

SL(6)694 – The Procurement Act 2023 (Threshold Amounts) (Amendment) (Wales) Regulations 2025

Background and Purpose

The Procurement Act 2023 (the “**2023 Act**”) established regulation-making powers for Welsh Ministers in relation to public procurement for Wales.

The *Procurement Act 2023 (Threshold Amounts) (Amendment) (Wales) Regulations 2025* (the “**Regulations**”) update certain threshold amounts in Schedule 1 to the 2023 Act (“**Schedule 1**”) which govern the procedures for the award of public contracts for goods, works and services.

Those thresholds determine the value above which contracts of different types fall to be regulated by the substantive public procurement regime.

The Explanatory Memorandum states that “these amendments follow a review of the relevant thresholds to ensure they continue to correspond with the relevant thresholds laid down in the World Trade Organisation’s Agreement on Government Procurement”. It further states that this will ensure “the UK remains compliant with its international obligations” and that it “will provide legal certainty for Welsh Contracting Authorities, maintain consistency across UK jurisdictions, and reduce the risk of trade disputes”.

Procedure

Negative

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. 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

We note that these Regulations came into force on 01 January 2026.



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

We note that the amendments made to Schedule 1 by these Regulations came into force five minutes later than separate amendments made to the same provision by UK Parliament regulations.

Whilst we are content that Schedule 1 as amended is legally sound, we are concerned about the resulting inaccessibility and readability of the law as published.

Below are screenshots of Schedule 1 as accessed on 13 January 2026 (12 days after the provisions came into force) from Legislation.gov and two separate subscription-based legislation websites. We note that the text preceding the table varies between the three versions, as well as the contents of the table itself.

The Explanatory Memorandum states that these Regulations will “provide legal certainty for Welsh Contracting Authorities”. As such, we consider these variances to be extremely undesirable, confusing and uncertain for users of the legislation (including professional users).

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Procurement Act 2023

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1 (1) **[F1** The threshold amount for a contract of a type referred to in the second column of the table below is **[F2** the threshold set out in the corresponding row of the third column.]

F3(c)
F4(d)]

	Type of contract	F5...	F6...	[F7 Threshold amount F8...
1	Defence and security contract that is a works contract	F5...	F6...	£5,193,000
2	Defence and security contract that is a concession contract	F5...	F6...	£5,193,000
3	Defence and security contract not within row 1, 2 or 8	F5...	F6...	£415,440

2

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(1) [The threshold amount for a contract of a type referred to in the second column of the table below is—

(c) if the contract is regulated by the Welsh Ministers, the threshold set out in the corresponding row of the third column, and

(d) in any other case, the threshold set out in the corresponding row of the fourth column].

	Type of contract	Threshold amount[: contract regulated by Welsh Ministers]	[Threshold amount: any other contract [: contract regulated by Welsh Ministers]	[Threshold amount: any other contract
1	Defence and security contract that is a works contract	£5,336,937	£5,372,609	[£5,193,000
2	Defence and security contract that is a concession contract	£5,336,937	£5,372,609	£5,193,000
3	Defence and security contract not within row 1, 2 or 8	£426,955	£429,809	£415,440



1	3	
<p>(1) [The threshold amount for a contract of a type referred to in the second column of the table below is [...] ²] ¹ [...] ³ [</p>		
	Type of contract	Threshold amount [...]⁵
1	Defence and security contract that is a works contract	£5,193,000
2	Defence and security contract that is a concession contract	£5,193,000
3	Defence and security contract not within row 1, 2 or 8	£415,440

We note that the Counsel General is under a continuous duty to review the accessibility of Welsh law under section 1 of the Legislation (Wales) Act 2019. This expressly encompasses ensuring it is published in an up-to date form (including showing whether enactments are in force and incorporating any amendments to them), ensuring it is easy to understand and that it is certain in its effect.

The Welsh Government is asked to confirm which of the three extracts above accurately reflects the law in force at the date it responds.

We also request a response in respect of our broader concerns about the accessibility of amended legislation.

Welsh Government response

A Welsh Government response is required in respect of the second merits point only.

Committee Consideration

The Committee considered the instrument at its meeting on 19 January 2026 and reports to the Senedd in line with the reporting points above.

