
STATUTORY INSTRUMENTS

2014 No. 3337

The Single Source Contract Regulations 2014

PART 4

Records

Duty to keep relevant records

- 20.**—(1) Each of the following must keep relevant records, from the recording date—
- (a) in relation to a qualifying defence contract (including any report provided under Part 5 (reports on qualifying defence contracts) in relation to that contract), the primary contractor;
 - (b) in relation to any report provided under Part 6 (reports on overheads and forward planning etc), the designated person which is required to make that report.
- (2) In the case of a qualifying defence contract to which section 14(4) or (5) applies, the recording date is the earliest of—
- (a) the date the primary contractor received written notice from the Secretary of State that amendment negotiations had commenced;
 - (b) the date the contractor was invited to provide an offer to amend the contract;
 - (c) the date the contractor made an offer to amend the contract;
 - (d) the date of the amendment.
- (3) References in paragraph (2) to the amendment of the contract are to the amendment mentioned in section 14(4) or (5).
- (4) Where the award of a qualifying defence contract was the result of a process in which a notice of intention to seek offers was published (in the Official Journal or elsewhere), the recording date is the date of the publication of that notice.
- (5) For all other qualifying defence contracts, the recording date is the earliest of—
- (a) the date the primary contractor received written notice from the Secretary of State that contract negotiations had commenced;
 - (b) the date the Secretary of State published a voluntary transparency notice in relation to the contract;
 - (c) the date the primary contractor was invited to provide an offer;
 - (d) the date the primary contractor made an offer;
 - (e) the date on which the qualifying defence contract was entered into.
- (6) In the case of a report under Part 6, the recording date is the first day of the designated person's accounting period relating to the relevant financial year for which that report is provided.
- (7) Subject to paragraph (8), the duty to keep a relevant record for a qualifying defence contract (including any report under Part 5 which relates to that contract) ends —
- (a) two years after the contract completion date, or

- (b) six years after the end of the accounting period of the contractor in which the duty first arose,

whichever is the earlier.

(8) If at the time mentioned in paragraph (7) a reference, application or appeal to the SSRO in relation to the contract has been made but not yet determined, the duty to keep relevant records ends three months after the reference, application or appeal is determined.

(9) The duty to keep a relevant record in relation to any report provided under Part 6 ends—

- (a) two years after the end of the designated person's accounting period relating to the last relevant financial year in relation to which the ongoing contract condition is met, or
- (b) six years after the end of the designated person's accounting period in which the duty first arose,

whichever is the earlier.

(10) In paragraph (9)(a), the reference to the ongoing contract condition being met has the meaning given in regulation 31(3) (application of Part 6).

(11) In this regulation, "voluntary transparency notice" has the meaning given by regulation 60(4) of the Defence and Security Public Contracts Regulations 2011(1).

Examination of relevant records

21.—(1) The Secretary of State is entitled to examine relevant records where reasonably required for a purpose listed in section 23(3).

(2) The Secretary of State must give written notice to the person which is required to keep relevant records ("P") which describes the purposes for which the examination is required.

(3) P must permit the Secretary of State to examine the records—

- (a) on any working day between the hours of 9 a.m. and 5 p.m.; and
- (b) at least 20 working days after the date on which P receives the notice described in paragraph (2).

(4) The Secretary of State may require P to make available a copy of any specified relevant records (in hard or electronic form) for the purpose of enabling those records to be examined.

(5) The Secretary of State may request P to provide further information or explanation relating to any relevant records (whether after the examination of those relevant records or otherwise).

(6) An application under section 23(6) (review by SSRO of exercise of functions in relation to records) may not be made more than three months after P's duty to keep relevant records has ended.