STATUTORY INSTRUMENTS

2026 No. 297

PUBLIC PROCUREMENT

The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026

Made - - - -	*23rd March 2026*
Coming into force - -	*30th March 2026*

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(**b**).

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

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026.

(2) These Regulations come into force on 30th March 2026.

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

Interpretation

2. In these Regulations—

"the 2015 Regulations" means the Public Contracts Regulations 2015(**c**);

(**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**) See section 127(4) of the Procurement Act 2023 for the definition of "specified regulations".
(**c**) S.I. 2015/102, amended by paragraph 4 of the Schedule to the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024 (c. 7) and S.I. 2016/275, 2020/1319, 2021/787, 2022/766, 2023/484 and 2023/567

"the 2016 UC Regulations" means the Utilities Contracts Regulation 2016(**a**);

"the 2023 Act" means the Procurement Act 2023;

"the UK-India CETA" means the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at Buckinghamshire on 24th July 2025(**b**).

PART 2

Amendments to legislation

Amendment of the Procurement Act 2023

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

(2) Before paragraph 1 insert—

"Interpretation

C1 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—

"28 In any case other than a procurement regulated by the Welsh Ministers, the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at Buckinghamshire on 24 July 2025.".

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

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

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

(W. 88); there are other amending instruments but none is relevant. S.I. 2015/102 was revoked by section 119(1) of, and paragraph 5 of 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 and 2025/1337).

(**a**) S.I. 2016/274, amended by paragraph 11 of the Schedule to the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024 (c. 7) and S.I. 2020/1319, 2021/787, 2022/766, 2023/484 and 2023/567 (W. 88); there are other amending instruments but none is relevant. S.I. 2016/274 was revoked by section 119(1) of, and paragraph 7 of 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 and 2025/1337).

(**b**) A digital copy of the draft agreement was published as an unnumbered Command Paper, available on https://www.gov.uk/government/collections/comprehensive-economic-and-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-india. After the agreement is in force it will be available to view in the Treaty Series Collection of Command Papers.

(**c**) 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, 2025/181 (W. 38), 2025/1337 and 2025/1361 (W. 223).

(**d**) S.I. 2024/716, as amended by S.I. 2024/959 and 2025/1337.

(a) in paragraph (4)(d), after the last entry to be read into Schedule 4A to the 2015 Regulations, insert—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at Buckinghamshire on 24th July 2025.";

(b) in paragraph (4)(e), after the entry to be read into Schedule 4A to the 2015 Regulations, insert—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at Buckinghamshire on 24th July 2025.".

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

(a) in paragraph (1), for " and dynamic purchasing systems" substitute ", dynamic purchasing systems and qualification systems";

(b) in paragraph (4)(d), after the last entry to be read into Schedule 3 to the 2016 UC Regulations, insert—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at Buckinghamshire on 24th July 2025.";

(c) in paragraph (4)(e), after the entry to be read into Schedule 3 to the 2016 UC Regulations, insert—

"Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed at Buckinghamshire on 24th July 2025.".

PART 3

Transitional arrangements

Transitional provision in respect of the amendment of the Procurement Act 2023

5.—(1) The amendments made by regulation 3 do not affect any procurement commenced before the day on which the UK-India CETA enters into force (on which see article 30.6 of that agreement).

(2) For the purposes of paragraph (1), a procurement has been commenced before the day on which the UK-India CETA enters into force if, before that day—

(a) a tender notice has been published in accordance with section 21(1) of the 2023 Act (tender notices and associated tender documents) or provided in accordance with section 40(1) to (3) of that Act (qualifying utilities dynamic market notices: no duty to publish a tender notice),

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

(c) in respect of a contract to be awarded in accordance with a framework to which neither (a) nor (b) applies, a contracting authority has contacted a supplier in order to commence the award of that contract,

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

(e) 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

(f) in respect of a below-threshold contract to which neither (d) nor (e) applies, a contracting authority has contacted a supplier in order to commence the award of that contract.

Transitional provision in respect of amendments relating to the Public Contracts Regulations 2015

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

(2) The amendments made by regulation 4(2) do not affect any procurement commenced before the day on which the UK-India CETA enters into force.

(3) For the purposes of paragraph (2), a procurement has been commenced before the day on which the UK-India CETA enters into force if, before that day—

(a) 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

(b) 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)).

(4) But the amendments made by regulation 4(2) do affect the evaluation of an economic operator's request, made on or after the day on which the UK-India CETA enters into force, to participate in a dynamic purchasing system in accordance with paragraphs (15) to (20) of regulation 34 of the 2015 Regulations (dynamic purchasing systems).

Transitional provision in respect of amendments relating to the Utilities Contracts Regulations 2016

7.—(1) Terms used in this regulation have the same meaning as in the 2016 UC Regulations as they had effect immediately before 24th February 2025.

(2) The amendments made by regulation 4(3) do not affect any procurement commenced before the day on which the UK-India CETA enters into force.

(3) For the purposes of paragraph (2), a procurement has been commenced before the day on which the UK-India CETA enters into force if, before that day—

(a) a utility has submitted a notice on the existence of a qualification system required by regulation 44(4)(b) of the 2016 UC 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,

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

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

(c) 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)).

(4) But the amendments made by regulation 4(3) do affect the evaluation of an economic operator's request, made on or after the day on which the UK-India CETA enters into force,—

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

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

Chris Ward
Parliamentary Secretary
Cabinet Office

23rd March 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to Schedule 9 to the Procurement Act 2023 (treaty state suppliers (specified international agreements)) for the purpose of implementing the procurement chapter of the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom and Northern Ireland and the Government of the Republic of India ("the agreement"). 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 chapter of the agreement 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 3(3) of these Regulations, relating to the Procurement Act 2023, do not apply to a procurement regulated by the Welsh Ministers.

Regulation 4(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 4(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 to the 2015 Regulations and Schedule 3 to the 2016 Regulations are to be read as if the agreement had been inserted into the respective schedules. These amendments ensure that, where the previous regime applies, economic operators that benefit from the agreement are entitled to the same treatment as economic operators from the United Kingdom in respect of contracts awarded in accordance with a framework agreement, or under a dynamic purchasing system or a qualification system.

The amendments made by regulations 3, 4(2) and 4(3) of these Regulations will only take effect in respect of procurement commenced on or after the date on which the agreement enters into force. The draft agreement has been published as an unnumbered Command Paper, available on https://www.gov.uk/government/collections/comprehensive-economic-and-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-india. As for the date on which the agreement was signed, this is available on https://www.gov.uk/government/collections/uk-india-trade-deal. After the agreement has completed all necessary procedures and is in force it will be published in the Treaty Series Collection of Command Papers available on https://www.gov.uk/government/collections/command-papers-by-country-2013.

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.

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