

# **SL(6)765 – The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026**

## **Background and Purpose**

These Regulations make amendments to Schedule 9 (treaty state suppliers (specified international agreements)) to the Procurement Act 2023 (“the 2023 Act”) (alongside the UK Government’s Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026) in order to implement the procurement chapter of the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India (“the UK-India CETA”) signed at Buckinghamshire on 24 July 2025.

Schedule 9 to the 2023 Act lists international agreements to which the United Kingdom is a party and which contain procurement obligations to which effect must be given in the United Kingdom. Regulation 2 of these Regulations amends Schedule 9 to the 2023 Act to reflect the provisions of the UK-India CETA.

Regulation 3 of these Regulations makes provision for transitional arrangements, so that these Regulations will not affect any procurement under the 2023 Act which relates to the UK-India CETA, where the procurement has commenced before the day on which that agreement enters into force.

Regulation 4 of these Regulations makes an amendment to regulation 4(1) of the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025 (S.I. 2025/1361 (W. 223)) by inserting a definition into the provision.

## **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**

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

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



In regulation 3(1)(c), there is no reference to an interpretation or definition provision for the term “framework”. We note that this is a defined term in section 45(2) the Procurement Act 2023. We ask why a definition was not included in these Regulations.

## Merits Scrutiny

The following 4 points are 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.**

These Regulations amend changes to Schedule 9 to the 2023 Act that are to be made by the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026, which are due to come into force on 30 March 2026, one day before these Regulations.

### **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.**

Regulation 4 amends regulation 4(1) of the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025 by inserting a definition of “below-threshold contract”. The Welsh Government stated this amendment would be made in their response to a technical reporting point raised on those Regulations.

### **4. 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 the following set out in paragraphs 3.3 to 3.5 of the Explanatory Memorandum:

*3.3 In addition, the Welsh Ministers have consented to the UK Government laying and making a connected instrument, namely “the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026”.*

*3.4 The majority of the UK Statutory Instrument (UKSI) is giving effect to the UK-India CETA and does not require the Welsh Ministers consent. This document refers to the regulations being laid and made by Welsh Ministers in relation to the Implementation of the UK-India CETA in relation to contracts being entered into under the Procurement Act 2023.*

*3.5 However, there is a small element of the UKSI which relates to transitional and savings provisions and amends a current UKSI known as The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024. This element does require Welsh Ministers consent.*

### **5. 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 the following, set out at paragraph 8.1 of the Explanatory Memorandum:

*As these Regulations are technical amendments to implement international obligations, no formal public consultation has been undertaken.*

## Welsh Government response

A Welsh Government response is required to the technical reporting point.

### **Government Response:**

#### **Technical Scrutiny point 1:**

The Welsh Government note the reporting point, however guidance set out in paragraph 4.2(2) of Writing Laws for Wales states “a definition should not be included unless it will aid clarity or certainty” and we take the view that the term “framework” is well established in the context of procurement and that it was obvious from the specific context of these Regulations what the term “framework” is referring to in this provision (WLfW 4.4(2)).

This approach to drafting is consistent with that taken in earlier sub-paragraphs where concepts such as “tender notice” or “transparency notice” are also not defined for the same reason.

## Committee Consideration

The Committee considered the instrument and Government response at its meeting on 2 March 2026 and reports to the Senedd in line with the reporting points above.

