



# Statutory Guidance: Contracts Register



## Introduction

1. Section 40 of the Social Partnership and Public Procurement (Wales) Act 2023 (the SPPP Act) requires Contracting Authorities to create, maintain and publish a Contracts Register (section 40(1)).
2. Section 40(2) explains that this Register must include public contracts, defined by the Welsh Ministers by regulations, which are known as “registrable contracts”.
3. Sub-section 40(3) sets out the information the Contracts Register must contain in relation to each registrable contract. This is:
  - a. the date of award of the contract;
  - b. the name of the contractor;
  - c. the address of the contractor’s principal place of business;
  - d. the subject-matter of the contract;
  - e. the estimated value of the contract;
  - f. the start date;
  - g. the end date provided for or, where there is no date specified, a description of the circumstances in which the contract will end;
  - h. the duration of any period for which the contract can be extended;
  - i. such other information as prescribed by the Welsh Ministers by regulation.
4. The purpose of the Contracts Register is to increase transparency of the registrable contracts that a Contracting Authority awards by providing data on each registrable contract.
5. Sub-section 40(4) permits a Contracting Authority to withhold information from publication of an entry, or part of an entry, in the register of a registrable contract, if it considers that publishing that information could be harmful.
6. Sub-section 40(5) states that an entry concerning a registrable contract may be deleted from the Contracts Register only after the contract which the information refers to has expired or been terminated.

## What are registrable contracts?

7. Regulation 5 of The Social Partnership and Public Procurement (Wales) Regulations 2026 (“the Regulations”), define a “registrable contract”:



—(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.

8. This Regulation has been drafted to maximise alignment between the SPPP Act and the Procurement Act 2023 (the PA 2023) where practicable.
9. This essentially means that if the PA 2023 requires the Contracting Authority to publish a Contract Details Notice, then that contract is a “registrable contract” in the SPPP Act. As such, registrable contracts entered into from the PA coming into force date which are not expired or terminated, need to be included in the Contracts Register.

## How can the contracts register be published?

10. Contracting Authorities must publish a Contracts Register that meets the requirements of section 40 of the SPPP Act and the Regulations. This can be achieved by the Contracting Authority publishing a Contracts Register on their organisational website, as long as it is compliant with section 40 of the SPPP Act and associated Regulations.
11. The Contracts Register should provide information in a form that can be easily accessed and interpreted by a member of the public without requiring log-in details or any other access restriction.
12. The Welsh digital platform (Sell2Wales) provides a function called the “contract register”, which Contracting Authorities can use to comply with the SPPP Act and Regulations in relation to the Contracts Register negating the need to maintain a separate register.



13. If the Welsh digital platform is used to create the contract register, a link to the contract register available on the Welsh Digital Platform should then also be provided on the Contracting Authority's website.
14. The contract register function in Sell2Wales ("S2W") works by automatically pulling information from the published Contracts Details Notice ("CDN"). The information within the CDN (as long as it completed correctly and compliantly) will meet the data requirements of section 40(3) of the SPPP Act. By using the contract register function in S2W the administrative burden on contracting authorities will be minimised, and prevent the necessity of duplicating information already provided under the PA 2023.
15. It should be noted, however, that the contract register function in S2W is not automatically switched on. A representative from the Contracting Authority who is a 'buyer controller', will need to switch on the function for the organisation. The contract register will then automatically be fed from the Contract Details Notices that have been published by the Contracting Authority.
16. Contracting Authorities should be aware that initially the contract register will be private, and that they will need to ensure that they have activated their public contract register. Making the contract register public is a requirement of the SPPP Act, which requires authorities to "publish" a contracts register (section 40(1) of the SPPP Act).
17. The Contracting Authority's representative, who has the appropriate access level (the "Controller"), will have to access the 'Amend Buyer Details' page and select the "On" button under 'Public Contracts Register' to ensure that the authority's register is public.
18. This public contract register can be searched by anyone. Registering on Sell2Wales is not required in order to access the contract register.

## Maintenance of the Contracts Register

19. Once a Contracting Authority has published its Contracts Register on Sell2Wales (or on its organisational website), this register must be maintained in accordance with section 40(1) of the SPPP Act, which places an obligation on authorities to maintain the Register.



20. Contracting Authorities will be required to review the Contracts Register regularly to ensure that:
- the relevant registrable contracts have been added to it,
  - the details for each registrable contract are accurate,
  - where information requires updating against a registrable contract, the authority must amend the appropriate entry as soon as is reasonably practicable.
21. Amending an entry can include, (but is not limited to): amending the contract value, updating the end date (especially if the extension period has been implemented), updating the address of the contractor's principal place of business etc.
22. With regards to the "contract register" function in S2W, only users who have the appropriate permissions can amend contracts on the register. Users will require "Contract Administrator" access which can be enabled for each user profile by a user in the Contracting Authority who has "Controller" access.
23. Once users have "Contract Administrator" access they can access all the authority's contracts on the register and amend them as necessary. They can also allocate "Administrators for this contract" status to other users which permits users from the Contracting Authority to amend specific contracts.
24. Please note that the "principal place of business" is the contractor's address as stated in the Contract Details Notice.

## Withholding or Deleting Information on the Register

25. Contracting Authorities may withhold from publication an entry, or part of an entry (concerning a registrable contract) in the Contracts Register, if it considers that publishing that information could be harmful (section 40(4)):
- '(40)(4) But an authority may withhold from publication an entry, or part of an entry, in the register if it considers that publishing it would—
- impede enforcement of the law or otherwise be contrary to the public interest,
  - prejudice the commercial interests of any person,



(c) prejudice fair competition between economic operators, or

(d) disclose a residential address (in the case of information referred to in subsection (3)(c)).'

26. If the Contracting Authority does decide to limit the information it publishes in relation to a registrable contract in the Contracts Register – or, if it decides not to publish an entry concerning a registrable contract – it should keep a record of its decision. This record should:

- a. include the rationale for withholding from publication part or all of the data relating to a registrable contract,
- b. cite any relevant legislation outside the SPPP Act that influenced the decision (e.g. UK General Data Protection Regulation (UK GDPR), the Procurement Act 2023 etc.),
- c. state if there is an intention to review the rationale at a later date, with the purpose of checking whether – depending on a change in the circumstances – either an entry can be published in relation to the registrable contract; or, if part of an entry has already been published, more details can be made available,
- d. include the names and job titles of the individuals who approved the decision.

27. The above list is not exhaustive and Contracting Authorities should be mindful that withholding part or all of the information on a registrable contract could be challenged, or further information sought through Freedom of Information requests. It is the Contracting Authority's responsibility to ensure that any decisions taken in respect of withholding publication of part, or all, of the data on a registrable contract in the Contracts Register, are compliant with any, or all, of the reasons stated in section 40(4) of the SPPP Act. The Contracting Authority is also responsible for ensuring that the final approval for any such decision is provided by individuals who have the appropriate authority, and/or clearance levels within their organisation.

28. If using the contract register function in S2W, when choosing to limit the amount of information provided for a registrable contract, authorities should remember that the register will be updated automatically when a Contract Details Notice is published. Therefore, the authority must consider that any information published in the Contracts Details Notice (including commercially sensitive information) will be replicated in the contract register.

29. The S2W contracts register function permits authorities to “hide” a contract from public view but not delete an entry. Instead, by hiding the relevant entry,



the contract will only be visible to users from their organisation. This can only be done once the contract is published on the register, so the authority will have to immediately go into the contracts register, access the details for that registrable contract and amend it so that it is hidden from the public register.

30. This ability to “hide” where appropriate in line with the SPPP Act, can also be used to “delete” an entry from the register in line with section 40(5) of the SPPP Act by hiding it from public view.
31. Section 40(5) of the SPPP Act states that an authority may delete an entry in the Contracts Register only after the contract it relates to has expired or been terminated. The ‘contract register’ function in Sell2Wales does not allow entries to be deleted, however they can be “hidden” (paragraph 29). In relation to “expired contracts”, once the end date has passed, the contract will not display on the contract register by default. Contracting Authorities however can choose to include expired contracts in the register.
32. However, if a contract is terminated before the end date, the Contracting Authority can choose to “hide” the contract so that it does not appear on the contract register. If an authority must terminate the contract, the ‘contract register’ function in Sell2Wales permits authorities to update the status of the contract to “terminated” and to also enter a reason for the termination.
33. Contracting Authorities should also keep a record of the reason for the termination of the registrable contract in their contract management documentation.
34. If an authority is using the contract register function in Sell2Wales, they should also state the reason for termination against the entry in the contract register in Sell2Wales, in addition to their own separate records.
35. This will ensure that registrable contracts under the SPPP Act are only hidden from view of the public contract register when appropriate (such as either expiry or termination). Providing the rationale for removing a contract will also enable the Contracting Authority to evidence that any contract hidden from the register was done in compliance with the PA 2023 and not outside the measures provided under that public procurement legislation.
36. When terminating a public contract, a ‘contract termination notice’ must be published by the Contracting Authority. The authority should refer to this published notice when updating the related entry in the contracts register, to



ensure consistency in data across the contracts register and published contract termination notice.

37. Guidance has been published on 'contract termination' under the PA 2023, which covers the grounds on which an authority may terminate a contract, and application of the contract termination notice.
38. When a contract has expired naturally (i.e. the contract's services/works/goods have been delivered), the 'contract register' function in Sell2Wales should automatically update providing that the authority has supplied the correct contract end date details against the registrable contract entry.
39. Sell2Wales has also published guidance concerning the contract register function. This guidance will be updated to reflect the PA 2023 notices. In the meantime, the guidance can be accessed here: [Contracts Register - Sell2Wales](#)