

**Changes to legislation:** Defence Reform Act 2014, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 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

## SCHEDULES

### SCHEDULE 4

Section 13

#### SINGLE SOURCE REGULATIONS OFFICE

##### *Membership*

- 1 (1) The SSRO is to consist of the following members—
  - (a) a chair appointed by the Secretary of State,
  - (b) at least two other members so appointed, and
  - (c) a chief executive, a chief operating officer and other members appointed in accordance with paragraph 2.
- (2) The number of executive members must be less than the number of non-executive members.
- (3) In this Schedule—
  - (a) references to “non-executive members” of the SSRO are to the members mentioned in sub-paragraph (1)(a) and (b), and
  - (b) references to “executive members” of the SSRO are to the chief executive, the chief operating officer and the other members mentioned in sub-paragraph (1)(c).

##### **Commencement Information**

**II** Sch. 4 para. 1 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

##### *Executive members: appointment and status*

- 2 (1) The executive members of the SSRO are to be appointed by the non-executive members.
- (2) A person may not be appointed as an executive member without the consent of the Secretary of State.
- (3) The executive members are to be employees of the SSRO.

##### **Commencement Information**

**I2** Sch. 4 para. 2 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

##### *Non-executive members: tenure*

- 3 (1) A person holds and vacates office as a non-executive member of the SSRO in accordance with the terms and conditions of his or her appointment.

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- (2) Appointment as a member of the SSRO is for a term of—
  - (a) not less than three years, and
  - (b) not more than six years.
- (3) A person may at any time resign from office as a non-executive member by giving notice to the Secretary of State.
- (4) The Secretary of State may at any time remove a member from office on any of the following grounds—
  - (a) incapacity;
  - (b) misconduct (which may include breach of a term or condition of the member's appointment);
  - (c) failure to carry out his or her duties.
- (5) The Secretary of State may suspend a person from office as a non-executive member if it appears to the Secretary of State that there are or may be grounds to remove the person from office under sub-paragraph (4).
- (6) A person who ceases to be a non-executive member is eligible for reappointment.

**Commencement Information**

**I3** [Sch. 4 para. 3](#) in force at 14.7.2014 by [S.I. 2014/1751](#), [art. 3\(g\)](#)

*Suspension from office*

- 4 (1) This paragraph applies where a person is suspended under paragraph 3(5).
- (2) The Secretary of State must give notice of the decision to the person; and the suspension takes effect on receipt by the person of the notice.
- (3) The notice may be—
  - (a) delivered in person (in which case, the person is taken to receive it when it is delivered), or
  - (b) sent by first-class post to the person's last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
- (4) The initial period of suspension must not exceed six months.
- (5) The Secretary of State may at any time review the suspension.
- (6) The Secretary of State—
  - (a) must review the suspension if requested in writing by the person to do so, but
  - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
- (7) Following a review during a period of suspension, the Secretary of State may—
  - (a) revoke the suspension, or
  - (b) suspend the person for another period of not more than six months from the expiry of the current period.
- (8) The Secretary of State must revoke the suspension if the Secretary of State decides—

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- (a) that there are no grounds to remove the person from office under paragraph 3(4), or
- (b) that there are grounds to do so but does not remove the person from office under that provision.

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

- 5
- (1) Where a person is suspended from office as the chair under paragraph 3(5), the Secretary of State may appoint a non-executive member as interim chair to exercise the chair's functions.
  - (2) Appointment as interim chair is for a term not exceeding the shorter of—
    - (a) the period ending with either—
      - (i) the appointment of a new chair, or
      - (ii) the revocation or expiry of the existing chair's suspension, and
    - (b) the remainder of the interim chair's term as a non-executive member.
  - (3) A person who ceases to be the interim chair is eligible for reappointment.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Payment of non-executive members*

- 6
- The SSRO may, with the approval of the Secretary of State—
- (a) pay remuneration and allowances to the non-executive members, and
  - (b) pay or provide for the payment of pensions, allowances and gratuities to or in respect of a person who is or has been a non-executive member of the SSRO.

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Staff etc*

- 7
- (1) The SSRO may appoint employees.
  - (2) The SSRO may pay its employees remuneration and allowances.
  - (3) Employees of the SSRO are to be appointed on such other terms and conditions as the SSRO may determine.
  - (4) The SSRO may pay or provide for the payment of pensions, allowances and gratuities to or in respect of any person who is or has been an employee of the SSRO.

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**Commencement Information**

**I7** Sch. 4 para. 7 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

- 8 (1) The SSRO may make arrangements—
- (a) for persons to provide professional services to the SSRO;
  - (b) for persons to be seconded to the SSRO.
- (2) The arrangements may, with the approval of the Secretary of State, include provision for payments by the SSRO.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Superannuation*

- 9 (1) In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act can apply), at the end of the list of “Other Bodies” insert— “ Single Source Regulations Office. ”
- (2) The SSRO must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Procedure*

- 10 (1) The SSRO may determine its own procedure; but this is subject to sub-paragraphs (2) to (6).
- (2) A function of the SSRO under or by virtue of a provision listed in sub-paragraph (3) (provisions for the making of determinations, the giving of opinions etc by the SSRO) is exercisable by a committee appointed under paragraph 11.
- (3) The provisions are—
- section 16(2)(b) [<sup>F1</sup>or (4)],
  - section 18(3),
  - section 20(5) or (6),
  - section 21(3)(b),
  - section 23(6) or (7),
  - section 27(3),
  - section 29(5),
  - section 30(4)(b),
  - section 32(8), and
  - section 35(1), (3), (4) or (7).

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- (4) A committee appointed for the purposes of sub-paragraph (2) must consist of three persons appointed by the chair or any other member who has been authorised (generally or specifically) for that purpose.
- (5) At least one of the members of such a committee must be a person who is not a member or employee of the SSRO.
- (6) A determination by such a committee—
  - (a) is to be made on the basis of a majority of the committee, and
  - (b) is final.
- (7) The validity of any act of the SSRO is not affected—
  - (a) by any vacancy among the members, or
  - (b) by any defect in the appointment of a member.

#### Textual Amendments

- F1** Words in [Sch. 4 para. 10\(3\)](#) inserted (19.1.2024) by [Procurement Act 2023 \(c. 54\), s. 127\(2\), Sch. 10 para. 20](#); [S.I. 2024/61, reg. 2\(1\)\(b\)\(viii\)](#) (with [reg. 3](#))

#### Commencement Information

- I10** [Sch. 4 para. 10\(1\)\(7\)](#) in force at 14.7.2014 by [S.I. 2014/1751, art. 3\(g\)](#)  
**I11** [Sch. 4 para. 10\(2\)-\(6\)](#) in force at 5.12.2014 in so far as not already in force by [S.I. 2014/3162, art. 3\(f\)](#)

### *Committees*

- 11 (1) The SSRO—
  - (a) may appoint committees, and
  - (b) may determine the procedure of its committees (subject to paragraph 10).
- (2) A committee may include persons who are not members or employees of the SSRO.
- (3) The SSRO may pay remuneration and allowances to any person who—
  - (a) is a member of a committee, but
  - (b) is not an employee of the SSRO,whether or not that person is a non-executive member of the SSRO.

#### Commencement Information

- I12** [Sch. 4 para. 11](#) in force at 14.7.2014 by [S.I. 2014/1751, art. 3\(g\)](#)

### *Accounts and audit*

- 12 (1) The SSRO must—
  - (a) keep proper accounts and proper records in relation to them, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The Secretary of State may give directions to the SSRO about—
  - (a) the content and form of the statement, and
  - (b) the methods and principles to be applied in preparing it.

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- (3) The SSRO must send each statement to the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may direct.
- (4) The Comptroller and Auditor General must—
  - (a) examine, certify and report on each statement, and
  - (b) send a copy of each report and certified statement to the Secretary of State.

**Commencement Information**

**I13** Sch. 4 para. 12 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Annual report*

- 13 (1) The SSRO must prepare a report on its activities during each financial year.
- (2) The report must include the statement of accounts in respect of that year.
- (3) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.
- (4) The SSRO must send the report to the Secretary of State.
- (5) The Secretary of State must lay the report before Parliament.

**Commencement Information**

**I14** Sch. 4 para. 13 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Powers*

- 14 (1) The SSRO may do anything which is calculated to facilitate the carrying out of its functions or which is incidental to or conducive to the carrying out of those functions; but this is subject to sub-paragraph (2).
- (2) The SSRO may not borrow money, other than temporarily by way of overdraft up to a limit approved by the Secretary of State.

**Commencement Information**

**I15** Sch. 4 para. 14 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Seal and evidence*

- 15 (1) The application of the SSRO's seal must be authenticated by the signature of the chief executive or any other member of the SSRO who has been authorised (generally or specifically) for that purpose.
- (2) A document purporting to be duly executed under the SSRO's seal or signed on its behalf—
  - (a) is to be received in evidence, and

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- (b) is to be taken to be executed or signed in that way, unless the contrary is proved.

**Commencement Information**

**I16** Sch. 4 para. 15 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Finance*

- 16 (1) The Secretary of State may make to the SSRO such payments out of money provided by Parliament as the Secretary of State considers appropriate.
- (2) Payments under sub-paragraph (1) may be made at such times, and subject to such conditions, as the Secretary of State considers appropriate.

**Commencement Information**

**I17** Sch. 4 para. 16 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Status*

- 17 (1) The SSRO is not to be regarded—
- (a) as the servant or agent of the Crown, or
- (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The SSRO's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) Service as a member or employee of the SSRO is not service in the civil service of the State.

**Commencement Information**

**I18** Sch. 4 para. 17 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Parliamentary Commissioner*

- 18 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert— “ Single Source Regulations Office. ”

**Commencement Information**

**I19** Sch. 4 para. 18 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

*Disqualification*

- 19 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified)—

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- (a) at the appropriate place insert— “ The Single Source Regulations Office.  
”, and
- (b) omit the entry for The Review Board for Government Contracts.

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**Commencement Information**

- I20** Sch. 4 para. 19(a) in force at 14.7.2014 by S.I. 2014/1751, **art. 3(g)**  
**I21** Sch. 4 para. 19(b) in force at 31.3.2015 by S.I. 2015/791, **art. 3**

- 20 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified)—
- (a) at the appropriate place insert— “ The Single Source Regulations Office.  
”, and
  - (b) omit the entry for The Review Board for Government Contracts.

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**Commencement Information**

- I22** Sch. 4 para. 20(a) in force at 14.7.2014 by S.I. 2014/1751, **art. 3(g)**  
**I23** Sch. 4 para. 20(b) in force at 31.3.2015 by S.I. 2015/791, **art. 3**

*Freedom of information*

- 21 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which Act applies)—
- (a) at the appropriate place insert— “ The Single Source Regulations Office.  
”, and
  - (b) omit the entry for The Review Board for Government Contracts.

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**Commencement Information**

- I24** Sch. 4 para. 21(a) in force at 14.7.2014 by S.I. 2014/1751, **art. 3(g)**  
**I25** Sch. 4 para. 21(b) in force at 31.3.2015 by S.I. 2015/791, **art. 3**



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

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

- s. 25(8A) inserted by [2023 c. 54 Sch. 10 para. 13\(3\)](#)