
STATUTORY INSTRUMENTS

2014 No. 3337

The Single Source Contract Regulations 2014

PART 11

Qualifying sub-contracts

Modifications of Part 2 of the Act

64.—(1) In their application to qualifying sub-contracts (and to sub-contractors) by virtue of section 30(1), the following provisions of Part 2 of the Act are modified as described in this regulation.

(2) Section 16(2)(a) has effect as if for “between the Secretary of State, or an authorised person, and the primary contractor” there were substituted “between the contracting authority and the sub-contractor”.

(3) Section 16(2)(b) has effect as if for “or the primary contractor” there were substituted “,the contracting authority or the sub-contractor”.

(4) Section 17(4)(a) has effect as if for “by the Secretary of State, or an authorised person, and the primary contractor” there were substituted “by the contracting authority and the sub-contractor”.

(5) Section 18(1) has effect as if for “The Secretary of State or an authorised person, and the primary contractor” there were substituted “The contracting authority and the sub-contractor”.

(6) Section 21(5) (direction excluding final price adjustment) does not apply.

(7) Section 35(1) has effect as if—

- (a) the contracting authority (in the case of a qualifying sub-contract), and
- (b) the person who proposes to enter into the qualifying sub-contract,

were persons mentioned in section 35(2).

(8) Section 35(3)(b) has effect as if for “other proposed party to the contract” there were substituted “proposed sub-contractor”;

(9) Section 35(4)(a) has effect as if for “by one party to the contract to the other” there were substituted “by the sub-contractor to the Secretary of State, or by the Secretary of State to the sub-contractor”;

(10) Section 35(4)(b) has effect as if for that subsection there were substituted—

- “(b) in the case of a proposed qualifying sub-contract—
 - (i) by the proposed sub-contractor to the Secretary of State; or
 - (ii) by the Secretary of State to the proposed sub-contractor.”

(11) Section 43(1) has effect as if after the definition of “authorised person” there were inserted—
“contracting authority” means the party which is, or would be, liable to pay the contract price under a qualifying sub-contract.”