Draft Regulations laid before Parliament under section 122(4)(k) of the Procurement Act 2023 (c. 54), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

PUBLIC PROCUREMENT

The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2025

Made - - - -	***
Coming into force - -	*30th December 2025*

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 89(3)(a), 122(3)(b), (c) and (d) and 127(2) of the Procurement Act 2023 ("the 2023 Act")(**a**).

These Regulations are made with the consent of the Welsh Ministers in accordance with section 127(3) of the 2023 Act.

In accordance with section 122(4)(k) of the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2025.

(2) These Regulations come into force on 30th December 2025.

(3) The amendments made by these Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of the Procurement Act 2023

2.—(1) Schedule 9 to the Procurement Act 2023(**b**) (treaty state suppliers (specified international agreements)) is amended as follows.

(2) Before paragraph 1 insert—

(**a**) 2023 c. 54. See section 123(1) of the Procurement Act 2023 for the definitions of "appropriate authority" and "Minister of the Crown" and section 89(4) of that Act for the meaning of "signatory".

(**b**) Schedule 9 was amended by section 3(3) of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024 (c. 6), S.I. 2025/163 and 2025/181 (W. 38).

"Interpretation

B1 For the purposes of this Schedule a procurement is "a procurement regulated by the Welsh Ministers" if—

(a) the contracting authority concerned is a devolved Welsh authority, unless it is a procurement under a reserved procurement arrangement or a transferred Northern Ireland procurement arrangement, or

(b) it is a procurement under a devolved Welsh procurement arrangement.

The Agreements";

(3) At the end insert—

"26 In any case other than a procurement regulated by the Welsh Ministers, the Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kazakhstan signed at Astana on 24 April 2024.

27 In any case other than a procurement regulated by the Welsh Ministers, the Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14 January 2025.".

Amendment of the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024

3. —(1) The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024(**a**) are amended as follows.

(2) In regulation 5 (saving provisions relating to the 2015 Regulations)—

(a) in paragraph (1), for " and (c)" substitute ", (c), (d) and (e)";

(b) after paragraph (4)(c) insert—

";

(d) in relation to framework agreements, Schedule 4A to the 2015 Regulations (international trade agreements) is to be read as if, at the end was inserted—

"Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kazakhstan signed at Astana on 24th April 2024.

Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14th January 2025.";

(e) in relation to dynamic purchasing systems, Schedule 4A to the 2015 Regulations is to be read as if, at the end was inserted—

"Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14th January 2025."".

(3) In regulation 8 (saving provisions relating to the 2016 UC Regulations)—

(a) in paragraph (1), after "apply" insert ", as modified by paragraph 4(b), (c), (d) and (e),";

(b) after paragraph (4)(c) insert—

(**a**) S.I. 2024/716, as amended by S.I. 2024/959.

“;

(d) in relation to framework agreements, Schedule 3 to the 2016 UC Regulations (international trade agreements) is to be read as if, at the end was inserted—

“Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kazakhstan signed at Astana on 24th April 2024.

Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14th January 2025.”;

(e) in relation to dynamic purchasing systems and qualification systems, Schedule 3 to the 2016 UC Regulations is to be read as if, at the end was inserted—

“Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14th January 2025.””.

Transitional provisions

4.—(1) In this Regulation—

“the 2015 Regulations” means the Public Contracts Regulations 2015(**a**);

“the 2016 Regulations” means the Utilities Contracts Regulations 2016(**b**);

“the 2023 Act” means the Procurement Act 2023;

“relevant agreement” means, as the case may be, the UK-Iraq PCA or the UK-Kazakhstan SPCA;

“the UK-Iraq PCA” means the Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14th January 2025(**c**);

“the UK-Kazakhstan SPCA” means the Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kazakhstan signed at Astana on 24th April 2024(**d**).

(2) A reference to the relevant agreement entering into force, means, in respect of—

(a) the UK-Kazakhstan SPCA, when Chapter 8 (Government Procurement) of Title III (Trade and Business) starts to apply in accordance with article 136(**e**), or

(b) the UK-Iraq PCA, when that agreement enters into force in accordance with article 115.

(3) Terms used in this regulation have the same meaning as in the 2015 Regulations and the 2016 Regulations as they had effect immediately before 24th February 2025.

(4) The amendments made by regulation 2 do not affect any procurement commenced before the day on which the relevant agreement enters into force if before that day—

(**a**) S.I. 2015/102 was revoked by section 119(1) of, and Schedule 11 to, the Procurement Act 2023. S.I. 2015/102 continues to have effect by virtue of the saving provisions contained in regulation 5 of S.I. 2024/716 (as amended by S.I. 2024/959).

(**b**) S.I. 2016/274 was revoked by section 119(1) of, and Schedule 11 to, the Procurement Act 2023. S.I. 2016/274 continues to have effect by virtue of the saving provisions contained in regulation 8 of S.I. 2024/716 (as amended by S.I. 2024/959).

(**c**) A digital copy of the agreement (not yet in force) was published in the Country Series Collection (Iraq No. 1/2025, CP 1356), available on https://www.gov.uk/government/collections/command-papers-by-country-2013. After the agreement is in force, it will be available to view in the Treaty Series Collection of Command Papers.

(**d**) A digital copy of the agreement (not yet in force) was published in the Country Series Collection (Kazakhstan No. 1/2025, CP 1365), available on https://www.gov.uk/government/collections/command-papers-by-country-2013. After the agreement is in force, it will be available to view in the Treaty Series Collection of Command Papers.

(**e**) See also article 271 which sets out when the agreement enters into force (notwithstanding Chapter 8).

(a) a tender notice has been published in accordance with section 21(1) of the 2023 Act (tender notices and associated tender documents),

(b) a transparency notice has been published in accordance with section 44(1) of that Act (transparency notices),

(c) a below-threshold tender notice has been published in accordance with section 87(1) of that Act(**a**) (regulated below-threshold contracts: notices),

(d) a contracting authority has invited the submission of tenders in relation to a regulated below-threshold contract (see section 85(1) of that Act (regulated below-threshold contracts: procedure)), or

(e) in respect of a below-threshold contract to which neither (c) or (d) applies, a contracting authority has contacted a supplier in order to commence the award of that contract.

(5) The amendments made by regulation 3(2)—

(a) do not affect any procurement commenced before the day on which the relevant agreement enters into force if before that day—

(i) a contracting authority has submitted a contract notice required by regulation 26(8) of the 2015 Regulations (choice of procedures) in accordance with regulation 51 of those Regulations (publication on the UK e-notification service) for the award of a contract under a dynamic purchasing system, or

(ii) a contracting authority has contacted an economic operator in order to commence the award of a contract based on a framework agreement (see regulation 33 of those Regulations (framework agreements));

(b) apply to the evaluation of an economic operator's request to participate in a dynamic purchasing system in accordance with regulation 34(15) to (20) of the 2015 Regulations (dynamic purchasing systems) only where that request is made on or after the day on which the relevant agreement enters into force.

(6) The amendments made by regulation 3(3)—

(a) do not affect any procurement commenced before the day on which the relevant agreement enters into force if before that day—

(i) a utility has submitted a notice on the existence of a qualification system required by regulation 44(4)(b) of the 2016 Regulations (choice of procedures) in accordance with regulation 71 of those Regulations (publication on the UK e-notification service) for the award of a contract under a qualification system,

(ii) a utility has submitted a contract notice required by regulation 44(4)(c) of the 2016 Regulations in accordance with regulation 71 of those Regulations for the award of a contract under a dynamic purchasing system, or

(iii) a utility has contacted an economic operator in order to commence the award of a contract based on a framework agreement (see regulation 51 of those Regulations (framework agreements));

(b) apply to the evaluation of an economic operator's request—

(i) to participate in a dynamic purchasing system in accordance with regulation 52(15) to (20) of the 2016 Regulations (dynamic purchasing systems), and

(ii) for qualification to a system in accordance with regulation 77 of those Regulations (qualification systems),

only where that request is made on or after the day on which the relevant agreement enters into force.

(**a**) Section 87 was amended by S.I. 2024/782 and 2024/959.

NAME
Parliamentary Secretary
Cabinet Office

DATE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to Schedule 9 (treaty state suppliers (specified international agreements)) to the Procurement Act 2023 ("the 2023 Act") for the purpose of implementing the procurement chapters of two international agreements entered into by the United Kingdom. These agreements are with Kazakhstan and Iraq. These Regulations also make amendments to the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024 (S.I. 2024/716) ("the 2024 Regulations") for the purpose of implementing the procurement chapters of those agreements as they relate to procurement that is regulated under a previous legislative regime which continues to have effect by virtue of the saving provisions contained in the 2024 Regulations.

The amendments made by regulation 2(3) of these Regulations, relating to the 2023 Act, do not apply to a procurement regulated by the Welsh Ministers.

Regulation 3(2) of these Regulations makes amendments to the saving provision in regulation 5 of the 2024 Regulations relating to contracts still regulated by the Public Contracts Regulations 2015 (S.I. 2015/102) ("the 2015 Regulations"), whereas regulation 3(3) of these Regulations makes amendments to the saving provision in regulation 8 of the 2024 Regulations relating to contracts still regulated by the Utilities Contracts Regulations 2016 (S.I. 2016/274) ("the 2016 Regulations"). The amendments made to the 2024 Regulations require that Schedule 4A of the 2015 Regulations and Schedule 3 of the 2016 Regulations, are to be read as if the two international agreements had been inserted into the respective schedules as relevant. These amendments ensure that, where the previous regime applies, economic operators that benefit from these agreements, are entitled to the same treatment as economic operators from the United Kingdom in respect of contracts awarded in accordance with a framework agreement, under a dynamic purchasing system or under a qualification system.

The amendments made by regulations 2, 3(2) and 3(3) of these Regulations will only take effect in respect of procurement commenced on or after the date on which the relevant agreement to which the amendment relates enters into force and (if different) the procurement chapter starts to apply. In respect of the agreement with Kazakhstan, depending on the subject-matter of the procurement, Chapter 8 (Government Procurement) of Title III (Trade and Business) will start to apply five or eight years after the agreement enters into force in accordance with article 136. In respect of the agreement with Iraq, Chapter II, Section V (Public Procurement) of Title II (Trade and Investments) will start to apply from the date the agreement enters into force in accordance with article 115. The agreements (not yet in force) have been published in the Country Series Collection of Command Papers available on https://www.gov.uk/government/collections/command-papers-by-country-2013. After the agreements have completed all necessary procedures and are in force they will be published in the Treaty Series Collection of Command Papers available on https://www.gov.uk/government/collections/bilateral-and-multilateral-treaties-published-in-the-treaty-series-2018.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé,

Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827577-3

£6.40

http://www.legislation.gov.uk/id/ukdsi/2025/9780348275773

9 780348 275773