

2024 No. 61 (C. 5)

PUBLIC PROCUREMENT

The Procurement Act 2023 (Commencement No. 1 and Saving Provision) Regulations 2024

Made - - - -

16th January 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 122(3)(d) and 127(2) of the Procurement Act 2023(a).

Citation and extent

1.—(1) These Regulations may be cited as the Procurement Act 2023 (Commencement No. 1 and Saving Provision) Regulations 2024.

(2) In these Regulations “the Act” means the Procurement Act 2023.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Commencement of section 117 of, and Schedule 10 to, the Act

2.—(1) The following provisions of the Act come into force on 19th January 2024—

- (a) section 117 to the extent that it relates to the provisions listed in sub-paragraph (b);
- (b) in Schedule 10—
 - (i) paragraph 1 to the extent that it relates to the provisions listed in this sub-paragraph;
 - (ii) paragraph 2 (definition of qualifying defence contract);
 - (iii) paragraphs 3 to 8 (pricing of qualifying defence contracts);
 - (iv) paragraphs 9 to 11 (contract profit rate for qualifying defence contracts);
 - (v) paragraph 12 (allowable costs for qualifying defence contracts);
 - (vi) paragraphs 13(1) and (2) (reports relating to qualifying defence contracts);
 - (vii) paragraphs 15 to 17 (qualifying sub-contracts); and
 - (viii) paragraph 20 (procedure of the Single Source Regulations Office).

(2) The following provisions of the Act come into force on 1st April 2024—

- (a) section 117 to the extent that it relates to the provisions listed in sub-paragraph (b);
- (b) in Schedule 10—
 - (i) paragraph 1 to the extent that it relates to the provisions listed in this sub-paragraph;

- (ii) paragraph 18 (opinions and determinations made by the Single Source Regulations Office); and
- (iii) paragraph 19 (guidance issued by the Single Source Regulations Office).

Saving provision

3. The Single Source Contract Regulations 2014(a) remain in force and have effect as they did immediately before 19th January 2024 until they are amended or revoked, notwithstanding the coming into force of the provisions referred to in regulation 2(1) which amend the powers under which those regulations are made.

16th January 2024

James Cartlidge
Minister of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring section 117 and provisions in Schedule 10 to the Procurement Act 2023 (“the Act”) into force in part on 19th January 2024 and in part on 1st April 2024.

Section 117 of, and Schedule 10 to, the Act amend Part 2 of the Defence Reform Act 2014 which regulates single source contracts (contracts for goods, works or services for defence purposes awarded other than through competition).

Regulation 3 provides for the Single Source Contract Regulations 2014 (S.I. 2014/3337) to remain in force as they were immediately before the coming into force of amendments to the provisions under which they were made and notwithstanding those amendments, until they are amended or revoked.

These are the first commencement regulations made under the Act.

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(a) S.I. 2014/3337, amended by S.I. 2018/917, S.I. 2018/1350 and S.I. 2019/1106.

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