

Status: This version of this provision is prospective.

Changes to legislation: Procurement Act 2023, Section 7 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 1

KEY DEFINITIONS

PROSPECTIVE

7 Defence and security contracts

- (1) In this Act, “defence and security contract” means a contract for the supply of—
 - (a) military equipment;
 - (b) sensitive equipment;
 - (c) goods, services or works necessary for the development, production, maintenance or decommissioning of military equipment or sensitive equipment;
 - (d) logistics services relating to military equipment or sensitive equipment;
 - (e) goods, services or works for wholly military purposes;
 - (f) sensitive services or sensitive works;
 - (g) goods, services or works that are otherwise relevant to the operational capability, effectiveness, readiness for action, safety or security of the armed forces.
- (2) In this Act, a reference to a defence and security contract includes a reference to a framework for the future award of contracts for the supply of goods, services or works of a kind described in subsection (1)(a) to (g).
- (3) A contract that is a defence and security contract only by virtue of subsection (1)(g) is not to be treated as a defence and security contract for the purposes of Schedule 1 (thresholds for application of this Act).
- (4) In this Act, “defence authority contract” means a defence and security contract awarded by a defence authority.

Status: This version of this provision is prospective.

Changes to legislation: Procurement Act 2023, Section 7 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

- (5) A “defence authority” is a contracting authority specified in regulations made by a Minister of the Crown.
- (6) A Minister of the Crown may only specify a contracting authority for the purposes of subsection (5) if the Minister considers that the authority exercises its functions wholly or mainly for the purposes of defence or national security.
- (7) In this section—
- “classified information” means information or other material which—
- (a) in the interests of national security, requires protection from unauthorised access, distribution, or destruction, or from other compromise, and
 - (b) on the basis of those interests, has that protection under the law of any part of the United Kingdom;
- “decommissioning”, in relation to equipment, includes—
- (a) withdrawal of equipment from use;
 - (b) disposal or destruction of equipment;
- “development”, in relation to equipment, includes—
- (a) research allowing for the development of equipment, and
 - (b) development of industrial processes allowing for the production of equipment;
- “equipment” includes any part, component or subassembly of equipment;
- “maintenance”, in relation to equipment, includes—
- (a) repair of equipment;
 - (b) modernisation of equipment;
 - (c) modifications to equipment;
 - (d) installing equipment, including after its transport to a new location;
 - (e) testing equipment;
- “military equipment” means equipment specifically designed or adapted for military purposes, including—
- (a) arms, munitions or war material, and
 - (b) any of the military goods, software and technology the export or transfer of which is controlled by virtue of Schedule 2 to the Export Control Order 2008 (S.I. 2008/3231), as amended from time to time;
- “sensitive equipment” means equipment for use for security purposes where—
- (a) the use or supply of the equipment may involve dealing with classified information,
 - (b) the supply of the equipment requires access to a physical site or to other equipment as a result of which classified information is likely to be accessible to the supplier, or
 - (c) the equipment contains classified information;
- “sensitive services” means services performed for security purposes where performing the services—
- (a) involves dealing with classified information, or
 - (b) requires access to a physical site or to equipment as a result of which sensitive equipment or classified information is likely to be accessible to the supplier,

Status: This version of this provision is prospective.

Changes to legislation: Procurement Act 2023, Section 7 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

and includes the training of personnel to use sensitive equipment;

“sensitive works” means works undertaken for security purposes, where undertaking the works—

- (a) involves dealing with classified information, or
- (b) requires access to a physical site or to equipment as a result of which sensitive equipment or classified information is likely to be accessible to the supplier;

“supply”, in relation to equipment, other goods, services or works, includes the development of the equipment, other goods, services or works for the purposes of their supply to the contracting authority;

“wholly military purposes” include—

- (a) the transportation of military personnel or military equipment;
- (b) the training of military personnel;
- (c) the training of other personnel to use military equipment;
- (d) the construction of military facilities, including military airfields, military storage facilities or facilities for the maintenance of military equipment.

Commencement Information

II S. 7 not in force at Royal Assent, see [s. 127\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

Procurement Act 2023, Section 7 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 7 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\(4\)](#)