



# Defence Reform Act 2014

## 2014 CHAPTER 20

### PART 2

#### SINGLE SOURCE CONTRACTS

##### *Transparency*

#### **27 Records and reports: restrictions**

- (1) Single source contract regulations may disapply a requirement imposed by virtue of section 23(5), 24, 25 or 26 to the extent that compliance with the requirement would require a person (“P”) to contravene a relevant restriction.
- (2) A “relevant restriction” is—
  - (a) a prohibition or restriction imposed by an enactment, or
  - (b) an obligation of confidentiality owed by P to another person, unless that other person—
    - (i) is associated with P, or
    - (ii) gives consent to P’s complying with the requirement in question.
- (3) The regulations may provide, in relation to a case where the Secretary of State or an authorised person reasonably suspects that an obligation of confidentiality has been entered into otherwise than for genuine commercial reasons—
  - (a) for the SSRO to investigate the matter on a reference by the Secretary of State or authorised person, and
  - (b) for a requirement mentioned in subsection (1) to continue to apply (despite provision under that subsection) where the SSRO finds that the obligation was entered into otherwise than for genuine commercial reasons.
- (4) An obligation of confidentiality entered into wholly or partly for the purpose of avoiding any requirement imposed by virtue of section 23(5), 24, 25 or 26 is to be treated for the purposes of provision under subsection (3) as entered into otherwise than for genuine commercial reasons.