

**EXPLANATORY MEMORANDUM TO**  
**THE BUYING AGENCY TRADING FUND (AMENDMENT) ORDER 2009**  
**2009 No. 647**

1. 1.1 This explanatory memorandum has been prepared by OGCbuying.solutions and is laid before the House of Commons by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The amendments to the Buying Agency Trading Fund Order 1991 are being made to change the name of the Trading Fund from OGCbuying.solutions to Buying Solutions.

**3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 The enabling act is the Government Trading Funds Act 1973. The Buying Agency Trading Fund Order 1991 established the Buying Agency Trading Fund, which later become known as OGCbuying.solutions. This Order has now been amended by the Buying Agency Trading Fund (Amendment) Order 2009. The purpose of this amended Order is to change the name of the Trading Fund to Buying Solutions.

**5. Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

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

**7. Policy background**

• *What is being done and why*

7.1 The Buying Agency Trading Fund Order 1991 established the body that became OGCbuying.solutions as a trading fund and set out which of the agency's operations were to be funded by the operations of the Trading Fund.

7.2 The change in name to Buying Solutions is necessary in order for the organisation to differentiate itself from the Office of Government Commerce

(“OGC”), clarify the respective roles of both bodies and increase the organisation’s relevance to the wider public sector.

- ***Consolidation***

7.3 This Order amends the name of the Trading Fund to Buying Solutions and also revokes an earlier amending Order that changed the original name of the Trading Fund to OGCbuying.solutions.

## **8. Consultation outcome**

### **8.1 Phase one – April/May 2007**

A joint study was undertaken with OGC which included consulting members of the OGCbuying.solutions Executive Board, key members of staff, OGC Executives, OGC employees, HM Treasury, eleven key customers from Central and Civil Government and the wider public sector. Seven suppliers were also interviewed in depth.

The main objective of the research was to create and realise a brand strategy for both OGC and OGCbuying.solutions, recognising that both organisations are going through a significant period of change following the Transforming Government Procurement Initiative.

The outcome showed that there is considerable confusion between OGC and OGCbuying.solutions and their individual remits. A naming brief was recommended to explore alternative names and visual identities.

### **8.2 Phase two – April 2008**

After development of a range of alternative names, thirteen customer and three supplier depth interviews were held combined with four OGCbuying.solutions staff focus groups in Norwich and Liverpool.

The outcome of the research into these names was presented to the OGCbuying.solutions’ Executive Board along with recommendations. The Board decided to retain the Buying Solutions portion of the original name and separate its identity from OGC. This decision was subsequently approved by the Chief Executive of OGC and HMT.

## **9. Guidance**

9.1 We will inform customers and suppliers when the Order has been laid and explain what these changes mean to them. In addition to formal written notification this will include a press release with supporting marketing activity to make both customers and suppliers aware of the change to the name.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is minimal.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument. There will be no significant impact on the markets.

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 The outcome will be subject to internal review as and when required and the legislation may be amended accordingly.

**13. Contact**

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[david.murray@ogcbs.gsi.gov.uk](mailto:david.murray@ogcbs.gsi.gov.uk) can answer any queries regarding the instrument.