EXPLANATORY MEMORANDUM TO

THE BUYING AGENCY TRADING FUND (AMENDMENT) ORDER 2026

2026 No. 225

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Cabinet Office and is laid before the House of Commons by Command of His Majesty.

2. Declaration

2.1 Chris Ward MP, Parliamentary Secretary at the Cabinet Office confirms that this Explanatory Memorandum meets the required standard.

2.2 George Last, Director for Strategy, Policy and Governance, at the Crown Commercial Service confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Michaela Martin can be contacted by email at the following address with any queries regarding the instrument: ccs.governance@crowncommercial.gov.uk. Alternatively, the department can be contacted by telephone: 0345 410 2222.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument amends the Buying Agency Trading Fund Order 1991 ("the 1991 Order") to change the name of the Trading Fund from the Crown Commercial Service Trading Fund to the Government Commercial Agency Trading Fund.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 The 1991 Order established a trading fund to finance the specified operations of the Buying Agency. Since 1991, successive changes to the name of the Trading Fund have been made to reflect changes to the name of the body financed by it. This instrument makes a further change to the name of the Trading Fund.

5.2 This instrument also revokes the Buying Agency Trading Fund (Amendment) Order 2014.

What was the previous policy, how is this different?

5.3 As part of wider Civil Service Reform, the Cabinet Office Futures Programme and the wider government ALB (Arm's-length Body) review announced in April 2025, the

Cabinet Office has reviewed its scope and that of its ALBs. Following this review, it was agreed that operational commercial teams in the Cabinet Office should move out of the department and join the Crown Commercial Service to bring about improvements to commercial and procurement activity across the public sector. To reflect this change, the name of the organisation is also being changed from the Crown Commercial Service Trading Fund to the Government Commercial Agency Trading Fund.

6. Legislative and Legal Context

How has the law changed?

6.1 The enabling act is the Government Trading Funds Act 1973. The 1991 Order established the Buying Agency Trading Fund, which later became known as OGCbuying.solutions Trading Fund, followed by Buying Solutions Trading Fund, the Government Procurement Service Trading Fund and, most recently, the Crown Commercial Service Trading Fund. The 1991 Order is amended by this instrument. The purpose of this amending instrument is to change the name of the Trading Fund to the Government Commercial Agency Trading Fund.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There has been no consultation outside Government as this instrument effects a name change only.

8. Applicable Guidance

8.1 Information for buyers (contracting authorities) and suppliers concerning this change will be available via relevant pages on gov.uk.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there will be no or low impact from the change in the name of the organisation.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument effects a name change only.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this instrument effects a name change only.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There are no plans to subject the change to monitoring or review, as the need for a further change will only arise if the name of the Trading Fund is changed again, in which case appropriate further action will be taken.

10.2 The instrument does not include a statutory review clause as the instrument is not making regulatory provision in relation to a qualifying activity, and therefore section 28 of the Small Business, Enterprise and Employment Act 2015 does not apply.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).