

Draft Order laid before Parliament under section 106A(4)(a) of the Housing Grants, Construction and Regeneration Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. XXXX

CONSTRUCTION, ENGLAND

The Construction Contracts (England) Exclusion Order 2022

Made - - - - *****
Coming into force - - *1st October 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 106A(1) and 146 of the Housing Grants, Construction and Regeneration Act 1996(1) (“the Act”). In accordance with section 106A(4)(a) of the Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) This Order may be cited as the Construction Contracts (England) Exclusion Order 2022 and comes into force on 1st October 2022.

(2) This Order does not apply to a construction contract to the extent that it relates to the carrying out of construction operations in Wales.

Interpretation

2. In this Order, “the Act” means the Housing Grants, Construction and Regeneration Act 1996.

Direct procurement for customers projects

3.—(1) A construction contract is excluded from the operation of Part II of the Act if it is a contract for the delivery of a direct procurement for customers project.

(2) A contract is a contract for the delivery of a direct procurement for customers project if all the following conditions are fulfilled—

- (a) it contains a statement that it is such a contract;
- (b) one of the parties to the contract is a sewerage undertaker or a water undertaker;

(1) 1996 c. 53; section 106A(1) was inserted by section 138(3) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20).