

*Status: This version of this provision is prospective.*

*Changes to legislation: Procurement Act 2023, Section 75 is up to date with all changes known to be in force on or before 09 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 4

#### MANAGEMENT OF PUBLIC CONTRACTS

##### *Modifying public contracts*

PROSPECTIVE

#### **75 Contract change notices**

- (1) Before modifying a public contract or a convertible contract (see section 74(1)), a contracting authority must publish a contract change notice.
- (2) Subsection (1) does not apply if—
  - (a) the modification increases or decreases the estimated value of the contract by—
    - (i) in the case of a contract for goods or services, 10 per cent or less,
    - (ii) in the case of a contract for works, 15 per cent or less, or
  - (b) the modification increases or decreases the term of the contract by 10 per cent or less of the maximum term provided for on award,unless the modification is a permitted modification under paragraph 9 of Schedule 8 (novation or assignment on corporate restructuring).
- (3) A “contract change notice” is a notice setting out—
  - (a) that the contracting authority intends to modify the contract;
  - (b) any other information specified in regulations under section 95.
- (4) Subsection (5) applies if, on making a modification within subsection (2)(a) or (2)(b), a contracting authority considers that—
  - (a) the modification could reasonably have been made together with an earlier modification of the contract, and

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- (b) subsection (1) would have applied to that single modification.
- (5) Subsection (1) is to be treated as applying to the modification.
- (6) This section does not apply in relation to a modification of a contract that—
  - (a) is a defence and security contract,
  - (b) is a light touch contract,
  - (c) was awarded by a private utility,
  - (d) was awarded by a transferred Northern Ireland authority, unless it was awarded as part of a procurement under a reserved procurement arrangement or a devolved Welsh procurement arrangement, or
  - (e) was awarded as part of a procurement under a transferred Northern Ireland procurement arrangement.
- (7) A Minister of the Crown or the Welsh Ministers may by regulations amend this section for the purpose of changing the percentage thresholds.

#### Commencement Information

- II** S. 75 not in force at Royal Assent, see [s. 127\(2\)](#)

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**Changes and effects yet to be applied to :**

- s. 75 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\(4\)](#)