



Exemptions cheat sheet

Schools

This cheat sheet is a quick reference guide to the exemptions and differences for schools within the Procurement Act 2023.

In the Procurement Act “school” means:

- a. the governing body of a maintained school
(see section 19(1) of the Education Act 2002)
- b. the proprietor, within the meaning given by
section 579(1) of the Education Act 1996, of
an Academy within the meaning given by that
section
- c. the proprietor, within the meaning given by
section 579(1) of the Education Act 1996,
of a school that has been approved under
section 342 of that act
- d. the governing body, within the meaning
given by section 90 of the Further and
Higher Education Act 1992, of an institution
within the further education sector within the
meaning given by section 91 of that act
- e. the Board of Governors of a grant-aided
school within the meaning given by Article
2(2) of the Education and Libraries (Northern
Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

A reference to a contract awarded by a school includes a reference to a contract awarded wholly for the purposes of supplying goods, services or works to a pupil referral unit.

Scope, definitions and general principles

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| Below-threshold contracts (Part 6 - sections 84 to 88) | Are exempt from the rules governing regulated below-threshold contracts. |
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Transparency

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| Payments compliance notices (section 69) | Publishing a payments compliance notice does not apply to contracts awarded by a school. |
| Payments under public contracts (section 70) | The requirement to publish specified payment information where payments more than £30,000 are made does not apply under contracts awarded by a school. |

Procedures

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| N/A | N/A |
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Competitive flexible procedure

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| N/A | N/A |
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Frameworks and dynamic markets

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| N/A | N/A |
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Supplier selection

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| N/A | N/A |
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Assessment and award

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| N/A | N/A |
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Remedies, procurement oversight and the debarment list

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| N/A | N/A |
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Contract governance

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| Implied payment terms in public contracts (section 68) | The 30 day implied terms are not implied in contracts awarded by a school. |
| Payments compliance notices (section 69) | Publishing a payments compliance notice does not apply to contracts awarded by a school. |
| Information about payments under public contracts (section 70) | The requirement to publish specified payment information where payments more than £30,000 are made does not apply under contracts awarded by a school. |
| Implied payment terms in sub-contracts (section 73) | Payment terms are not implied into public sub-contracts that are for the purpose of performing (or contributing to the performance of) all or any part of a contract awarded by a school. |