

2024 No. 361 (C. 18)

PUBLIC PROCUREMENT

**The Procurement Act 2023 (Commencement No. 2) Regulations
2024**

Made - - - -

11th March 2024

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by section 127(2) of the Procurement Act 2023^(a). These Regulations are made with the consent of the Welsh Ministers in accordance with section 127(3) of the Procurement Act 2023.

Citation and extent

1.—(1) These Regulations may be cited as the Procurement Act 2023 (Commencement No. 2) Regulations 2024.

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

Provisions coming into force

2. The following provisions of the Procurement Act 2023 come into force the day after the day on which these Regulations are made—

- (a) in section 3 (public contracts), subsections (1), (5) and (6);
- (b) section 6 (utilities contracts);
- (c) section 9 (light touch contracts);
- (d) section 13 (the national procurement policy statement);
- (e) section 14 (the Wales procurement policy statement);
- (f) in section 33 (reserving contracts to public service mutuals), subsections (7) and (8);
- (g) in section 69 (payments compliance notices), subsection (4)
- (h) in section 87 (regulated below-threshold contracts: notices), subsection (7);
- (i) in section 89 (treaty state suppliers), subsections (1), (3) and (4);
- (j) section 91 (treaty state suppliers: non-discrimination in Scotland);
- (k) in section 95 (notices, documents and information: regulations and online system), subsections (1), (2) and (3);
- (l) section 97 (information relating to a procurement);

(a) 2023 c. 54. Section 127(2) confers on a Minister of the Crown the power to appoint, by regulations, the day on which provisions of the Act come into force (other than provisions that come into force on the day on which the Act is passed). For the meaning of "Minister of the Crown", see section 123(1) and the definition in the Ministers of the Crown Act 1975 (c. 26) to which that provision cross-refers.

- (m) section 111 (Welsh Ministers: restrictions on the exercise of powers);
- (n) section 113 (Minister of the Crown: restrictions on the exercise of powers);
- (o) section 114 (definitions relating to procurement arrangements);
- (p) in section 115 (powers relating to procurement arrangements), subsection (1);
- (q) in section 116 (disapplication of duty in section 17 of the Local Government Act 1988), subsections (2), (3) and (4);
- (r) Schedule 1 (threshold amounts);
- (s) in Schedule 2 (exempted contracts), paragraphs 2(6), 3(3) and 6(4) and (5);
- (t) in Schedule 4 (utility activities), paragraphs 1(3) and (4), 2(3) and (4) and 3(5) and (6);
- (u) Schedule 9 (treaty state suppliers (specified international agreements)).

Alex Burghart
Parliamentary Secretary
Cabinet Office

11th March 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Procurement Act 2023 ("the Act"). The powers being commenced confer powers to make regulations, including regulations which may amend the Procurement Act 2023, and place certain devolution-related restrictions on those powers.

The regulations also commence the ability of a Minister of the Crown and Welsh Ministers to publish procurement policy statements.

These are the second commencement regulations under the Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Procurement Act 2023 have been, or will be, brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 117 (partially)	19.1.2024	2024/61
Section 117 (partially)	1.4.2024	2024/61
Schedule 10 (partially)	19.1.2024	2024/61
Schedule 10 (partially)	1.4.2024	2024/61

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