agreement between the United Kingdom of Great Britain...
- 9 Strategic Partnership and Cooperation Agreement between the United Kingdom of...
- 10 Partnership, Trade and Cooperation Agreement between the United Kingdom of...
- 11 Political, Free Trade and Strategic Partnership Agreement between the United...
- 12 Agreement between the United Kingdom of Great Britain and Northern...
- 13 Partnership, Trade and Cooperation Agreement between the United Kingdom of...
- 14 Agreement on Trade Continuity between the United Kingdom of Great...
- 15 Free Trade Agreement between the United Kingdom of Great Britain...
- 16 Trade Continuity Agreement between the United Kingdom of Great Britain...
- 17 Strategic Partnership, Trade and Cooperation Agreement between the United Kingdom...
- 18 Free Trade Agreement between the United Kingdom of Great Britain...
- 19 Trade and Cooperation Agreement between the United Kingdom of Great...
- 20 Partnership, Trade and Cooperation Agreement between the United Kingdom of...
- 21 Partnership, Trade and Cooperation Agreement between the Government of the...
- 22 Free Trade Agreement between Iceland, the Principality of Liechtenstein and...
- 23 Free Trade Agreement between the United Kingdom of Great Britain...
- 24 Free Trade Agreement between the United Kingdom of Great Britain...

SCHEDULE 10 — Single source defence contracts

- 1 The Defence Reform Act 2014 is amended as follows.
- 2 Definition of qualifying defence contract
- 3 Pricing of qualifying defence contracts
- 4 (1) Section 16 (pricing of contracts: supplementary) is amended as...
- 5 After section 21(2) (final price adjustment) insert—
- 6 In section 22(1)(a) (recovery of unpaid amounts), after “section” insert...
- 7 (1) Section 42 (single source contract regulations: general) is amended...
- 8 In section 43 (interpretation etc), at the appropriate place insert—...
- 9 Contract profit rate
- 10 (1) Section 18 (contract profit rate: supplementary) is amended as...
- 11 (1) Section 19 (rates etc relevant to determining contract profit...
- 12 Allowable costs
- 13 Reports
- 14 In section 43 (interpretation etc), in the definition of “financial...

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- 15 Qualifying sub-contracts
- 16 In section 30(4)(a) (application of single source contracts regime to...
- 17 In section 31(3) (compliance notices)— (a) in paragraph (e), omit...
- 18 Powers of the Single Source Regulations Office (“SSRO”)
- 19 After section 35 insert— Guidance The SSRO may issue such guidance as it considers appropriate...
- 20 In paragraph 10(3) of Schedule 4 (procedure of the SSRO),...

SCHEDULE 11 — Repeals and revocations

- 1 Primary legislation
- 2 Sections 39 and 40 of the Small Business, Enterprise and...
- 3 The Trade (Australia and New Zealand) Act 2023.
- 4 Subordinate legislation
- 5 The Public Contracts Regulations 2015 (S.I. 2015/102).
- 6 The Concession Contracts Regulations 2016 (S.I. 2016/273).
- 7 The Utilities Contracts Regulations 2016 (S.I. 2016/274).

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Changes and effects yet to be applied to :

- s. 117 coming into force by [S.I. 2024/61 reg. 2\(2\)\(a\)](#)
- Sch. 10 para. 1 coming into force by [S.I. 2024/61 reg. 2\(2\)\(b\)\(i\)](#)
- Sch. 10 para. 18 coming into force by [S.I. 2024/61 reg. 2\(2\)\(b\)\(ii\)](#)
- Sch. 10 para. 19 coming into force by [S.I. 2024/61 reg. 2\(2\)\(b\)\(iii\)](#)