



# Procurement Act 2023

## 2023 CHAPTER 54

### PART 12

#### AMENDMENTS AND REPEALS

#### **116 Disapplication of duty in section 17 of the Local Government Act 1988**

- (1) In section 17 of the Local Government Act 1988 (exclusion of non-commercial considerations), in subsection (11), after “imposed on it by” insert “the Procurement Act 2023 or”.
- (2) A Minister of the Crown or the Welsh Ministers may by regulations make provision disapplying the duty under section 17(1) of the Local Government Act 1988 (“the 1988 Act”) as it relates to a relevant authority.
- (3) The regulations may disapply the duty as it relates to—
  - (a) all relevant authorities or those that are specified;
  - (b) all functions that are regulated by section 17 of the 1988 Act (see subsection (4) of that section) or those that are specified;
  - (c) contracts of all types mentioned in section 17(1) of the 1988 Act, or of those types that are specified;
  - (d) all non-commercial matters (see section 17(5) of the 1988 Act) or those that are specified.
- (4) In this section—

“relevant authority” means an authority to which section 17 of the 1988 Act applies other than a devolved Scottish authority;

“specified” means specified, or of a description specified, in regulations under this section.

#### **Commencement Information**

**11** S. 116 not in force at Royal Assent, see [s. 127\(2\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Procurement Act 2023, Section 116. (See end of Document for details)*

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**12** S. 116(2)(3)(4) in force at 12.3.2024 by S.I. 2024/361, **reg. 2(q)**

**Changes to legislation:**

There are currently no known outstanding effects for the Procurement Act 2023, Section 116.