Title 43 - Public Procurement and Digital Sovereignty Act 2026 (PPDS)

Preamble:

Recognizing that public procurement must protect public funds, support fair competition, prevent corruption, preserve digital independence and respect constitutional rights, this Act establishes a transparent and proportionate procurement framework for Links Land. It works in conjunction with the Financial Regulations Act 2025, the Ethics and Anti-Corruption Act 2025, the Public Administration Efficiency Act 2025, the National Secrets Protection and Official Secrecy Act 2025, the Data Protection Act 2026 and the Health Identity and Interoperability Act 2026, which remain in force with their existing wording and legal effect.

Article 1: Purpose and Definitions

Section 1A — Purpose

(a) This Act promotes value for money, integrity, equal treatment, open competition, environmental responsibility, digital resilience and public accountability in public procurement.

Section 1B — Definitions

(a) Public body means the Government, a ministry, department, agency, county authority, public corporation or other body substantially controlled or funded by public money.

(b) Procurement means the acquisition by a public body of goods, works, services, software or digital infrastructure.

(c) Supplier includes a bidder, contractor, subcontractor and provider of a procurement-related service.

Article 2: Application and Threshold

Section 2A — Covered Procurement

(a) This Act applies to procurement by every public body where the estimated total value, including options and renewals, is 25,000 Dimes or more.

(b) A public body must not divide a procurement artificially to avoid this Act.

Section 2B — Proportionate Procedures

(a) Procurement below the threshold must be conducted fairly and economically using procedures proportionate to its value and risk.

(b) The Minister may adjust the threshold by regulation only following public consultation and publication of an impact statement, and may not adjust it by more than the annual change in the consumer price index without approval by resolution of the Commons.

Article 3: Competition and Award

Section 3A — Open Competition

(a) A covered procurement must be advertised publicly in a form reasonably accessible to potential suppliers.

(b) The notice must state the subject matter, timetable, eligibility requirements, evaluation criteria, contract duration, estimated value where practicable and applicable social, environmental or security requirements.

Section 3B — Evaluation

(a) A contract must be awarded to the bid offering the best overall value against the published criteria, taking account of quality, whole-life cost, resilience, accessibility and relevant social or environmental outcomes.

(b) A public body must give unsuccessful bidders a written explanation sufficient to show how the published criteria were applied.

(c) A procurement may be limited to small or local suppliers only where the limitation is objectively justified, proportionate and consistent with applicable equality and competition duties.

Section 3C — Emergency Procurement

(a) A public body may use a non-competitive procedure where an unforeseeable emergency makes ordinary competition impracticable and delay would threaten life, health, public safety or essential services.

(b) The public body must publish within 30 days the supplier, value, duration, subject matter and reasons for the emergency procedure, subject to lawful redactions.

Article 4: Integrity and Conflicts

Section 4A — Declarations and Recusal

(a) A person who prepares, evaluates, approves or supervises a covered procurement must declare relevant financial, family, employment and other interests before performing that function.

(b) A person with an actual or reasonably perceived conflict must not participate unless an independent senior officer records why participation is necessary and what safeguards will apply.

Section 4B — Gifts and Post-Employment

(a) A person involved in a live tender must not accept a gift, hospitality or other benefit from a bidder or prospective bidder.

(b) A person who leaves senior public procurement employment must not, for 12 months, accept a procurement-related position with a supplier that received a contract in which that person made a material decision, unless an independent ethics officer grants a written exception.

(c) The duties in this Article work in conjunction with the Ethics and Anti-Corruption Act 2025 and do not alter that Act.

Article 5: Transparency and Digital Sovereignty

Section 5A — Public Register

(a) The Minister must maintain a searchable public register containing covered procurement notices, successful bids, contract awards, material variations, payments and completion reports.

(b) Information may be withheld or redacted only where necessary to protect personal data, trade secrets, national security, public safety or the integrity of an ongoing investigation, and the register must state the general reason for withholding.

Section 5B — Interoperability and Exit

(a) A contract for software or digital services must require the use of open, documented standards where reasonably available and must include a data-portability and exit plan.

(b) Custom software commissioned by a public body must be held in escrow, with release conditions sufficient to maintain essential public services if the supplier fails, becomes insolvent or cannot lawfully continue.

(c) An open-source product should be preferred where it meets the public body's security, accessibility, performance and operational requirements; any contrary decision must be recorded with reasons.

Section 5C — Data Hosting and Processing

(a) Sensitive personal data, including health data, acquired or processed under a covered contract must be hosted in Links Land unless the public body records that an alternative location provides equivalent legal, security and operational protection and is permitted by applicable data-protection law.

(b) A supplier processing personal data for a public body acts only under documented instructions and remains subject to the Data Protection Act 2026.

(c) Health-system technical standards are to be read alongside Article 5A of the Health Identity and Interoperability Act 2026, and health-data transfers are to be read alongside Article 6C of the Data Protection Act 2026.

Article 6: Security and Participation

Section 6A — Security Requirements

(a) A supplier handling classified material must comply with the clearance, vetting, handling and encryption requirements applicable under the National Secrets Protection and Official Secrecy Act 2025.

(b) A supplier handling ordinary personal or health data must comply with the security and privacy requirements applicable under the Data Protection Act 2026.

(c) A procurement requirement must be no more restrictive than necessary to address the identified security or operational risk.

Section 6B — Lots and Small Suppliers

(a) A public body must divide a large procurement into lots where doing so is technically and economically practicable and does not materially increase risk or cost.

(b) Tender documents must explain how consortia, subcontracting and reasonable payment terms may enable participation by small and local suppliers.

Section 6C — Whistleblowers

(a) A person who in good faith reports suspected procurement corruption, fraud, collusion or serious non-compliance to the Anti-Corruption Bureau or another prescribed authority must not suffer retaliation for making that report.

(b) The protections, immunity and relocation support available under Section 2A of the Ethics and Anti-Corruption Act 2025 are to be read alongside this Article and apply, so far as legally appropriate, to public officers, contractors' employees and competing suppliers.

Article 7: Review, Remedies and Enforcement

Section 7A — Procurement Review Panel

(a) The Minister must establish an independent Procurement Review Panel with members appointed through a published merit process and protected from direction by a purchasing authority.

(b) An eligible supplier may challenge a material breach of this Act within 10 working days after receiving the relevant decision.

(c) The Panel may order a temporary suspension, reconsideration, correction of an evaluation, cancellation of an award or other proportionate remedy, subject to judicial review.

Section 7B — Contract Remedies

(a) A court may declare a contract void or order its termination where corruption, collusion or a material procurement breach affected the award and no lesser remedy adequately protects the public interest.

(b) A court may order repayment, restitution or clawback of public money obtained through fraud or corruption, subject to the rights of innocent parties.

Section 7C — Exclusion and Audit

(a) A supplier convicted of procurement fraud or bid-rigging may be excluded from public procurement for up to five years following an opportunity to make representations.

(b) The Anti-Corruption Bureau investigates suspected corruption and the Efficiency Oversight Commission audits compliance and reports annually to the Commons.

(c) Nothing in this Article prevents prosecution under another applicable Act or limits the jurisdiction of a court.

Article 8: Offences and Regulations

Section 8A — Bid-Rigging and Fraud

(a) A person who dishonestly manipulates, agrees to manipulate or attempts to manipulate a procurement process commits a High Offence punishable by imprisonment for up to 10 years, a fine, or both.

(b) A person who knowingly submits materially false information, conceals a disqualifying conflict or obstructs an investigation commits a Low Offence punishable by a fine or imprisonment for up to five years, or both.

Section 8B — Regulations and Guidance

(a) The Minister may make regulations necessary to implement this Act, including standard forms, procurement methods, accessibility requirements, register operation, security controls and model contract terms.

(b) Regulations must be consistent with the Constitution, protect personal and classified information, and be preceded by consultation with public bodies, suppliers, workers, civil-society organisations and the Procurement Review Panel.

(c) The Minister must publish non-binding guidance explaining compliance in language accessible to small suppliers and public officials.

Section 8C — Financial and Periodic Review

(a) The Minister must publish an estimate of the administrative and implementation costs of this Act and review that estimate annually.

(b) The Minister must lay a report before the Commons every three years assessing competition, savings, supplier diversity, digital portability, enforcement and unintended effects.

Article C: Constitutional Compliance

Section C1 — Rights and Due Process

(a) This Act must be interpreted consistently with constitutional equality, privacy, property, expression, fair-hearing and judicial-review rights.

(b) No penalty, exclusion, contract termination or disclosure under this Act may be imposed without notice, reasons and a reasonable opportunity to respond, except for an urgent temporary measure subject to prompt review.

Section C2 — Relationship with Existing Law

(a) This Act is to be read alongside the Constitution and the existing Acts identified in the Preamble.

(b) This Act does not amend, repeal, substitute, change or modify any existing Act; where a requirement overlaps, the provisions are to be applied together so far as legally possible.