EXPLANATORY MEMORANDUM TO

THE WHOLE OF GOVERNMENT ACCOUNTS (DESIGNATION OF BODIES) ORDER 2018

2018 No. 1282

1. Introduction

1.1 This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Whole of Government Accounts (Designation of Bodies) Order 2018 ("the Order") identifies bodies to be included in the consolidated Whole of Government Accounts for the year ending 31 March 2018. 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.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument 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 ("ONS") 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 total number of 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 for the purposes of producing the Department of Health'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 and Personnel.

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 2016-17 ("WGA 2016-17") 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 chosen to exclude the Royal Bank of Scotland 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 2016-17 on grounds of: the inconsistent application of accounting policies relating to local government 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 Whole of Government Accounts for 2016-17 is complete and the full audited account was published on 28 June 2018.

7.8 The Annex provides further information on the bodies which were added, removed and names changed for the Order.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

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 Her 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 Kevin Pertaub at the Her Majesty's Treasury Telephone: 0207 2704376 or email: Kevin.Pertaub@hmtreasury.gov.uk can be contacted with any queries regarding the instrument.

15.2 Vicky Rock, Deputy Director for Whole of Government Accounts at Her Majesty's Treasury can confirm that this Explanatory Memorandum meets the required standard.

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

ANNEX

This Annex provides a summary of the changes to the Order as compared with the Whole of Government Accounts (Designation of Bodies) Order 2017.

Bodies added:

Arts Council of England Lottery
BPDTS Limited
Cornwall and Isles of Scilly Investments Limited
Dounreay Site Restoration Limited
Ebbsfleet Development Corporation
Institute for Apprenticeships
Judicial Appointments Commission
Legal Services Board
LLW Repository Limited
Magnox Limited
National Physics Laboratory
NHS Counter Fraud Authority
Nuclear Liabilities Fund
Nursing and Midwifery Council
Office for Legal Complaints
Office for Students
Small Business Commissioner
Social Work England
The English Sports Council Lottery
The Housing Ombudsman
The Leasehold Advisory Service
UK Government Investments Ltd
UK Green Infrastructure Platform Limited
UK Sport Lottery
West of England Combined Authority

Bodies removed:

Guaranteed Export Finance Corporation
Office of the Chief Inspector of the UK Border Agency
Judicial Appointments and Conduct Ombudsman
National Lottery Commission
The Film Industry Training Board for England and Wales
UK Commission for Employment and Skills
West Northamptonshire Development Corporation
Dartmoor National Park Authority
North York Moors National Park Authority
Northumberland National Park Authority
Pembrokeshire Coast National Park Authority

Bodies renamed:

2017 Designation Order	2018 Designation Order
Care Council for Wales	Social Care Wales
Department for Communities and Local Government	Ministry of Housing, Communities and Local Government
Department of Health	Department of Health and Social Care
Gangmasters Licensing Authority	Gangmasters and Labour Abuse Authority
Her Majesty's Inspectorate of Constabulary	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
Independent Police Complaints Commission	Independent Office for Police Conduct
Postal Services Holding Company plc	Postal Services Holding Company Limited
South Downs National Park	South Downs National Park Authority
Sports Council for Wales	Sport Wales
Technology Strategy Board	The Technology Strategy Board
Office of the Information Commissioner	Information Commissioner
Merton Borough Council	Merton London Borough Council