



# Procurement Act 2023

## 2023 CHAPTER 54

### PART 11

#### APPROPRIATE AUTHORITIES AND CROSS-BORDER PROCUREMENT

#### **113 Minister of the Crown: restrictions on the exercise of powers**

- (1) A Minister of the Crown may exercise a power under this Act for the purpose of regulating a contracting authority that is a devolved Welsh authority only in relation to procurement under—
  - (a) a reserved procurement arrangement, or
  - (b) a transferred Northern Ireland procurement arrangement.
- (2) Subsection (1) does not apply in relation to a power under section 67 (electronic invoicing) or 110 (guidance following procurement investigation).
- (3) A Minister of the Crown may not make regulations under section 67 or section 125, or publish guidance under section 110, for the purpose of regulating a devolved Welsh authority without the consent of the Welsh Ministers, unless the regulations relate to, or the guidance relates to, procurement under—
  - (a) a reserved procurement arrangement, or
  - (b) a transferred Northern Ireland procurement arrangement.
- (4) A Minister of the Crown may not make regulations under this Act for the purpose of regulating a transferred Northern Ireland authority without the consent of a Northern Ireland department, unless the regulations relate to procurement under—
  - (a) a reserved procurement arrangement, or
  - (b) a devolved Welsh procurement arrangement.
- (5) A Minister of the Crown may not publish guidance under section 110 for the purpose of regulating a Northern Ireland department without the consent of a Northern Ireland department, unless the guidance relates to procurement under—
  - (a) a reserved procurement arrangement, or
  - (b) a devolved Welsh procurement arrangement.

*Status: This is the original version (as it was originally enacted).*

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- (6) Subsections (1) and (4) do not apply in relation to a power under—
- (a) sections 59 to 66 (debarment);
  - (b) section 89 (treaty state suppliers);
  - (c) section 91 (non-discrimination in Scotland);
  - (d) section 92 (trade disputes);
  - (e) section 125 (power to make consequential, etc, provision);
  - (f) section 127 (commencement).