



Eich cyf/Your ref
Ein cyf/Our ref

Huw Irranca-Davies
Chair, Legislation, Justice and Constitution Committee

8 August 2023

Dear Huw,

Thank you for the report which was laid in the Senedd on 3 July on the Welsh Government's Legislative Consent Memorandum (LCM) No. 6 on the Procurement Bill.

I have considered the four recommendations in the report, and I am pleased to provide my response to each of them below.

Recommendation 1. The Minister should outline in the forthcoming legislative consent debate to which Memorandum No. 6 relates how the provisions included in Memorandum No. 6 relate to provisions in previous memoranda, and also how they relate to the outcome of the Senedd debates on consent motions which took place in Plenary on 28 March 2023.

As I explained in Plenary on 4 July, many of the amendments were technical in nature. A table is attached at Annex A which provides a comparison between the provisions in LCM No. 6 and previous memoranda.

All amendments are consistent with previous memoranda and fully align to Welsh Ministers' policy. They relate to sections of the Bill included in Motion 1, which was agreed in the Senedd on 28 March 2023.

I can also confirm that no amendments included in LCM No. 6 relate to Motion 2, the provisions for which were not agreed in the Senedd on 28 March.

Recommendation 2. The Minister should outline in the forthcoming legislative consent debate to which Memorandum No. 6 relates what action she has taken to resolve the matters for which the Senedd did not provide its consent as set out in motion 2 of the legislative consent debate held on 28 March 2023.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As I outlined in Plenary on 4 July, motion 2 related only to the trade elements of the Procurement Bill. Officials and Ministers had numerous discussions with the UK Government prior to the debate on 28 March regarding these issues. Due to the difference in viewpoints in these areas, we have not had any further dialogue with the UK Government.

As Welsh Ministers have concurrent powers in the Procurement Bill in these areas, we intend to take forward our own regulations through the Senedd in respect to these trade clauses. We will follow the model we used under the Trade (Australia and New Zealand) Bill to take forward our own statutory instruments for any future trade deals.

Recommendation 3. The Minister should write to the Committee providing detailed responses to recommendations 1 and 2 for the public record.

This letter provides the response to recommendations 1 and 2 for the public record.

Recommendation 4. The Minister should write to the Committee:

- explaining the implications for the procurement regime in Wales of the Senedd not consenting to motion 2 on 28 March 2023;

As stated in my response to recommendation 2 above, the Welsh Ministers have concurrent powers in the Procurement Bill in relation to the trade clauses. We therefore intend to take forward our own regulations through the Senedd in this area. We will follow the model we used under the Trade (Australia and New Zealand) Bill to take forward our own statutory instruments for any future trade deals.

- identifying to what extent the Secretary of State will be able to exercise regulation-making powers in Wales in devolved areas;

Members should be assured that we have taken equivalent powers in every appropriate area of the Bill. In these cases, only the Welsh Ministers can exercise powers in devolved areas.

It has been agreed that in some cases it is appropriate for a Minister of the Crown to exercise regulation-making and other powers in devolved areas. These powers are listed in Part 1 of Annex B and include Minister of the Crown only powers and concurrent powers, including concurrent plus powers.

The concurrent powers listed in Part 2 of Annex B relate to international trade, which is a matter that this Senedd has already voted on and withheld consent.

Powers under the Act which are conferred on an "appropriate authority" are conferred on a Minister of the Crown, as defined in the Ministers of the Crown Act 1975. This definition is wider than just the Secretary of State. It means the holder of an office in His Majesty's Government in the United Kingdom, and includes the Treasury, the Board of Trade and the Defence Council.

- explaining what action the Minister proposes to take to address her outstanding areas of concern, including by means of introducing future Welsh legislation.

The areas of concern related only to the trade elements of the Procurement Bill. As Welsh Ministers have concurrent powers in the Procurement Bill in these areas, we intend to take forward our own regulations through this Senedd. We will follow the model we used under the Trade (Australia and New Zealand) Bill to take forward our own statutory instrument.

I trust the responses provided are helpful. Please do not hesitate to contact me if you need anything further.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The script is cursive and fluid, with the first name "Rebecca" and the surname "Evans" clearly legible.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Annex A - Comparison table between versions of the Procurement Bill

Bill as introduced to the House of Lords on 11 May 2022:

<https://bills.parliament.uk/publications/46439/documents/1777>

Bill as amended in House of Lords Grand Committee on 26 October 2022:

<https://bills.parliament.uk/publications/48269/documents/2396>

Bill (as brought from the House of Lords) on 14 December 2022:

<https://publications.parliament.uk/pa/bills/cbill/58-03/0218/220218.pdf>

Bill 249 2022-23 (as amended in Public Bill Committee) on 24 February 2023:

<https://publications.parliament.uk/pa/bills/cbill/58-03/0249/220249.pdf>

House of Commons Report Stage 13 June 2023

Clause number on Introduction	Clause description	Clause as amended in Grand Committee	Clause as brought from the House of Lords ("HOL")	Clause as brought from the Public Bill Committee	Impact of amendments passed at Commons on 13/06/23 (within competence only)
<i>PART 1 KEY DEFINITIONS</i>					
N/A	Procurement and Covered Procurement	N/A	1	1	
1	Contracting authorities	1	2	2	
2	Public contracts	2	3	3	
3	Valuation of contracts	3	4	4	
4	Mixed procurement: above and below threshold	4	5	5	
5	Utilities contracts	5	6	6	
6	Defence and security contracts	6	7	7	
7	Concession contracts	7	8	8	
8	Light touch contracts	8	9	9	
9	Mixed procurement: special regime contracts	9	10	10	
<i>PART 2 PRINCIPLES AND OBJECTIVES</i>					
10	Procurement only in accordance with this Act Amended clause title as brought from the HOL: Covered Procurement only in accordance with this Act	10	11	11	
11	Procurement objectives Amended clause title as brought from the HOL:	11	12	12	

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	<i>Covered procurement: objectives</i>				
12	The national procurement policy statement	12	13	13	
13	The Wales procurement policy statement	13	14	14	
PART 3 AWARD OF PUBLIC CONTRACTS AND PROCEDURES					
CHAPTER 1 PRELIMINARY STEPS					
14	Planned procurement notices	14	15	15	
15	Preliminary market engagement	15	16	16	
16	Preliminary market engagement notices	16	17	17	
17	Duty to consider lots	17	18	18	
CHAPTER 2 COMPETITIVE AWARD					
<i>Terms of a procurement</i>					
18	Award of public contracts following a competitive procedure Amended clause title as amended in Grand Committee: <i>Award of public contracts following a competitive tendering procedure</i>	18	19	19	
19	Competitive tendering procedures	19	20	20	
20	Tender notices and associated tender documents	20	21	21	
21	Conditions of participation	21	22	22	
22	Award criteria	22	23	23	
23	Refining award criteria	23	24	24	
24	Technical specifications <i>This clause was moved to Chapter 6 'General provision about award and procedures', under a new sub-section "Technical specifications", as part of the amendments in Grand Committee.</i>	53	56	56	
25	Sub-contracting specifications	24	25	25	

Clause number on Introduction	Clause description	Clause as amended in Grand Committee	Clause as brought from the House of Lords ("HOL")	Clause as brought from the Public Bill Committee	Impact of amendments passed at Commons on 13/06/23 (within competence only)
<i>Exclusions and modifications</i>					
26	Excluding suppliers from a competitive award	25	26	26	
27	Excluding suppliers from a competitive tendering procedure Amended clause title as amended in Grand Committee: <i>Excluding suppliers from a competitive flexible procedure</i>	26	27	27	
28	Excluding suppliers by reference to sub-contractors	27	28	28	
29	Excluding a supplier that is a threat to national security	28	29	29	
30	Excluding suppliers for improper behaviour	29	30	30	
31	Modifying a section 18 procurement Amended clause title as brought from the HOL: <i>Modifying a section 19 procurement</i>	30	31	31	
<i>Reserving contracts to certain suppliers</i>					
32	Reserving contracts to supported employment providers	31	32	32	
33	Reserving contracts to public service mutuals	32	33	33	
<i>Awarding contracts by reference to dynamic markets</i>					
34	Competitive award by reference to dynamic markets	33	34	34	
35	Dynamic markets: establishment	34	35	35	
36	Dynamic markets: membership	35	36	36	
37	Dynamic markets: removing members from the market	36	37	37	
38	Dynamic markets: fees	37	38	38	
39	Dynamic market notices	38	39	39	

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N/A	Qualifying Utilities Dynamic Market notices: no duty to publish a tender	N/A	40	40	
CHAPTER 3 DIRECT AWARD					
40	Direct award in special cases	39	41	41	
41	Direct award to protect life, etc	40	42	42	
42	Switching to direct award	41	43	43	The amendments to this clause would mean that a contracting authority (CA) could not rely on clause 19(3)(d) to justify a switch to direct award and that they would have to apply the clause 19 rules on abnormally low tenders before relying on that fact to switch to direct award. A further amendment would reflect the fact that some procedural requirements will be in associated tender documents rather than in the tender notice alone.
43	Transparency notices	42	44	44	
CHAPTER 4 AWARD UNDER FRAMEWORKS					
44	Frameworks	43	45	45	
N/A	Frameworks: Competitive Selection Process	N/A	46	46	
45	Frameworks: maximum term	44	47	47	
46	Frameworks: implied terms	45	48	48	
47	Open frameworks	46	49	49	
CHAPTER 5 AFTER AWARD, STANDSTILL PERIODS AND NOTICES					
48	Contract award notices and assessment summaries	47	50	50	
49	Standstill periods on the award of contracts	48	51	51	
50	Key performance indicators	49	52	52	The amendments to this clause would require key performance indicators to be published, but not necessarily before the contract is entered into.
51	Contract details notices and publication of contracts	50	53	53	

Clause number on Introduction	Clause description	Clause as amended in Grand Committee	Clause as brought from the House of Lords ("HOL")	Clause as brought from the Public Bill Committee	Impact of amendments passed at Commons on 13/06/23 (within competence only)
CHAPTER 6					
GENERAL PROVISION ABOUT AWARD AND PROCEDURES					
<i>Time limits and termination</i>					
52	Time limits	51	54	54	
53	Procurement termination notices	52	55	55	
N/A	N/A	<i>Technical Specifications</i>			
24	Technical specifications <i>This clause was moved to Chapter 6 'General provision about award and procedures', under a new sub-section "Technical specifications", as part of the amendments in Grand Committee.</i>	53	56	56	
<i>Excluding suppliers</i>					
54	Meaning of excluded and excludable supplier	54	57	57	The amendment to this clause will make it clear that a CA must be satisfied that circumstances giving rise to the application of the exclusion are not continuing. There is also a consequential amendment to this clause linked to the amendment to Schedule 6.
55	Considering whether a supplier is excluded or excludable	55	58	58	Consequential amendments are made to this clause which are linked to amendments to clause 57.
<i>Debarment</i>					
56	Notification of exclusion of supplier	56	59	59	The amendment to this clause will require a CA to notify the appropriate authority if it excludes a supplier on the basis of a supplier being on the debarment list by virtue of the new ground to be inserted by the amendment to Schedule 6 Also an amendment to clarify that a Ca would only have to notify the appropriate authority if it excludes a supplier on the basis of its own judgement (rather than the debarment list).
57	Investigations of supplier: exclusion grounds	57	60	60	The amendment to this clause will require a Minister of the Crown to keep under review whether particular suppliers or sub-

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					contractors should be investigated under clause 60 having regard to the fact that CAs may be unknowingly awarding public contracts to suppliers or sub-contractors that could be excludable suppliers by virtue of paragraph 14 of Schedule 7 (threat to national security). Also amendments to clarify the role of investigations in relation to the debarment list.
58	Investigations under section 57: reports Amended clause title as brought from the HOL: <i>Investigations under section 60: reports</i>	58	61	61	The amendment to this clause will ensure that the investigation reports specify the description of contracts in respect of which a supplier is to be an excluded supplier by virtue of the ground added by the amendment to Schedule 6 and clarify that the report can be prepared and published before an entry is made.
59	Debarment list	59	62	62	There are multiple amendments to this clause as a result of the new clauses inserted at Committee stage which provided additional rights to suppliers placed on the debarment list and as a result of the amendment to Schedule 6.
N/A	Debarment decisions: interim relief	N/A	N/A	63	
60	Debarment list: application for removal	60	63	64	The amendment to this clause will require a Minister of the Crown, after considering an application from a supplier for the removal or revision of an entry made on the debarment list, to notify the supplier of the Minister's decision and give reasons for the decision. There is also a consequential amendment to this clause due to amendments to clause 62.
61	Debarment decisions: appeals	61	64	65	The amendment to this clause would permit suppliers to challenge their being made an excluded supplier in relation to particular contracts by virtue of the ground added by the

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					amendment to Schedule 6 (instead of having to challenge the whole entry).
N/A	Timeline for removal of suppliers	N/A	65	Removed	
N/A	Debarment proceedings and closed material procedure	N/A	N/A	66	
PART 4 MANAGEMENT OF PUBLIC CONTRACTS					
<i>Terms implied into public contracts</i>					
62	Electronic invoicing: implied term	62	66	67	
63	Implied payment terms in public contracts	63	67	68	
<i>Notices about payments and performance</i>					
64	Payments compliance notices	64	68	69	
65	Information about payments under public contracts	65	69	70	
66	Assessment of contract performance	66	70	71	
<i>Sub-contracting</i>					
67	Sub-contracting: directions	67	71	72	
68	Implied payment terms in sub-contracts	68	72	73	
<i>Modifying public contracts</i>					
69	Modifying a public contract	69	73	74	
70	Contract change notices and publication of modifications Amended clause title as amended in Grand Committee: <i>Contract change notices</i>	70	74	75	
71	Voluntary standstill period on the modification of contracts	71	75	76	
N/A	Publication of modifications	72	76	77	
<i>Terminating public contracts</i>					
72	Implied right to terminate public contracts	73	77	78	

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N/A	Terminating public contracts: national security	74	78	79	The amendment to this clause would mean that, as with the existing national security exclusion ground in paragraph 14 of Schedule 7, a relevant CA would need to notify a Minister of the Crown before terminating a contract in reliance on the new exclusion ground to be added by the amendment to Schedule 6.
73	Contract termination notices	75	79	80	
PART 5 CONFLICTS OF INTEREST					
74	Conflicts of interest: duty to identify	76	80	81	
75	Conflicts of interest: duty to mitigate	77	81	82	
76	Conflicts assessments	78	82	83	
PART 6 BELOW-THRESHOLD CONTRACTS					
77	Regulated below-threshold contracts	79	83	84	
78	Regulated below-threshold contracts: procedure	80	84	85	
N/A	Regulated below threshold contracts: duty to consider small and medium sized enterprises	N/A	85	86	
79	Regulated below-threshold contracts: notices	81	86	87	
80	Regulated below-threshold contracts: implied payment terms	82	87	88	
PART 7 IMPLEMENTATION OF INTERNATIONAL OBLIGATIONS					
81	Treaty state suppliers	83	88	89	
82	Treaty state suppliers: non-discrimination	84	89	90	
83	Treaty state suppliers: non-discrimination in Scotland	85	90	91	
N/A	Trade disputes	N/A	N/A	92	
PART 8 INFORMATION AND NOTICES: GENERAL PROVISION					

Clause number on Introduction	Clause description	Clause as amended in Grand Committee	Clause as brought from the House of Lords ("HOL")	Clause as brought from the Public Bill Committee	Impact of amendments passed at Commons on 13/06/23 (within competence only)
84	Pipeline notices	86	91	93	
85	General exemptions from duties to publish or disclose information	87	92	94	
86	Notices, documents and information: regulations Amended clause title as brought from the HOL: <i>Notices, documents and information: regulations and online system</i>	88	93	95	
87	Electronic communications	89	94	96	
88	Information relating to a procurement	90	95	97	The amendment to this clause is consequential on similar provision being made in the new record-keeping clause.
N/A	Record-keeping	N/A	N/A	N/A	This new clause would require CAs to keep records to explain decisions made for the purpose of awarding or entering into a public contract and records of communications with suppliers made before the contract is entered into, in each case, subject to time limits.
N/A	Data protection	91	96	98	
PART 9 REMEDIES FOR BREACH OF STATUTORY DUTY					
89	Duties under this Act enforceable in civil proceedings	92	97	99	
90	Automatic suspension of the entry into or modification of contracts	93	98	100	
91	Interim remedies	94	99	101	
92	Pre-contractual remedies	95	100	102	
93	Post-contractual remedies	96	101	103	
94	Post-contractual remedies: set aside conditions	97	102	104	
95	Time limits on claims	98	103	105	
N/A	Part 9 proceedings and closed material procedure	N/A	N/A	106	
PART 10 PROCUREMENT OVERSIGHT					

Clause number on Introduction	Clause description	Clause as amended in Grand Committee	Clause as brought from the House of Lords ("HOL")	Clause as brought from the Public Bill Committee	Impact of amendments passed at Commons on 13/06/23 (within competence only)
96	Procurement investigations	99	104	107	
97	Recommendations following procurement investigations	100	105	108	
98	Guidance following procurement investigations	101	106	109	
PART 11 APPROPRIATE AUTHORITIES AND CROSS-BORDER PROCUREMENT					
99	Welsh Ministers: restrictions on the exercise of powers	102	107	110	
100	Northern Ireland department: restrictions on the exercise of powers	103	108	111	
101	Minister of the Crown: restrictions on the exercise of powers	104	109	112	<p>The amendment to this clause will ensure that a Minister of the Crown can conduct debarment investigations and put suppliers on the debarment list for the purpose of regulating Welsh Contracting Authorities and transferred Northern Ireland authorities. This amendment resolves an issue identified in the Bill relating to the debarment regime and how it will successfully operate across England, Wales and Northern Ireland. The amendment does not affect Welsh Ministers ability to conduct debarment investigations for the purpose of regulating Welsh Contracting Authorities.</p> <p>It should be noted that clause 110 has been amended to create a reciprocal power for Welsh Ministers to conduct debarment investigations for the purpose of regulating CAs which are not Welsh Contracting Authorities. Together these amendments will ensure that there is a joined-up debarment regime which recognises that debarment investigations can lead to a decision to put the supplier's name on the debarment list which will have an impact</p>

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					on all contracting authorities.
102	Definitions relating to procurement arrangements	105	110	113	
103	Powers relating to procurement arrangements	106	111	114	
PART 12 AMENDMENTS AND REPEALS					
104	Disapplication of duty in section 17 of the Local Government Act 1988	107	112	115	
105	Single source defence contracts	108	113	116	
106	Concurrent powers and the Government of Wales Act 2006	109	114	117	
107	Repeals etc	110	115	118	
PART 13 GENERAL					
108	Power to disapply this Act in relation to procurement by NHS in England	111	Removed	119	
N/A	Application of this Act to procurement by NHS England	N/A	116	Removed	
109	Power to amend this Act in relation to private utilities	112	117	120	
110	Regulations	113	118	121	
111	Interpretation	114	119	122	
112	Index of defined expressions	115	120	123	
113	Power to make consequential, etc, provision	116	121	124	
114	Extent	117	122	125	
115	Commencement	118	123	126	
116	Short title	119	124	127	
SCHEDULES					
Schedule 1	Threshold amounts	Schedule 1	Schedule 1	Schedule 1	
Schedule 2	Exempted contracts	Schedule 2	Schedule 2	Schedule 2	
N/A	Part 1 – Counterparty exempted contracts	N/A	N/A	Schedule 2	
N/A	Part 2 – Subject-matter exempted contracts	N/A	N/A	Schedule 2	

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Schedule 3	Estimating the value of a contract	Schedule 3	Schedule 3	Schedule 3	
Schedule 4	Utility activities	Schedule 4	Schedule 4	Schedule 4	
N/A	Part 1 - Activities that are utility activities	N/A	Schedule 4	Schedule 4	
N/A	Part 2 - Activities that are not utility activities	N/A	Schedule 4	Schedule 4	
Schedule 5	Direct award justifications	Schedule 5	Schedule 5	Schedule 5	
Schedule 6	Mandatory exclusion grounds	Schedule 6	Schedule 6	Schedule 6	
Schedule 6	Part 1 - Offences	Part 1 Offences	Part 1 Offences	Schedule 6	
Schedule 6	Part 2 - Other mandatory exclusion grounds	Part 2 Other mandatory exclusion grounds	Part 2 Other mandatory exclusion grounds	Schedule 6	The amendment to this part of Schedule 6 would add a new mandatory exclusion ground which would allow a Minister of the Crown, following an investigation under clause 60 by an appropriate authority (which could include Welsh Ministers), to put a supplier on the debarment list on a mandatory basis for national security reasons but only for specific types of defined works, services or goods.
Schedule 6	Part 3 - General	Part 3 General	Part 3 General	Schedule 6	There is an amendment to para 43 of Schedule 6 as a consequence of the amendment to Part 2 of schedule 6.
Schedule 7	Discretionary exclusion grounds	Schedule 7	Schedule 7	Schedule 7	
Schedule 8	Permitted contract modifications	Schedule 8	Schedule 8	Schedule 8	
Schedule 9	Treaty state suppliers (specified international agreements)	Schedule 9	Schedule 9	Schedule 9	
Schedule 10	Single source defence contracts	Schedule 10	Schedule 10	Schedule 10	
Schedule 11	Repeals and revocations	Schedule 11	Schedule 11	Schedule 11	

Annex B

Minister of the Crown regulation making powers in Wales in devolved areas

Part 1

Sections 59 to 66 (debarment proceedings and closed material procedure). An amendment was made to clause 112 at Commons Report stage which will enable a Minister of the Crown to conduct debarment investigations and put suppliers on the debarment list for the purpose of regulating Welsh Contracting Authorities. This does not affect Welsh Ministers ability to conduct debarment investigations for the purpose of regulating Welsh Contracting Authorities. An amendment was also made to Clause 110 to create a reciprocal power for Welsh Ministers to conduct debarment investigations for the purpose of regulating contracting authorities which are not Welsh Contracting Authorities. It was agreed that these amendments were appropriate as together they will ensure that there is a joined-up debarment regime which recognises that debarment investigations can lead to a decision to put the supplier's name on the debarment list which will have an impact on all contracting authorities. This was referenced in SLCM no 6.

Section 67 (Electronic invoicing: implied term) A Minister of the Crown and the Welsh Ministers will have concurrent powers to make regulations in devolved areas regarding the required form of an electronic invoice, but the consent of the Welsh Ministers will need to be obtained before such regulations are made by a Minister of the Crown. A concurrent plus power was deemed appropriate, primarily to provide consistency to basic e-invoicing standards and syntaxes across the UK nations to avoid confusion and additional costs for suppliers. This was referenced in my letter to the Legislation, Justice and Constitution Committee (LJCC) in September 2022 (see paragraph 70 of the LJCC report in October 2022).

Section 109 (Guidance following procurement investigations) A Minister of the Crown and the Welsh Ministers will have concurrent powers to publish guidance following procurement investigations for the purpose of regulating a devolved Welsh authority, but the consent of the Welsh Ministers will need to be obtained before such guidance is published by a Minister of the Crown. This was referenced in SLCM 2.

Section 124 (Power to make consequential, etc, provision) A Minister of the Crown and the Welsh Ministers will have concurrent powers to make regulations in devolved areas in relation to consequential provision but the consent of Welsh Ministers will need to be obtained before such regulations are made by a Minister of the Crown. This was referenced in SLCM 5.

Section 126 (Commencement) Only a Minister of the Crown can make regulations in relation to commencement but a Minister of the Crown must obtain the consent of the Welsh Ministers before commencing the Bill's provisions which regulate procurement by a devolved Welsh authority. In the event that such consent was refused, UK Ministers could amend the Act so that the Act no longer applies to the regulation of procurement by a devolved Welsh authority and could be commenced without the consent of Welsh Ministers. This was referenced in SLCM 5.

It should be noted that a Minister of the Crown may exercise a power under the Act for the purpose of regulating a contracting authority that is a devolved Welsh authority, only in relation to a procurement under a reserved procurement arrangement or a transferred Northern Ireland procurement arrangement. Such procurement arrangements include for example frameworks and dynamic markets which were not awarded by a devolved Welsh authority.

Part 2

Section 89 (Treaty state suppliers) and section 92 (Trade disputes) A Minister of the Crown and the Welsh Ministers will have concurrent powers to make regulations in devolved areas under Part 7 of the Bill (implementation of international obligations). There is no requirement on a Minister of the Crown to obtain the consent of the Welsh Ministers before making such regulations. These provisions were included in Legislative Consent Motion 2 which were debated by the Senedd on 28 March 2023. The provisions included in motion 2 were not approved.