

**Government Response: *The Social Partnership and Public Procurement (Wales) Regulations 2026 (English)***

**Technical Scrutiny point 1:** The Welsh Government accept the point raised and will be making the correction prior to the making of the Regulations as set out in the table below.

**Merit Scrutiny point 2:** The Welsh Government acknowledges the Committee’s request for clarification on the impact of the Regulations by reference to the proposed extension of the definition of a “prescribed contract”.

The Social Partnership and Public Procurement (Wales) Act 2023 imposes the socially responsible procurement duty on all public procurement.

A specific part of that duty requires further steps to be taken in relation to “prescribed contracts”, currently defined as major construction and outsourcing services contracts and these Regulations extend the definition. It has always been the intention to further define in Regulations a “prescribed contract” by reference to financial thresholds aligned with the World Trade Organisation’s Government Procurement Agreement. This was part of the policy framework set out during the development of what is now the Social Partnership and Public Procurement (Wales) Act 2023. It was specifically outlined in the [2021 consultation document](#) on the draft Bill, the [2022 statement of policy intent](#), and the [Explanatory Memorandum](#), and was also communicated to Contracting Authorities.

The impact of this is that contracting authorities are required to “take all reasonable steps” to meet their socially responsible procurement objectives, and to include relevant information in their annual socially responsible procurement reports, on public contracts above the thresholds as set out in Schedule 1 to the Procurement Act 2023, unless the contract is an excluded contract under regulation 3 of the Social Partnership and Public Procurement (Wales) Regulations 2026.

The Welsh Government will update the Explanatory Memorandum to explain how the application of the duty has been extended and the policy rationale for doing so.

*Technical drafting corrections to be made prior to the making of the Regulations*

<b>CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING</b>	<b>CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING</b>
<b>Rheoliadau Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2026</b>	<b>The Social Partnership and Public Procurement (Wales) Regulations 2026</b>
In the preamble, “Yn unol ag adran 44(2) o’r Ddeddf honno, mae’r Rheoliadau hyn wedi eu gosod gerbron	In the preamble, “In accordance with section 44(2) of that Act, these Regulations have been laid before

<p>Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd(2)." will be substituted with "Yn unol â gweithdrefn gymeradwyo'r Senedd a gymhwysir gan adran 44(2) o'r Ddeddf honno gosodwyd drafft o'r offeryn statudol Cymreig hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2)."</p>	<p>Senedd Cymru in accordance with the Senedd approval procedure(2)." will be substituted with "In accordance with the Senedd approval procedure applied by section 44(2) of that Act a draft of this Welsh statutory instrument was laid before, and approved by resolution of, Senedd Cymru(2)."</p>
<p>In the heading of regulation 1, "l" will be substituted with "i".</p>	
	<p>In regulation 2(1) the Welsh text of "contract wedi ei eithrio" and "cytundeb fframwaith" will be formatted in italics.</p>
<p>In regulation 2(1) "mae i "undeb llafur" ("trade union") yr ystyr a roddir gan adran 1 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(7) (ac mae i "cydnabyddedig" ("recognised") mewn perthynas ag undeb llafur yr ystyr a roddir gan adran 178(3) o'r Ddeddf honno)" will be substituted with "mae i "undeb llafur" yr ystyr a roddir i "trade union" gan adran 1 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(7) (ac mae i "cydnabyddedig" mewn perthynas ag undeb llafur yr ystyr a roddir i "recognised" gan adran 178(3) o'r Ddeddf honno)".</p>	
<p>In regulation 4(3)(a), "(1)" will be substituted with "1(1)".</p>	<p>In regulation 4(3)(a), "(1)" will be substituted with "1(1)".</p>
<p>In regulation 6(2)(d) "er vmwyn datblygu" will be substituted with "er mwyn hybu".</p>	
<p>In regulation 6(2)(g) a closing bracket will be added after the words "(menter gan Citizens UK(8)".</p>	
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	