

Government Response: *The Procurement Act 2023 (Threshold Amounts) (Amendment) (Wales) Regulations 2025*

Merit Scrutiny point 2: The Welsh Government notes the merit scrutiny point and the concerns regarding the variations presented when seeking to access the amendments to Schedule 1 to the Procurement Act 2023 via legislation.gov.uk and two subscription based websites.

Extract 1 accurately reflects the law in force as of 13 January 2026. Additionally at the time of preparing this response we note that Westlaw now also appears to correctly show paragraph 1 of Schedule 1 to the 2023 Act.

Welsh Government drafting lawyers worked closely with the Office of the Legislative Counsel and lawyers in the UK Government to ensure the Regulations achieved the policy intentions of both Governments within the confines of the enabling powers in paragraph 2 of Schedule 1 to the 2023 Act.

The intention was to ensure the threshold amounts in Schedule 1 were the same for all contracting authorities. To achieve this the Statutory Instruments containing the Regulations needed to dovetail to produce the correct outcome in Schedule 1 to the 2023 Act. As such the UK Government S.I. was made first to substitute the relevant threshold amounts in a way that acknowledged the limitations on the Secretary of State's power, with the Welsh S.I. then omitting that limitation on the application of the substituted threshold amounts. The intention was to produce one table in Schedule 1 that would set out that the threshold amounts were the same for all contracting authorities. This has been achieved as acknowledged by the Committee and illustrated on legislation.gov.uk (and now also Westlaw).

Alternative approaches to drafting were considered which proposed amendments to the table in a way that restricted the application of the amendments to Wales only. However, drafting lawyers were mindful that this was contrary to guidance set out in para 7.28(3) of Writing Laws for Wales.

On the Committee's more general observations regarding the Counsel General's responsibilities under section 1 of the 2019 Act, we note that the Regulations were made on 17 December and came into force on 31 December 2025. As identified by the Committee the amendments have already been applied to the representation of the legislation on the legislation.gov.uk site. This is well within the timescales set by the editorial team in The National Archives, whose aim is to update revised legislation within a maximum of three months of the coming into force date of new amendments. In most cases, though, this is done much more quickly. In all cases, the "changes to legislation" message informs readers if there are any outstanding effects. As Members will be aware, section 37V of the 2019 Act came into force on 1 January 2026 and, for the first time, places duties on the King's Printer for Wales to publish Welsh legislation as it has been amended. Whilst this would not apply to the 2023 Act, both the Government and indeed the King's Printer for Wales welcomes this strengthening of the arrangements for publishing legislation in an up-to-date form.