

SL(6)718 – The Social Partnership and Public Procurement (Wales) Regulations 2026

Background and Purpose

The Social Partnership and Public Procurement (Wales) Act 2023 (“the Act”) is currently partially in force and will be brought fully into force by 1 April 2026.

These Regulations make provision in relation to that forthcoming implementation. In particular they:

- broaden the definition of a “prescribed contract” to extend the reach of the socially responsible procurement duty in section 24 of the Act, which applies to prescribed contracts.
- define a “registrable contract”.
- amend the term “people with disabilities” in section 27(4) of the Act.
- set out the information that is required in annual public procurement reports under section 39 of the Act.

Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 4(3)(a) refers to “the table of paragraph (1) of Schedule 1 to PA 2023”, however it should refer to “the table of paragraph 1(1) of Schedule 1 to PA 2023”.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Section 24 of the Act sets out the socially responsible procurement duty. It requires contracting authorities to take all reasonable steps to meet their socially responsible procurement objectives when carrying out public procurement in relation to prescribed contracts.



Section 24 defines a prescribed contract as a major construction project, an outsourcing services contract and “any other public contract of a description prescribed by the Welsh Ministers by regulations”.

These regulations prescribe other types of public contracts as prescribed contracts, namely contracts which are for works, supply of products or provision of services and which are over certain financial threshold values. The financial threshold values are set out in Schedule 1 to the Procurement Act 2023. An example of a contract brought within scope of the section 24 duty by virtue of this change is a contract for the supply of goods, services or works to a sub-central governing authority if its value exceeds £207,720 (as it is listed in Schedule 1 to the Procurement Act 2023). This suggests the change may considerably extend the scope of the section 24 duty.

However paragraph 1.2 of the Explanatory Memorandum describes the Regulations as providing “necessary detail” for implementation. Paragraph 1.3 notes that the Regulations provide a definition of prescribed contracts but it does not comment on the impact of that broadened definition (specifically, that that more contracts will be subject to the socially responsible procurement duty and the associated obligations).

The Welsh Government is asked to explain the impact of these Regulations by reference to the proposed extension of the definition of a “prescribed contract” in regulation 4.

It would have been helpful if the Explanatory Memorandum had explained how the application of the duty had been extended and also set out policy rationale for that extension.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Paragraph 5 of the Explanatory Memorandum relates to the consultation exercise held by Welsh Government in relation to the draft Regulations. Paragraph 5.3 provides

“The consultation asked whether the drafting reflected the policy intent. Views were not sought on the policy itself which has already been established by the Act”.

Welsh Government response

A Welsh Government response to the first and second reporting point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

26 January 2026

