



Procurement Act 2023

2023 CHAPTER 54

PART 13

GENERAL

123 Interpretation

(1) In this Act—

“appropriate authority” means—

- (a) a Minister of the Crown,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland department;

“enactment” includes primary legislation and legislation made under primary legislation;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“modify”, in relation to enactments, includes amend, repeal or revoke;

“Northern Ireland legislation” has the meaning given in section 24(5) of the Interpretation Act 1978;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) an Act or Measure of Senedd Cymru, or
- (d) Northern Ireland legislation;

“pupil referral unit” means—

- (a) in England, a pupil referral unit within the meaning given by section 19 of the Education Act 1996;
- (b) in Wales, a pupil referral unit within the meaning given by section 19A of the Education Act 1996;

“school” means—

Changes to legislation: There are currently no known outstanding effects for the Procurement Act 2023, Section 123. (See end of Document for details)

- (a) the governing body of a maintained school (see section 19(1) of the Education Act 2002);
 - (b) the proprietor, within the meaning given by section 579(1) of the Education Act 1996, of an Academy within the meaning given by that section;
 - (c) the proprietor, within the meaning given by section 579(1) of the Education Act 1996, of a school that has been approved under section 342 of that Act;
 - (d) the governing body, within the meaning given by section 90 of the Further and Higher Education Act 1992, of an institution within the further education sector within the meaning given by section 91 of that Act;
 - (e) the Board of Governors of a grant-aided school within the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));
- “small and medium-sized enterprises” means suppliers that—
- (a) have fewer than 250 staff, and
 - (b) have a turnover of an amount less than or equal to £44 million, or a balance sheet total of an amount less than or equal to £38 million;
- “VAT” means value added tax;
- “working day” means a day other than—
- (a) a Saturday or Sunday, or
 - (b) a day which is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.
- (2) In this Act, a reference to an amount payable or paid, receivable or received, or to be paid or received, under a contract includes a reference to any amount referable to VAT.
- (3) In this Act, a reference to a contract awarded by a school includes a reference to a contract awarded wholly for the purposes of supplying goods, services or works to a pupil referral unit.
- (4) An appropriate authority may by regulations change the definition of “small and medium-sized enterprises”.
- (5) Regulations under subsection (4) may amend this section.

Commencement Information

II S. 123 in force at Royal Assent, see [s. 127\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Procurement Act 2023, Section 123.