



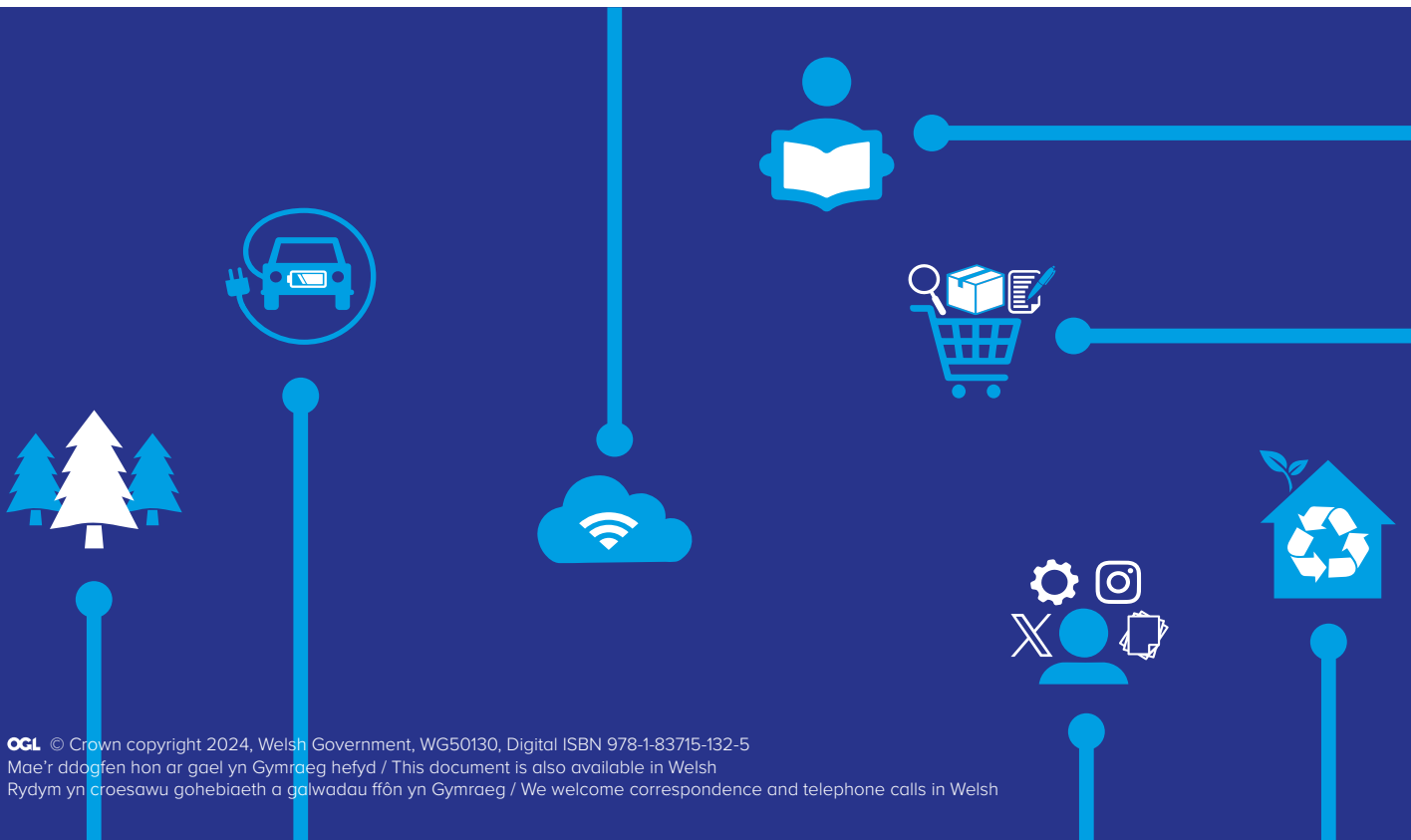
Llywodraeth Cymru  
Welsh Government

# Guidance

## Utilities Contracts

Annex B: Summary of utilities activities  
in the Procurement Act 2023

December 2024





## Guidance: Utilities Contracts

### Annex B: Summary of utilities activities in the Procurement Act 2023

| Sector       | Schedule 4 Utility activities  | Schedule 4 (Part 2) Excluded activities or Schedule 2 Exempted contracts  |
|--------------|--|---|
| Gas and heat | Schedule 4, paragraph 1 - the provision or operation of a fixed network for the provision of a service to the public in connection with the production, transport or distribution of gas or heat, and the supply of gas or heat to such a network. This is likely to be relevant to gas and heat transmission and distribution network businesses that provide a service to the public | Schedule 4, paragraph 1(2) - Supplies of gas or heat to a network that are not utility activities<br><br>Schedule 4, paragraph 11 - Wholesale or retail sale of gas in England, Scotland or Wales<br><br>Schedule 2, paragraph 33 - Utilities contracts for the supply of energy or fuel for production of energy   |
| Electricity  | Schedule 4, paragraph 2 - the provision or operation of a fixed network for the provision of a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such a network. This is likely to be relevant to electricity transmission and distribution network businesses that provide a service to the public    | Schedule 4, paragraph 2(2) - Supplies of electricity to a network that are not utility activities<br><br>Schedule 4, paragraphs 8 and 9 - Generation and production of electricity in England, Scotland or Wales<br><br>Schedule 4, paragraph 10- Wholesale or retail sale of electricity in England, Scotland or Wales<br><br>Schedule 2, paragraph 33 - Utilities contracts for the supply of energy or fuel for production of energy |
| Water        | Schedule 4, paragraph 3 - Provision or operation of a fixed network to provide a service to the public in connection with the production, transport or distribution of drinking water. This is likely to be relevant to regulated water and sewerage companies and regulated water companies]  | Schedule 2, paragraph 32 - Utilities contracts for the supply of water<br><br>Schedule 2, paragraph 35 - Concession contracts for the carrying out of water services  |





| <b>Sector</b>      | <b>Schedule 4 Utility activities</b>   | <b>Schedule 4 (Part 2) Excluded activities or Schedule 2 Exempted contracts</b>  |
|--------------------|--|--|
| Transport          | Schedule 4, paragraph 4 - Activities relating to the provision or operation of networks providing a service to the public in the field of transport by (i) railway; (ii) automated systems; (iii) tramway; (iv) trolley bus; (v) bus; or (vi) cable. | Schedule 2, paragraph 21 - Rail and metro regulated by DfT legislation<br><br>Schedule 2, paragraph 36 - Concession contracts for air services<br><br>Schedule 2, paragraph 37 - Concession contracts for public passenger transport services  |
| Ports and airports | Schedule 4, paragraph 5 - Activities relating to the provision of airports to carriers of passengers or goods by air or of ports (which would include maritime or inland ports) or other terminal facilities to carriers by sea or inland waterway   |  |
| Oil and gas        | Schedule 4, paragraph 6 - Extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels   | Schedule 4, paragraphs 12 and 13 - Exploration for oil and natural gas in England, Scotland or Wales<br><br>Schedule 4, paragraphs 14 and 15 - Production of oil and natural gas in England, Scotland or Wales<br><br>Schedule 4, paragraphs 16 and 17 - Development of infrastructure for production of oil and natural gas in England, Scotland or Wales<br><br>Schedule 2, paragraph 33 - Utilities contracts for the supply of energy or fuel for production of energy |

