



Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1

PART 3

SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT

PROSPECTIVE

CHAPTER 4

GENERAL

43 Guidance

- (1) The Welsh Ministers may issue guidance about the operation of this Part.
- (2) Guidance may, in particular, make provision about—
 - (a) meeting the requirement in section 24(1) to carry out public procurement in a socially responsible way;
 - (b) setting socially responsible procurement objectives;
 - (c) taking all reasonable steps to meet socially responsible procurement objectives;
 - (d) social public works clauses;
 - (e) the public services outsourcing and workforce code;
 - (f) social public workforce clauses;
 - (g) consultation during the preparation of a procurement strategy;
 - (h) the form and content of procurement strategies and annual procurement reports;
 - (i) the process by which a contracting authority approves its procurement strategy;

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Social Partnership and Public Procurement (Wales) Act 2023, CHAPTER 4. (See end of Document for details)

- (j) joint procurement strategies.
- (3) A contracting authority must have regard to relevant guidance published by the Welsh Ministers.
- (4) Before issuing guidance under this Part, the Welsh Ministers must consult—
 - (a) the SPC;
 - (b) such other persons as they consider appropriate.

Commencement Information

I1 S. 43 not in force at Royal Assent, see [s. 48\(1\)](#)

44 Regulations

- (1) A power to make regulations under this Part—
 - (a) is exercisable by statutory instrument;
 - (b) includes the power to make different provision for different purposes;
 - (c) includes the power to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (2) A statutory instrument containing regulations made under section 22(4), 24(8)(c), 25(3) or 27(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.
- (3) Any other statutory instrument containing regulations made under this Part is subject to annulment in pursuance of a resolution of the Senedd.

Commencement Information

I2 S. 44 not in force at Royal Assent, see [s. 48\(1\)](#)

45 Interpretation of Part 3

- (1) In this Part—
 - “the Concession Contracts Regulations” (“*y Rheoliadau Contractau Consesiwn*”) means the [Concession Contracts Regulations 2016 \(S.I. 2016/273\)](#);
 - “contracting authority” (“*awdurdod contractio*”) has the meaning given in section 22;
 - “economic operator” (“*gweithredwr economaidd*”) means any person who offers the execution of works, the supply of products or the provision of services on the market;
 - “framework agreement” (“*cytundeb fframwaith*”) means an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the main terms governing public contracts (call-off contracts) to be awarded during a given period, in particular with regard to pricing the things envisaged to be procured and, where appropriate, their quantity;

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“outsourcing services contract” (“*contract allanoli gwasanaethau*”) has the meaning given in section 26(2);

“prescribed contract” (“*contract rhagnodedig*”) has the meaning given in section 24(8);

“the Public Contracts Regulations” (“*y Rheoliadau Contractau Cyhoeddus*”) means the [Public Contracts Regulations 2015 \(S.I. 2015/102\)](#);

“public procurement” (“*caffael cyhoeddus*”) has the meaning given in section 23;

“the public services outsourcing and workforce code” (“*y cod allanoli gwasanaethau cyhoeddus a'r gweithlu*”) has the meaning given in section 32(1);

“public works contract” (“*contract gweithiau cyhoeddus*”) has the meaning given by regulation 2(1) of the Public Contracts Regulations;

“social public workforce clauses” (“*cymalau gweithlu cyhoeddus cymdeithasol*”) has the meaning given in section 33;

“social public works clauses” (“*cymalau gweithiau cyhoeddus cymdeithasol*”) has the meaning given in section 27;

“the Utilities Contracts Regulations” (“*y Rheoliadau Contractau Cyfleustodau*”) means the [Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#);

“voluntary organisations” (“*sefydliadau gwirfoddol*”) has the same meaning as “relevant voluntary organisations” within the meaning of section 74(2) of the [Government of Wales Act 2006 \(c. 32\)](#);

“works” (“*gweithiau*”) has the meaning given by paragraph 2 of regulation 2(1) of the Public Contracts Regulations;

“works concession contract” (“*contract consesiwn gweithiau*”) has the meaning given by regulations 2(1) and 3(2) of the Concession Contracts Regulations;

“works contract” (“*contract gweithiau*”) has the meaning given by regulation 2(1) of the Utilities Contracts Regulations.

- (2) For the purposes of this Part, the estimated value of a contract is to be determined in accordance with regulation 6(1) of the Public Contracts Regulations.

Commencement Information

I3 S. 45 not in force at Royal Assent, see [s. 48\(1\)](#)

Status:

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Changes to legislation:

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