

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations supplement the Procurement Act 2023 (c. 54) (“PA 2023”).

Part 2 makes provision about the transparency of procurements carried out by contracting authorities under the PA 2023. Regulation 5 provides that certain notices, documents or information must be published or given by publishing them on the central digital platform which is an online system provided by the Minister for the Cabinet Office at the following website address: <https://www.gov.uk/find-tender>.

Regulations 6 and 7 make provision about how core supplier information (such as information about a supplier’s connected persons) is given to a contracting authority with a view to the award of a public contract. They provide that the authority must obtain confirmation that the supplier has shared that information through the central digital platform before a deadline. Regulations 9 to 12 set out what information is core supplier information.

Regulation 13 to 41 make provision about what information must be included in notices, documents or information which must be published under the PA 2023. In some cases, a provision sets out what other information must be included in addition to information which must be included in accordance with the PA 2023 itself. For example, regulation 17 sets out other information which must be included in a preliminary market engagement notice, in addition to the information which must be included in accordance with section 17(2)(a) of the PA 2023.

Part 3 makes provision which supplements the PA 2023 otherwise than in relation to transparency measures.

Regulation 42 and Schedule 1 specify the categories of services that qualify as “light touch” services for the purposes of sections 9 and 33 of the PA 2023. If a service is “light touch” it may be procured according to different rules from those that apply to the other types of contract whose procurement is covered by the PA 2023. These provisions also set out which of those services may be reserved such that a contracting authority may provide that only a qualifying public service mutual, as defined by the PA 2023, can bid for a contract for those services.

Regulation 43 disapplies the PA 2023 in respect of procurement by the NHS in England. The Health Care Services (Provider Selection Regime) Regulations 2023 (S.I. 2023/1348) instead apply in this area.

Regulations 44 and 45 and Schedules 2 and 3 define the terms “central government authority” and “works” as they are used in the PA 2023. In Schedule 2, the entities defined as central government authorities are listed under the headings “lead authority” and “related authority” in order to provide consistency with the way the UK authorities covered by the WTO’s Agreement on Government Procurement are set out in the annexes to that agreement. As a result, entities may not always appear in alphabetical order. Regulation 46 defines the term “defence authority” as used in the PA 2023.

Part 4 of these Regulations contains amendments to the PA 2023. The amendments at regulation 47 insert into the PA 2023 new provisions which set out how that Act applies where a contracting authority which is a devolved Scottish authority wishes either to participate in a joint procurement or similar arrangement which is governed by the PA 2023, or to make use of a framework or dynamic market established under that Act.

Regulation 48 amends section 17 of the PA 2023 to disapply the requirement to publish a preliminary market engagement notice in respect of reserved and transferred Northern Ireland procurement by private utilities.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Part 5** makes provision about how these Regulations apply in relation to devolved Welsh authorities and devolved Scottish authorities.

An impact assessment in relation to the PA 2023 and associated reforms was published in May 2022 and can be found at <https://bills.parliament.uk/publications/46429/documents/1767> or may be obtained by writing to the Cabinet Office, 70 Whitehall, London, SW1A 2AS, United Kingdom.