EXPLANATORY MEMORANDUM TO

THE WHOLE OF GOVERNMENT ACCOUNTS (DESIGNATION OF BODIES) (NO. 2) ORDER 2022

2022 No. 1325

1. Introduction

1.1 This explanatory memorandum has been prepared by HM Treasury and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The Whole of Government Accounts (Designation of Bodies) (No.2) Order 2022 ("the Order") identifies bodies to be included in the consolidated Whole of Government Accounts for the year ending 31st March 2022. Designating these bodies enables the Treasury to require them to provide the necessary audited financial information, in a specified form and to a specified timescale, for the preparation of the Whole of Government Accounts.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

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

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

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Section 9(1) of the Government Resources and Accounts Act 2000 ("the GRAA") requires the Treasury to prepare "Whole of Government Accounts" for a group of bodies that appears to the Treasury to exercise functions of a public nature or to be entirely or substantially funded from public money. In practice, the Treasury primarily include bodies in the accounts based on their classification to the public sector by the Office for National Statistics for National Accounts purposes. On this basis, the accounts include bodies within the central government, devolved administrations, local government, public corporations and health sectors during the period covered by the accounts.

6.2 Where the Treasury intend the Whole of Government Accounts for a financial year to relate in part to a particular body which falls within section 9(1) of the GRAA, section 10(1) of that Act enables the Treasury by order to designate that body. A body

designated in this way must provide the Treasury with information in accordance with section 10(2) and (3) of the GRAA.

6.3 The composition of central government, local government and public corporations changes each year as bodies are created, merged or dissolved. Therefore, a designation order must be made annually under section 10(1) of the GRAA in respect of each set of accounts to reflect the bodies for the period covered by the accounts.

6.4 Section 9(4) of the GRAA requires the Treasury to prepare accounts that present a true and fair view and conforms to generally accepted accounting practice (subject to such adaptations as are necessary in the context).

6.5 Health trusts are not included in the Order since the audited financial information they are required to provide to the Department of Health and Social Care for the purposes of producing the Department of Health and Social Care's annual resource accounts is also used for Whole of Government Accounts purposes.

6.6 Northern Ireland Bodies that are subject to the requirements of the Government Resources and Accounts (Northern Ireland) Act 2001 are designated by the Northern Ireland Department of Finance.

6.7 Bodies whose activities are confined to Scotland are also not covered by the Order. The Scottish Government relies either on administrative powers or the Public Finance and Accountability Act (Scotland) 2001 to collect audited financial information from them.

7. Policy background

What is being done and why?

7.1 Parliament originally requested consolidated accounts for central government in the 1994-95 parliamentary session (Public Accounts Committee Fifteenth Report, Session 1994-95).

7.2 In July 1998, the Treasury published a scoping study report into the development of consolidated public sector accounts. The report concluded that Government should aim to develop a fully-audited set of accounts based on Generally Accepted Accounting Practice adapted as necessary for the public sector context with the approval of the Financial Reporting Advisory Board, and covering the whole of the public sector as far as practically possible. The reasons for preparing the Whole of Government Accounts include providing better transparency and accountability to Parliament, as well as improved information for fiscal policy.

7.3 Sections 9 to 11 of the GRAA provide the statutory framework for preparing Whole of Government Accounts, obtaining the necessary information, and for scrutiny by the Comptroller and Auditor General ("C&AG").

7.4 The C&AG qualified the Whole of Government Accounts for 2019-20 ("WGA 2019-20") on a number of grounds including a disagreement regarding the definition and application of the boundary of the accounts, in particular the exclusion of public sector banks and other bodies.

7.5 The Treasury has decided to exclude NatWest Group on the basis that the inclusion of their figures would materially distort the position of the public sector as represented in the Whole of Government Accounts, and the intent is to hold them on a temporary basis.

7.6 The C&AG also qualified WGA 2019-20 on grounds of: the inconsistent application of accounting policies relating to local government and Environment Agency infrastructure assets; consolidation of components with non-coterminous year ends; and disagreement and limitation in audit scope from underlying statutory audits of bodies falling within the boundary of the Whole of Government Accounts. The Treasury continues to work towards removing these qualifications.

7.7 The audit of the WGA 2019-20 is complete and the full audited account was published on 6th of June 2022.

7.8 The 2020-21 Whole of Government Accounts have yet to be published and are in the process of being prepared.

7.9 The Annex provides further information on the bodies which were added, removed or whose names have changed for the Order.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not relevant because the Order relates to a single financial year.

10. Consultation outcome

10.1 The Treasury has made a decision to designate bodies for inclusion in the Order following consultation with government departments, local authorities and the Welsh Administration.

11. Guidance

11.1 Guidance is not required.

12. Impact

12.1 The impact on business, charities or voluntary bodies is negligible.

12.2 The impact on the public sector is limited. The majority of information required by the Treasury is largely the same as each body produces for its own accounts and is also audited by its existing auditors. The additional work for most bodies is restricted to identifying the in-year transaction streams and year-end balances with other bodies within the boundary of the Whole of Government Accounts. These must be cancelled out so that the result and year-end position of the whole of government are presented as if it were a single entity.

12.3 An Impact Assessment has not been prepared for this instrument because of its low-level impact on the public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that His Majesty's Treasury and the National Audit Office will monitor compliance with the requirements of this

instrument. Review by those same bodies will inform the lists included in similar instruments for subsequent years.

14.2 The instrument does not include a statutory review clause.

15. Contact

15.1 Matthew Rowe, Head of WGA, Government Financial Reporting at the His Majesty's Treasury, email: Matthew.Rowe@hmtreasury.gov.uk can be contacted with any queries regarding the instrument.

15.2 Michael Sunderland, Deputy Director, Public Spending Group at His Majesty's Treasury can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Chief Secretary at His Majesty's Treasury can confirm that this Explanatory Memorandum meets the required standard.

ANNEX

This Annex provides a summary of changes to the Order as compared with the Whole of Government Accounts (Designation of Bodies) Order 2022.

Bodies added:

AWE plc
Bulb Energy Limited
Government Facility Services Limited
Homes England
Independent Monitoring Authority for the Citizens' Rights Agreements
Located Property Limited
North Northamptonshire Council
Office for Environmental Protection
Office of the Children's Commissioner
Train Fleet (2019) Limited
UK Infrastructure Bank
West Northamptonshire Council

Bodies removed:

Corby Borough Council
Daventry District Council
East Northamptonshire District Council
Homes and Communities Agency
Kettering Borough Council
LLW Repository Limited
Northampton Borough Council
South Northamptonshire Council
South Tees Site Company Limited
Wellingborough Borough Council

Bodies renamed:

2020-21 Designation Order	**2021-22 Designation Order**
Highways England Company Ltd	National Highways Limited
Ministry of Housing, Local Government and Communities	Department for Levelling Up, Housing and Communities
Commonwealth Development Corporation	British International Investment