



Procurement Act 2023

CHAPTER 54

PROCUREMENT ACT 2023

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- 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

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- 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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- 16 Preliminary market engagement
- 17 Preliminary market engagement notices
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- 28 Excluding suppliers by reference to sub-contractors
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- 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
- 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

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

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- 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
- 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
 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
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- 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...
- 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...
- 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).