
WELSH STATUTORY INSTRUMENTS

2024 No. 782

The Procurement (Wales) Regulations 2024

PART 2

Transparency

Supplier's exclusion grounds information

13.—(1) Paragraphs (2) to (13) set out the supplier's exclusion grounds information.

(2) Whether the supplier or a connected person has been convicted of an offence referred to in the following paragraphs of Schedule 6 to the 2023 Act—

- (a) paragraph 2 (corporate manslaughter or corporate homicide);
- (b) paragraph 3 (terrorism);
- (c) paragraphs 4 to 18 (theft, fraud, bribery etc.);
- (d) paragraphs 19 to 26 (labour market, slavery and human trafficking offences);
- (e) paragraphs 27 and 28 (organised crime);
- (f) paragraphs 29 to 31 (tax offences);
- (g) paragraph 32 (cartel offence);
- (h) paragraph 33 (ancillary offences);
- (i) paragraph 34 (offences committed outside the United Kingdom).

(3) Whether the supplier or a connected person has been the subject of an event referred to in the following paragraphs of Schedule 6 to the 2023 Act—

- (a) paragraph 36 (penalties for transactions connected with VAT fraud and evasion of tax or duty);
- (b) paragraph 37 (penalties payable for errors in tax documentation and failure to notify and certain VAT and excise wrongdoing);
- (c) paragraph 38 (adjustments for tax arrangements that are abusive);
- (d) paragraph 39 (finding by HMRC, in exercise of its powers in respect of VAT, of abusive practice);
- (e) paragraph 40 (defeat in respect of notifiable tax arrangements);
- (f) paragraph 41 (competition law infringements);
- (g) paragraph 42 (equivalents outside the United Kingdom).

(4) Whether, in respect of paragraph 43 of Schedule 6 to the 2023 Act (failure to cooperate with investigation)—

- (a) an appropriate authority has given the supplier or a connected person notice under section 60(6) of the 2023 Act, and
- (b) the supplier or connected person has failed to comply with the notice before the end of the period specified in the notice.

(5) Whether the supplier or a connected person has been the subject of an event referred to in the following paragraphs of Schedule 7 to the 2023 Act—

- (a) paragraph 1 (orders relating to labour market misconduct);
- (b) paragraph 4 (offence relating to environmental misconduct);
- (c) paragraph 5 (insolvency, bankruptcy, etc.);
- (d) paragraph 6 (suspension or ceasing to carry on all or a substantial part of business);
- (e) paragraph 9 (infringement of Competition Act 1998, Chapter 2 prohibition or equivalent outside United Kingdom);
- (f) paragraph 11(2) (court etc. ruling of professional misconduct);
- (g) paragraph 12 (breach of contract and poor performance).

(6) Whether, in respect of paragraph 2 of Schedule 7 to the 2023 Act (labour market misconduct), the supplier or a connected person—

- (a) has been, or is being, investigated for conduct outside the United Kingdom that could result in an order mentioned in paragraph 1 of Schedule 7 to the 2023 Act being made if the conduct occurred in the United Kingdom, or
- (b) has engaged in such conduct.

(7) Whether, in respect of paragraph 3 of Schedule 7 to the 2023 Act (labour market misconduct), the supplier or a connected person—

- (a) has been, or is being, investigated for conduct (whether in or outside the United Kingdom) constituting (or that would, if it occurred in the United Kingdom, constitute) an offence referred to in—
 - (i) section 1, 2, 4 or 30 of the Modern Slavery Act 2015⁽¹⁾,
 - (ii) section 1, 4 or 32 of the Human Trafficking and Exploitation (Scotland) Act 2015⁽²⁾,
or
 - (iii) section 1, 2 or 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015⁽³⁾, or paragraph 16 of Schedule 3 to that Act, or
- (b) has engaged in such conduct.

(8) Whether, in respect of paragraph 7 of Schedule 7 to the 2023 Act (potential competition infringements)—

- (a) the supplier or a connected person has been, or is being, investigated over whether an agreement or concerted practice to which the supplier or a connected person is party has infringed—
 - (i) the Chapter 1 prohibition (within the meaning given by section 2 of the Competition Act 1998⁽⁴⁾),
 - (ii) any substantially similar prohibition applicable in a jurisdiction outside the United Kingdom, or
- (b) an agreement or concerted practice to which the supplier or a connected person is party has infringed such prohibitions,

except in the circumstances mentioned in sub-paragraph (2) of paragraph 7.

(1) 2015 c. 30.
 (2) 2015 asp 12.
 (3) 2015 c. 2 (N.I.).
 (4) 1998 c. 41.

(9) Whether, in respect of paragraph 8 of Schedule 7 to the 2023 Act (potential competition infringements), the supplier or a connected person—

(a) has been, or is being, investigated over whether the supplier or a connected person has infringed—

(i) the Chapter 2 prohibition (within the meaning given by section 18 of the Competition Act 1998), or

(ii) any substantially similar prohibition applicable in a jurisdiction outside the United Kingdom, or

(b) has infringed such prohibitions.

(10) Whether, in respect of paragraph 10 of Schedule 7 to the 2023 Act (potential competition law infringements), the supplier or a connected person—

(a) has been, or is being, investigated for conduct constituting—

(i) an offence under section 188 of the Enterprise Act 2002⁽⁵⁾ (cartel offence), or

(ii) a substantially similar offence under the law of a country or territory outside the United Kingdom, or

(b) has engaged in such conduct,

except in the circumstances mentioned in sub-paragraph (2) of paragraph 10 of Schedule 7 to the 2023 Act.

(11) Whether, in respect of paragraph 11 of Schedule 7 to the 2023 Act (professional misconduct), the supplier or a connected person—

(a) has been, or is being, investigated for professional misconduct which brings into question the supplier's integrity, or

(b) has engaged in such misconduct.

(12) Whether, in respect of paragraph 13 of Schedule 7 to the 2023 Act (acting improperly in procurement), the supplier or a connected person—

(a) has been, or is being, investigated over whether the supplier acted improperly in relation to any procurement, and in so doing, put itself at an unfair advantage in relation to the award of a public contract, or

(b) has acted improperly in that way.

(13) If the supplier or a connected person has been the subject of an event mentioned in paragraphs (2) to (12), the following information in respect of each person who has been the subject of an event—

(a) a short description of the event,

(b) the name of the person who is the subject of the event,

(c) the person's name, contact postal address and email address,

(d) in the case of a conviction or other event where there is a recorded decision of a public authority which is the authoritative basis for the conviction or other event—

(i) a link to the web page where the decision can be accessed, or

(ii) a copy of the decision,

(e) any evidence that the person who is the subject of the event—

(i) took the event seriously, for example by paying any fine or compensation,

(ii) took steps to prevent the event occurring again, for example by changing staff or management, or putting procedures or training in place, and

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- (iii) committed to taking further preventative steps, where appropriate, and
 - (f) if the circumstances which led to the event have ended, the date when they ended.
- (14) In this regulation the meaning of “event”—
- (a) in relation to a provision of Schedule 6 to the 2023 Act, is in paragraph 45 of that Schedule;
 - (b) in relation to a provision of Schedule 7 to the 2023 Act, is in paragraph 16 of that Schedule.
- (15) In this regulation, “professional misconduct” has the meaning given by paragraph 11(3) of Schedule 7 to the 2023 Act.