

Status: This version of this provision is prospective.

Changes to legislation: Procurement Act 2023, Section 57 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Procurement Act 2023

2023 CHAPTER 54

PART 3

AWARD OF PUBLIC CONTRACTS AND PROCEDURES

CHAPTER 6

GENERAL PROVISION ABOUT AWARD AND PROCEDURES

Excluding suppliers

PROSPECTIVE

57 Meaning of excluded and excludable supplier

- (1) A supplier is an “excluded supplier” if—
 - (a) the contracting authority considers that—
 - (i) a mandatory exclusion ground applies to the supplier or an associated person, and
 - (ii) the circumstances giving rise to the application of the exclusion ground are continuing or likely to occur again, or
 - (b) the supplier or an associated person is on the debarment list by virtue of a mandatory exclusion ground.
- (2) A supplier is an “excludable supplier” if—
 - (a) the contracting authority considers that—
 - (i) a discretionary exclusion ground applies to the supplier or an associated person, and
 - (ii) the circumstances giving rise to the application of the exclusion ground are continuing or likely to occur again, or

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- (b) the supplier or an associated person is on the debarment list by virtue of a discretionary exclusion ground.
- (3) If a supplier is an excluded supplier on the basis of the supplier or an associated person being on the debarment list only by virtue of paragraph 35 of Schedule 6 (threat to national security), the supplier is to be treated as an excluded supplier only in relation to public contracts of a kind described in the relevant entry.
- (4) For the purposes of a covered procurement carried out by a private utility—
 - (a) an excluded supplier is to be regarded as an excludable supplier, and
 - (b) a reference in this Act to an excludable supplier includes a reference to such an excluded supplier.
- (5) In this Act “debarment list” means the list kept under section 62.
- (6) The mandatory exclusion grounds are set out in Schedule 6.
- (7) The discretionary exclusion grounds are set out in Schedule 7.

Commencement Information

II S. 57 not in force at Royal Assent, see [s. 127\(2\)](#)

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Changes and effects yet to be applied to :

- s. 57 coming into force by [S.I. 2024/716 Sch.](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded by [S.I. 2024/692 reg. 43](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 115A inserted by [S.I. 2024/692 reg. 47\(3\)](#)
- Sch. 9A inserted by [S.I. 2024/692 reg. 47\(4\)](#)