Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 44(2) o Ddeddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023.

O F F E R Y N N A U   S T A T U D O L   C Y M R U   D R A F F T

2026 Rhif

Rheoliadau Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2026

Gwnaed	*****
Yn dod i rym	
Pob rheoliad ac eithrio rheoliad 6	*25 Mawrth 2026*
Rheoliad 6	*1 Ebrill 2026*

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 44(2) of the Social Partnership and Public Procurement (Wales) Act 2023.

D R A F T   W E L S H   S T A T U T O R Y   I N S T R U M E N T S

2026 No.

The Social Partnership and Public Procurement (Wales) Regulations 2026

Made	*****

Coming into force

All regulations except regulation 6	*25 March 2026*
Regulation 6	*1 April 2026*

Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 44(2) o Ddeddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023.

O F F E R Y N N A U S T A T U D O L C Y M R U D R A F F T

2026 Rhif

CAFFAEL CYHOEDDUS, CYMRU

PARTNERIAETH GYMDEITHASOL, CYMRU

Rheoliadau Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2026

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn ategu Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023 ("DPGChC 2023").

Mae DPGChC 2023 yn darparu ar gyfer fframwaith i hybu llesiant pobl Cymru drwy gynyddu datblygu cynaliadwy (gan gynnwys drwy wella gwasanaethau cyhoeddus) drwy weithio mewn partneriaeth gymdeithasol, hyrwyddo gwaith teg a chaffael cymdeithasol gyfrifol.

Mae rheoliad 3 yn diffinio "contract wedi ei eithrio"; nid yw darpariaethau amrywiol yn gymwys i gontractau wedi eu heithrio.

Mae rheoliad 4 yn disgrifio'r contractau y mae Gweinidogion Cymru hefyd yn eu hystyried yn "contractau rhagnodedig" o dan adran 24(8) o DPGChC 2023. Mae hyn yn ymwneud â'r ddyletswydd caffael cymdeithasol gyfrifol ac adroddiadau caffael cymdeithasol gyfrifol blynyddol.

Mae rheoliad 5 yn disgrifio'r contractau y mae Gweinidogion Cymru yn eu hystyried yn "contractau cofrestradwy" o dan adran 40(2) o DPGChC 2023. Mae hyn yn ymwneud â chofrestr o gontractau a gyhoeddir gan yr awdurdodau contractio.

Mae rheoliad 6 yn nodi'r wybodaeth sy'n ofynnol gan Weinidogion Cymru i asesu i ba raddau y mae awdurdod contractio, gan gyflawni ei amcanion caffael cymdeithasol gyfrifol,

yn cyfrannu at gyflawni'r nodau llesiant ac i ba raddau y mae caffael cyhoeddus yr awdurdod hwnnw, yn gyffredinol, yn cyfrannu at gyflawni'r nodau hynny. Mae'r "nodau llesiant" wedi eu rhestru yn adran 4 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, fel y'i diwygiwyd gan adran 20 o DPGChC 2023.

Mae rheoliad 7 yn diwygio adran 27(2) o DPGChC 2023 i roi "pobl anabl" yn lle "pobl ag anableddau" er mwyn sicrhau bod y gwelliannau a fwriedir yn sgil y cymalau gweithiau cyhoeddus cymdeithasol yn cyd-fynd â'r model cymdeithasol o anabledd.

Daw'r Rheoliadau hyn i rym ar 25 Mawrth 2026 ac eithrio rheoliad 6 sy'n dod i rym ar 1 Ebrill 2026.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn a gellir cael copi oddi wrth: Y Gyfarwyddiaeth Caffael a Masnachol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 44(2) o Ddeddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023.

O F F E R Y N N A U   S T A T U D O L   C Y M R U   D R A F F T

2026 Rhif

CAFFAEL CYHOEDDUS, CYMRU

PARTNERIAETH GYMDEITHASOL, CYMRU

Rheoliadau Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2026

Gwnaed	*****
Yn dod i rym	
Pob rheoliad ac eithrio rheoliad 6	*25 Mawrth 2026*
Rheoliad 6	*1 Ebrill 2026*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 24(8)(c), 27(4)(c), 39(2)(e) ac (f) a (3), 40(2) a 44(1) o Ddeddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023(**1**).

Yn unol ag adran 44(2) o'r Ddeddf honno, mae'r Rheoliadau hyn wedi eu gosod gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd(**2**).

Enwi a dod I rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2026.

(2) Daw'r Rheoliadau hyn i rym ar 25 Mawrth 2026, yn ddarostyngedig i baragraff (3).

(3) Daw rheoliad 6 (gwybodaeth sy'n ofynnol mewn adroddiadau caffael cymdeithasol gyfrifol blynyddol) i rym ar 1 Ebrill 2026.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

(**1**) 2023 dsc 1.
(**2**) Gweler hefyd adran 37G o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys pan fo offeryn yn cyfuno is-ddeddfwriaeth yn ddarostyngedig i weithdrefnau gwahanol yn y Senedd, sy'n gymwys i'r offeryn hwn.

mae i “awdurdod contractio” (“*contracting authority*”) yr ystyr a roddir gan adran 22 o DPGChC 2023;

mae i “blwyddyn ariannol” (“*financial year*”) yr ystyr a roddir gan adran 46 o DPGChC 2023, ac eithrio yn rheoliad 6(2)(e)(ii);

mae i “contract cyfleustodau” yr ystyr a roddir i “utilities contract” gan adran 6 o DC 2023;

mae i “contract dim oriau” yr ystyr a roddir i “zero hours contract” gan adran 27A(1) o Ddeddf Hawliau Cyflogaeth 1996(**3**);

mae i “contract hysbysadwy sydd o dan y trothwy” yr ystyr a roddir i “notifiable below-threshold contract” gan adran 87(4) o DC 2023(**4**);

mae i “contract wedi ei eithrio” (“*excluded contract*”) yr ystyr a roddir gan reoliad 3;

mae i “cytundeb fframwaith” (“*framework agreement*”) yr ystyr a roddir gan adran 45 o DPGChC 2023;

ystyr “DC 2023” (“*PA 2023*”) yw Deddf Caffael 2023(**5**);

ystyr “DPGChC 2023” (“*SPPPA 2023*”) yw Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023(**6**);

mae i “gweithredwr economaidd” (“*economic operator*”) yr ystyr a roddir gan adran 45 o DPGChC 2023;

mae i “menter fach a chanolig ei maint” yr ystyr a roddir i “small and medium-sized enterprise” gan adran 123 o DC 2023;

mae i “undeb llafur” (“*trade union*”) yr ystyr a roddir gan adran 1 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(**7**) (ac mae i “cydnabyddedig” (“*recognised*”) mewn perthynas ag undeb llafur yr ystyr a roddir gan adran 178(3) o’r Ddeddf honno).

(2) Yn y Rheoliadau hyn, mae’r amcangyfrif o werth contract i’w bennu yn unol ag adran 4 o DC 2023.

Contractau wedi eu heithrio

3. Yn y Rheoliadau hyn, ystyr “contract wedi ei eithrio” yw contract sydd—

(a) yn gontract esempt o fewn yr ystyr a roddir i “exempted contract” yn Atodlen 2 i DC 2023,

(b) yn ddarostyngedig i ddatgymhwysiad mewn rheoliadau sydd wedi eu gwneud gan Weinidogion Cymru o dan adran 120A o DC 2023 fel nad yw DC 2023 yn gymwys i’r contract, neu

(c) wedi ei ddyfarnu o dan adran 41 o DC 2023 drwy gyfeirio at baragraff 15 o Atodlen 5 i DC 2023 (dyfarniad uniongyrchol: contractau dewis defnyddwyr).

(**3**) 1996 p. 18.
(**4**) p. 54. Diffinnir “regulated below-threshold contract” yn adran 84 o DC 2023 a diffinnir “below-threshold contract” yn adran 5(5) o DC 2023.
(**5**) 2023 p. 54.
(**6**) 2023 dsc 1.
(**7**) 1992 p. 52.

Dyletswydd caffael cymdeithasol gyfrifol a chontractau rhagnodedig

4.—(1) At ddibenion adran 24(8) o DPGChC 2023 (dyletswydd caffael cymdeithasol gyfrifol), mae contract rhagnodedig hefyd yn cynnwys unrhyw gontract o fath y cyfeirir ato ym mharagraff (2) oni fydd paragraff (3) yn gymwys.

(2) Y mathau o gontractau yw—

(a) contract rhwng un neu ragor o weithredwyr economaidd ac un neu ragor o awdurdodau contractio; sydd â'r amcan o gyflawni gweithiau, cyflenwi cynhyrchion neu ddarparu gwasanaethau;

(b) cytundeb fframwaith.

(3) Nid yw paragraff (2) yn gymwys os yw contract—

(a) yn gontract â gwerth amcangyfrifedig sy'n llai na'r swm trothwy a nodir yn nhabl paragraff (1) o Atodlen 1 i DC 2023 ar gyfer y math hwnnw o gontract, neu

(b) yn gontract wedi ei eithrio.

Contractau cofrestradwy at ddiben y gofrestr

5.—(1) At ddibenion adran 40(2) o DPGChC 2023 (cofrestr gontractau), mae contract cofrestradwy yn unrhyw gontract o fath y cyfeirir ato ym mharagraff (2) oni fydd paragraff (3) yn gymwys.

(2) Y mathau o gontractau yw—

(a) contract rhwng un neu ragor o weithredwyr economaidd ac un neu ragor o awdurdodau contractio, sydd â'r amcan o gyflawni gweithiau, cyflenwi cynhyrchion neu ddarparu gwasanaethau;

(b) cytundeb fframwaith.

(3) Nid yw paragraff (2) yn gymwys os yw contract—

(a) yn gontract â gwerth amcangyfrifedig sy'n llai na gwerth contract hysbysadwy sydd o dan y trothwy, neu

(b) yn gontract wedi ei eithrio.

Gwybodaeth sy'n ofynnol mewn adroddiadau caffael cymdeithasol gyfrifol blynyddol

6.—(1) Pan fo'n ofynnol i awdurdod contractio gyhoeddi adroddiad blynyddol ar ei gaffael cyhoeddus o dan adran 39(1) o DPGChC 2023, rhaid i'r adroddiad hwnnw gynnwys gwybodaeth am werth amcangyfrifedig contractau a ddyfarnwyd i gontractwyr sy'n bodloni'r amodau ym mharagraff (2), a fynegir fel ffigur canrannol ar ôl cymhwyso'r cyfrifiad ym mharagraff (3).

(2) Yr amodau y cyfeirir atynt ym mharagraff (1) yw—

(a) mae'r contractwr yn darparu cyfleoedd i staff i ddefnyddio, dysgu neu wella eu sgiliau Cymraeg;

(b) o ran y contractwr—

(i) mae'n unigolyn ac mae ei gyfeiriad post yng Nghymru, neu

(ii) nid yw'n unigolyn ac mae ei gyfeiriad swyddfa cofrestredig neu ei brif gyfeiriad swyddfa yng Nghymru;

(c) mae'r contractwr yn fenter fach a chanolig ei maint;

(d) mae'r contractwr yn sefydliad anllywodraethol â gwerthoedd yn ei lywio ac sy'n ailfuddsoddi ei wargedion at ei gilydd er vmwyn datblygu amcanion cymdeithasol, amgylcheddol neu ddiwylliannol;

(e) mae gan y contractwr gynllun lleihau carbon—

(i) sy’n cadarnhau ymrwymiad y contractwr i gyflawni allyriadau nwyon tŷ gwydr sero net erbyn 2050 yn y DU ac yn nodi’r mesurau amgylcheddol sydd gan y contractwr ar waith i leihau’r effeithiau amgylcheddol a’r ôl troed carbon sy’n gysylltiedig â’i weithrediadau busnes, a

(ii) sydd ar gael i’r cyhoedd ac wedi ei greu neu ei ddiweddaru o fewn 6 mis i ddiwedd blwyddyn ariannol y contractwr;

(f) mae gan y contractwr ddatganiad polisi amgylcheddol sy’n nodi amcanion y contractwr wrth reoli effeithiau amgylcheddol ei weithrediadau ac agweddau ar ei weithrediadau, ac yn ymrwymo i raglen wella;

(g) mae’r contractwr wedi ei ardystio gan y Living Wage Foundation (menter gan Citizens UK(**8**) fel Cyflogwr Cyflog Byw Achrededig;

(h) mae’r contractwr yn cydnabod undeb llafur;

(i) o ran y contractwr—

(i) nid oes ganddo unrhyw weithwyr ar gontract dim oriau, neu

(ii) mae ganddo weithwyr ar gontract dim oriau ond mae’n adolygu priodoldeb y trefniadau hyn gyda’r gweithwyr hynny neu undeb llafur cydnabyddedig o leiaf unwaith bob tri mis;

(j) o ran y contractwr—

(i) mae ganddo bolisi cydraddoldeb, amrywiaeth a chynhwysiant sy’n cwmpasu ei arferion recriwtio a chyflogaeth, a

(ii) mae’n darparu hyfforddiant rheolaidd i’r holl staff er mwyn iddynt ddeall y polisi cydraddoldeb, amrywiaeth a chynhwysiant a sut mae’n effeithio arnynt;

(k) mae’r contractwr wedi llofnodi’r cod ymarfer ar gyflogaeth foesegol mewn cadwyni cyflenwi a gyhoeddwyd gan Weinidogion Cymru(**9**).

(3) Mae’r wybodaeth i’w darparu fel cyfres o ganrannau i’w cyfrifo fel y ganlyn:

Cam 1

Adio amcangyfrif o werth yr holl gontractau adroddadwy (mae i “contract adroddadwy” yr ystyr a roddir gan baragraff (4)).

Cam 2

Rhaid i’r awdurdod contractio wedyn benderfynu ar gyfer pob contract adroddadwy a yw’n cael ei ddyfarnu i gontractwr sy’n bodloni unrhyw un neu ragor o’r amodau ym mharagraff (2).

Cam 3

Ar gyfer pob amod sy’n cael ei fodloni, adio amcangyfrif o werth yr holl gontractau adroddadwy a ddyfarnwyd i gontractwyr sy’n ei fodloni.

Cam 4

Rhannu pob swm a gyfrifir yng Ngham 3 â’r cyfanswm a gyfrifir yng Ngham 1 a lluosi â 100 i gael canran ar gyfer pob amod.

(4) Yn y rheoliad hwn, ystyr “contract adroddadwy” yw contract—

(**8**) Rhif elusen cofrestredig 1107264.
(**9**) Mae’r fersiwn ddiweddaraf o’r Cod ar gael yn https://www.llyw.cymru/cyflogaeth-foesegol-mewn-cadwyni-cyflenwi-cod-ymarfer-arweiniad-hyfforddiant

(a) rhwng un neu ragor o weithredwyr economaidd ac un neu ragor o awdurdodau contractio; sydd â’r amcan o gyflawni gweithiau, cyflenwi cynhyrchion, neu ddarparu gwasanaethau,

(b) sy’n cael ei ddyfarnu yn y flwyddyn ariannol y mae’r adroddiad blynyddol yn ymwneud â hi, ac

(c) nad yw—

(i) yn gytundeb fframwaith,

(ii) yn gontract â gwerth amcangyfrifedig sy’n llai na gwerth contract hysbysadwy o dan y trothwy,

(iii) yn gontract wedi ei eithrio, neu

(iv) yn gontract cyfleustodau.

(5) Yn y rheoliad hwn, ystyr “contractwr” yw unrhyw berson sy’n cynnig cyflawni gweithiau, cyflenwi cynhyrchion neu ddarparu gwasanaethau ar y farchnad y dyfarnwyd contract adroddadwy iddo.

Diwygio’r term “pobl ag anableddau” yn DPGChC 2023

7. Yn adran 27(2) o DPGChC 2023 (cymalau gweithiau cyhoeddus cymdeithasol mewn contractau adeiladu mawr), yn y cofnod yn y tabl ar gyfer “Cyflogaeth”, yn lle “pobl ag anableddau” rhodder “pobl anabl”.

Enw
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Gyllid a’r Gymraeg, un o Weinidogion Cymru
Dyddiad

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 44(2) of the Social Partnership and Public Procurement (Wales) Act 2023.

DRAFT WELSH STATUTORY INSTRUMENTS

2026 No.

PUBLIC PROCUREMENT, WALES

SOCIAL PARTNERSHIP, WALES

The Social Partnership and Public Procurement (Wales) Regulations 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement the Social Partnership and Public Procurement (Wales) Act 2023 ("SPPPA 2023").

SPPPA 2023 provides for a framework to promote the well-being of the people of Wales by enhancing sustainable development (including by improving public services) through social partnership working, promoting fair work and socially responsible procurement.

Regulation 3 defines an "excluded contract"; various provisions do not apply to excluded contracts.

Regulation 4 describes the contracts the Welsh Ministers also consider to be "prescribed contracts" under section 24(8) of SPPPA 2023. This relates to the socially responsible procurement duty and annual socially responsible procurement reports.

Regulation 5 describes the contracts the Welsh Ministers consider to be "registrable contracts" under section 40(2) of SPPPA 2023. This relates to a register of contracts published by the contracting authorities.

Regulation 6 sets out the information required by the Welsh Ministers to assess the extent to which a contracting authority, meeting its socially responsible procurement objectives, contributes to the achievement of the well-being goals and the extent to which that authority's public procurement, generally, contributes to the achievement of those

goals. The “well-being goals” are listed in section 4 of the Well-being of Future Generations (Wales) Act 2015, as amended by section 20 of SPPPA 2023.

Regulation 7 amends section 27(2) of SPPPA 2023 to replace “people with disabilities” with “disabled people” to ensure the improvements designed to be brought about by the social public works clauses align with the social model of disability.

These Regulations come into force on 25 March 2026 except for regulation 6 which comes into force on 1 April 2026.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations has been prepared and a copy can be obtained from the Commercial and Procurement Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 44(2) of the Social Partnership and Public Procurement (Wales) Act 2023.

DRAFT WELSH STATUTORY INSTRUMENTS

2026 No.

PUBLIC PROCUREMENT, WALES

SOCIAL PARTNERSHIP, WALES

The Social Partnership and Public Procurement (Wales) Regulations 2026

Made	****
Coming into force	
All regulations except regulation 6	*25 March 2026*
Regulation 6	*1 April 2026*

The Welsh Ministers make the following Regulations, in exercise of the powers conferred on them by sections 24(8)(c), 27(4)(c), 39(2)(e) and (f) and (3), 40(2) and 44(1) of the Social Partnership and Public Procurement (Wales) Act 2023(**1**).

In accordance with section 44(2) of that Act, these Regulations have been laid before Senedd Cymru in accordance with the Senedd approval procedure(**2**).

Title and coming into force

1.—(1) The title of these Regulations is the Social Partnership and Public Procurement (Wales) Regulations 2026.

(2) These Regulations come into force on 25 March 2026, subject to paragraph (3).

(3) Regulation 6 (information required in annual socially responsible procurement reports) comes into force on 1 April 2026.

Interpretation

2.—(1) In these Regulations—

(**1**) 2023 asc 1.
(**2**) See also section 37G of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies when an instrument combines subordinate legislation subject to different Senedd procedures, which applies to this instrument.

“PA 2023” (“*DC 2023*”) means the Procurement Act 2023(**3**);

“SPPPA 2023” (“*DPGChC 2023*”) means the Social Partnership and Public Procurement (Wales) Act 2023(**4**);

“contracting authority” (“*awdurdod contractio*”) has the meaning given by section 22 of SPPPA 2023;

“economic operator” (“*gweithredwr economaidd*”) has the meaning given by section 45 of SPPPA 2023;

“excluded contract” (“contract wedi ei eithrio”) has the meaning given by regulation 3;

“financial year” (“*blwyddyn ariannol*”) has the meaning given by section 46 of SPPPA 2023, except in regulation 6(2)(e)(ii);

“framework agreement” (“cytundeb fframwaith”) has the meaning given by section 45 of SPPPA 2023;

“notifiable below-threshold contract” (“*contract hysbysadwy sydd o dan y trothwy*”) has the meaning given by section 87(4) of PA 2023(**5**);

“small and medium-sized enterprise” (“*menter fach a chanolig ei maint*”) has the meaning given by section 123 of PA 2023;

“trade union” (“*undeb llafur*”) has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992(**6**) (and “recognised” (“*cydnabyddedig*”) in relation to a trade union has the meaning given by section 178(3) of that Act);

“utilities contract” (“*contract cyfleustodau”*) has the meaning given by section 6 of PA 2023;

“zero hours contract” (“*contract dim oriau*”) has the meaning given by section 27A(1) of the Employment Rights Act 1996(**7**).

(2) In these Regulations, the estimated value of a contract is to be determined in accordance with section 4 of PA 2023.

Excluded contracts

3. In these Regulations, “excluded contract” means a contract which—

(a) is an exempted contract within the meaning of Schedule 2 to PA 2023,

(b) is subject to a disapplication in regulations made by the Welsh Ministers under section 120A of PA 2023 such that PA 2023 does not apply to the contract, or

(c) is awarded under section 41 of PA 2023 by reference to paragraph 15 of Schedule 5 to PA 2023 (direct award: user choice contracts).

(**3**) 2023 c. 54.
(**4**) 2023 asc 1.
(**5**) c. 54. “regulated below-threshold contract” is defined in section 84 of the PA 2023 and “below-threshold contract” is defined in section 5(5) of PA 2023.
(**6**) 1992 c. 52.
(**7**) 1996 c. 18.

Socially responsible procurement duty and prescribed contracts

4.—(1) For the purpose of section 24(8) of SPPPA 2023 (socially responsible procurement duty), a prescribed contract also includes any contract of a kind referred to in paragraph (2) unless paragraph (3) applies.

(2) The kinds of contract are—

(a) a contract between one or more economic operators and one or more contracting authorities; and having as its object the execution of works, the supply of products or the provision of services;

(b) a framework agreement.

(3) Paragraph (2) does not apply if a contract—

(a) has an estimated value that is less than the threshold amount set out in the table of paragraph (1) of Schedule 1 to PA 2023 for that type of contract, or

(b) is an excluded contract.

Registrable contracts for the purpose of the register

5.—(1) For the purposes of section 40(2) of SPPPA 2023 (contracts register), a registrable contract is any contract of a kind referred to in paragraph (2) unless paragraph (3) applies.

(2) The kinds of contract are—

(a) a contract between one or more economic operators and one or more contracting authorities; and having as its object the execution of works, the supply of products, or the provision of services;

(b) a framework agreement.

(3) Paragraph (2) does not apply if a contract—

(a) has an estimated value less than that of a notifiable below-threshold contract, or

(b) is an excluded contract.

Information required in annual socially responsible procurement reports

6.—(1) Where a contracting authority is required to publish an annual report on its public procurement under section 39(1) of SPPPA 2023, that report must include information about the estimated value of contracts awarded to contractors that satisfy the conditions in paragraph (2), expressed as a percentage figure after applying the calculation in paragraph (3).

(2) The conditions referred to in paragraph (1) are—

(a) the contractor provides opportunities for staff to use, learn or improve their Welsh language skills;

(b) the contractor—

(i) is an individual and their postal address is in Wales, or

(ii) is not an individual and their registered or principal office address is in Wales;

(c) the contractor is a small and medium-sized enterprise;

(d) the contractor is a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives;

(e) the contractor has a carbon reduction plan—

(i) that confirms the contractor's commitment to achieving net zero greenhouse gas emissions by 2050 in the UK and setting out the environmental measures that the contractor has in place to reduce the environmental impacts and carbon footprint associated with their business operations, and

(ii) that is publicly available and has been created or updated within 6 months of the end of the contractor's financial year;

(f) the contractor has an environmental policy statement which sets out the contractor's aims in managing the environmental impacts and aspects of its operations, and commits to a programme of improvement;

(g) the contractor is certified by the Living Wage Foundation (a Citizens UK(**8**) initiative) as an Accredited Living Wage Employer;

(h) the contractor recognises a trade union;

(i) the contractor—

(i) has no workers on a zero hours contract, or

(ii) has workers on a zero hours contract but reviews the appropriateness of these arrangements with those workers or a recognised trade union at least once every three months;

(j) the contractor—

(i) has an equality, diversity and inclusion policy covering its recruitment and employment practices, and

(ii) provides all staff with regular training to understand the equality, diversity and inclusion policy and how it affects them;

(k) the contractor is a signatory to the code of practice on ethical employment in supply chains published by the Welsh Ministers(**9**).

(3) The information is to be provided as a series of percentages to be calculated as follows:

Step 1

Add together the estimated value of all reportable contracts (a "reportable contract" has the meaning given by paragraph (4)).

Step 2

The contracting authority must then determine for each reportable contract whether it is awarded to a contractor meeting any of the conditions in paragraph (2).

Step 3

For each condition which is met, add together the estimated value of all the reportable contracts awarded to contractors which meet it.

Step 4

Divide each amount arrived at in Step 3 by the total arrived at in Step 1 and multiply by 100 to produce a percentage for each condition.

(4) In this regulation, a "reportable contract" means a contract that—

(**8**) Registered charity number 1107264.
(**9**) The latest version of the Code is available at https://www.gov.wales/ethical-employment-supply-chains-code-practice-guidance-and-training

(a) is between one or more economic operators and one or more contracting authorities; and having as its object the execution of works, the supply of products, or the provision of services,

(b) is awarded in the financial year to which the annual report relates, and

(c) is not—

(i) a framework agreement,

(ii) a contract with an estimated value less than that of a notifiable below-threshold contract,

(iii) an excluded contract, or

(iv) a utilities contract.

(5) In this regulation, “contractor” means any person who offers the execution of works, the supply of products or the provision of services on the market who has been awarded a reportable contract.

Amendment of the term “people with disabilities” in SPPPA 2023

7. In section 27(2) of SPPPA 2023 (social public works clauses in major construction contracts), in the table entry for “Employment”, for “people with disabilities” substitute “disabled people”.

Name
Minister for Culture, Skills and Social Partnership, under the authority of the Cabinet Secretary for Finance and Welsh Language, one of the Welsh Ministers
Date