



# Statistics and Registration Service Act 2007

## 2007 CHAPTER 18

### PART 1

#### THE STATISTICS BOARD

##### *The Statistics Board*

#### **1 Establishment**

- (1) There is to be a body corporate to be known as the Statistics Board (in this Part called “the Board”).
- (2) In Gaelic the Board is to be known as Am Bòrd an Staitistig.
- (3) In Welsh the Board is to be known as Y Bwrdd Ystadegau.

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#### **Commencement Information**

**II** S. 1 in force at 1.12.2007 by S.I. 2007/3388, art. 2(a)

#### **2 Status**

- (1) The Board is to exercise its functions on behalf of the Crown.
- (2) Accordingly, the property, rights and liabilities of the Board are property, rights and liabilities of the Crown.

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#### **Commencement Information**

**I2** S. 2 in force at 1.12.2007 by S.I. 2007/3388, art. 2(a)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

## *Members and staff*

### **3 Members**

- (1) The Board is to consist of executive and non-executive members.
- (2) The non-executive members are to be—
  - (a) the chairman, appointed by Her Majesty, and
  - (b) at least five other persons appointed by the Minister for the Cabinet Office.
- (3) Before appointing any person under subsection (2)(b) the Minister for the Cabinet Office must consult the chairman.
- (4) The persons appointed under subsection (2)(b) must include—
  - (a) one person who is appointed by the Minister for the Cabinet Office after consulting the Scottish Ministers,
  - (b) one person who is appointed by the Minister for the Cabinet Office after consulting the Welsh Ministers, and
  - (c) one person who is appointed by the Minister for the Cabinet Office after consulting the Department of Finance and Personnel for Northern Ireland.
- (5) The Minister for the Cabinet Office may, after consulting the chairman, designate one of the non-executive members appointed under subsection (2)(b) as deputy chairman.
- (6) The executive members are to be—
  - (a) the National Statistician (see section 5), and
  - (b) two other employees of the Board, appointed by the non-executive members.
- (7) A person may not be both a non-executive member of the Board and an employee of the Board.

#### **Commencement Information**

**I3** S. 3 in force at 1.12.2007 by S.I. 2007/3388, art. 2(a)

### **4 Non-executive members**

- (1) A non-executive member of the Board is to be appointed—
  - (a) for at least one and no more than five years, and
  - (b) on such other terms and conditions as the person making the appointment thinks fit.
- (2) A non-executive member is to hold and vacate office in accordance with the terms and conditions of his appointment, subject as follows.
- (3) A non-executive member may resign at any time by notice in writing to the Minister for the Cabinet Office.
- (4) The person appointing a non-executive member may dismiss him by notice in writing on the grounds that—
  - (a) the member has been absent from meetings of the Board without permission of the Board for a period of more than three months,

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- (b) the member is the subject of a bankruptcy restrictions order [<sup>F1</sup>or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986],
  - (c) the member has had his estate sequestrated in Scotland or, under Scots law, has made a composition or arrangement with, or granted a trust deed for, his creditors,
  - (d) the member is unfit for office by reason of misconduct,
  - (e) the member has failed to comply with the terms of his appointment, or
  - (f) the member is otherwise unable, unfit or unwilling to perform his functions.
- (5) Where—
- (a) a non-executive member ceases to be a member otherwise than on the expiry of his term of office, and
  - (b) it appears to the Minister for the Cabinet Office that there are circumstances which make it right for him to receive compensation,
- the Board may pay him compensation of an amount approved by the Minister for the Cabinet Office.
- (6) A person who has ceased to be a non-executive member is eligible for re-appointment (on any number of occasions).

#### Textual Amendments

- F1** Words in s. 4(4)(b) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 60** (with arts. 5, 6)

#### Commencement Information

- I4** S. 4 in force at 1.12.2007 by [S.I. 2007/3388](#), **art. 2(a)**

## 5 Executive members and other staff

- (1) The Board is to have—
- (a) an officer known as the National Statistician, and
  - (b) an officer known as the Head of Assessment.
- (2) The National Statistician is to be—
- (a) appointed by Her Majesty, and
  - (b) employed by the Board on the terms and conditions of his appointment (which may include provision relating to dismissal).
- (3) The Head of Assessment is to be—
- (a) appointed by the non-executive members of the Board, and
  - (b) employed by the Board on the terms and conditions of his appointment.
- (4) The Board is to have such other employees as it may appoint.
- (5) The persons appointed under subsection (4) are to be employed on the terms and conditions of their appointment.
- (6) The Board may only appoint persons under subsection (4) with the approval of the Minister for the Civil Service as to numbers and terms and conditions of employment.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (7) Service as an employee of the Board is service in the civil service of the State.
- (8) The employees of the Board who are appointed members of the Board under section 3(6)(b) are to hold office as members in accordance with the terms and conditions of their appointment as members.

#### Commencement Information

**I5** S. 5 in force at 1.12.2007 by S.I. 2007/3388, art. 2(a)

### *Official statistics: introductory*

## 6 Official statistics

- (1) In this Part “official statistics” means—
- (a) statistics produced by—
    - (i) the Board,
    - (ii) a government department,
    - (iii) the Scottish Administration,
    - (iv) a Welsh ministerial authority,
    - (v) a Northern Ireland department, or
    - (vi) any other person acting on behalf of the Crown, and
  - (b) such other statistics as may be specified by order by—
    - (i) a Minister of the Crown,
    - (ii) the Scottish Ministers,
    - (iii) the Welsh Ministers, or
    - (iv) a Northern Ireland department.
- (2) An order under subsection (1)(b) may in particular specify all, or a description of, the statistics produced or to be produced by a particular person or description of person.
- (3) Before making an order under subsection (1)(b) an authority referred to in that provision must consult the Board.
- (4) The Board must, at least once every financial year, publish a list of statistics which are at the time of publication official statistics by virtue of subsection (1)(b).
- (5) In this Part “Welsh ministerial authority” means any of the following—
- (a) the Welsh Ministers;
  - (b) the First Minister for Wales;
  - (c) the Counsel General to the Welsh Assembly Government.

#### Commencement Information

**I6** S. 6 in force at 1.12.2007 by S.I. 2007/3388, art. 2(a)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

## 7 Objective

- (1) In the exercise of its functions under sections 8 to 21 the Board is to have the objective of promoting and safeguarding the production and publication of official statistics that serve the public good.
- (2) In subsection (1) the reference to serving the public good includes in particular—
  - (a) informing the public about social and economic matters, and
  - (b) assisting in the development and evaluation of public policy.
- (3) The Board is accordingly, in the exercise of its functions under sections 8 to 21, to promote and safeguard—
  - (a) the quality of official statistics,
  - (b) good practice in relation to official statistics, and
  - (c) the comprehensiveness of official statistics.
- (4) In this Part references to the quality of any official statistics includes—
  - (a) their impartiality, accuracy and relevance, and
  - (b) their coherence with other official statistics.
- (5) In this Part references to good practice in relation to official statistics includes ensuring their accessibility.

### Commencement Information

**I7** S. 7 in force at 1.12.2007 by S.I. 2007/3388, art. 2(a)

### *General functions relating to official statistics*

## 8 Monitoring and reporting of official statistics

- (1) The Board is to monitor the production and publication of official statistics.
- (2) The Board may report any concerns it has about—
  - (a) the quality of any official statistics,
  - (b) good practice in relation to any official statistics, or
  - (c) the comprehensiveness of any official statistics,to the person responsible for those statistics.
- (3) The Board may publish its findings or any report under this section.

### Commencement Information

**I8** S. 8 in force at 1.4.2008 by S.I. 2008/839, art. 2

## 9 Definitions etc for official statistics

- (1) The Board is to—
  - (a) develop and maintain definitions, methodologies, classifications and standards for official statistics, and

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- (b) promote their use in relation to official statistics.
- (2) The Board may in particular for the purposes of this section give guidance and advice to persons responsible for official statistics.
- (3) The Board may publish guidance and advice given under this section.

**Commencement Information**

**19** S. 9 in force at 1.4.2008 by S.I. 2008/839, art. 2

*National Statistics*

**10 Code of Practice for Statistics**

- (1) The Board is to prepare, adopt and publish a Code of Practice for Statistics.
- (2) The Board may at any time revise the Code and, if it decides to do so, must publish the Code as revised.
- (3) In preparing or revising the Code the Board must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Department of Finance and Personnel for Northern Ireland, and
  - (d) such other persons as it thinks fit.

**Commencement Information**

**110** S. 10 in force at 1.12.2007 by S.I. 2007/3388, art. 2(b)

**11 Pre-release access**

- (1) The Code of Practice for Statistics under section 10 may not deal with any matter relating to the granting of pre-release access to official statistics.
- (2) The appropriate authority may for the purposes of the Code by order provide for rules and principles relating to the granting of pre-release access to official statistics.
- (3) The Code shall apply in relation to any official statistics as if it included any rules and principles provided for in relation to those statistics under subsection (2).
- (4) The rules and principles which may be provided for under subsection (2) include rules and principles as to—
  - (a) the circumstances in which, or descriptions of statistics in relation to which, pre-release access may or may not be granted;
  - (b) the persons or descriptions of person to whom pre-release access may be granted;
  - (c) the period, or maximum period, during which pre-release access may be so granted;
  - (d) the conditions subject to which pre-release access may be so granted.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (5) Those rules and principles may—
  - (a) make different provision for different cases, and
  - (b) allow for the exercise of discretion by persons responsible for official statistics.
- (6) In this section “appropriate authority” means—
  - (a) the Minister for the Cabinet Office, except in a case falling within paragraphs (b) to (d);
  - (b) the Scottish Ministers, in relation to official statistics that are wholly Scottish devolved statistics;
  - (c) the Welsh Ministers, in relation to official statistics that are wholly Welsh devolved statistics;
  - (d) the Department of Finance and Personnel for Northern Ireland, in relation to official statistics that are wholly Northern Ireland devolved statistics.
- (7) Before making an order under subsection (2) the appropriate authority must consult—
  - (a) the other persons referred to in subsection (6)(a) to (d), and
  - (b) the Board.
- (8) In this section “pre-release access”, in relation to official statistics, means access to the statistics in their final form prior to publication.

#### **Commencement Information**

**III** S. 11 in force at 1.12.2007 by S.I. 2007/3388, art. 2(b)

## **12 Assessment**

- (1) At the request of the appropriate authority the Board must, in accordance with this Part, assess and determine whether the Code of Practice for Statistics under section 10 has been complied with in relation to any official statistics.
- (2) If under subsection (1) the Board determines that the Code has been complied with, it must designate the statistics as “National Statistics”; but otherwise it must decline so to designate them.
- (3) A request under subsection (1) may not be withdrawn.
- (4) The person responsible for any official statistics in relation to which an assessment is being made under subsection (1) must provide the Board with such information about the statistics as it may reasonably require.
- (5) The Board must publish the results of any assessment under subsection (1).
- (6) The Board may in exercising its functions under subsection (1) take into account information or advice received from any person.
- (7) In subsection (1) the “appropriate authority” in relation to any official statistics is a Minister of the Crown, subject to the following—
  - (a) the National Statistician is the appropriate authority in relation to statistics produced by the Board;

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- (b) the Scottish Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Scottish devolved statistics;
  - (c) the Welsh Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Welsh devolved statistics;
  - (d) any Northern Ireland department is the appropriate authority in relation to official statistics not produced by the Board which are Northern Ireland devolved statistics.
- (8) For the purposes of this Part, any official statistics designated as National Statistics before the commencement of this section shall be regarded as having been so designated under this section.

#### Commencement Information

**I12** S. 12 in force at 1.4.2008 by S.I. 2008/839, art. 2

### 13 Duty to continue to comply with Code

- (1) The person producing any official statistics which are designated under section 12 as National Statistics must ensure that the Code of Practice for Statistics under section 10 continues to be complied with in relation to the statistics.
- (2) Failure to comply with subsection (1) in relation to any statistics means that the designation of the statistics as National Statistics may not be confirmed under section 14 (but no action shall lie in relation to any such failure).

#### Commencement Information

**I13** S. 13 in force at 1.4.2008 by S.I. 2008/839, art. 2

### 14 Re-assessment

- (1) The Board must, in accordance with this Part, assess and determine whether the Code of Practice for Statistics under section 10 continues to be complied with in relation to statistics already designated as National Statistics under section 12.
- (2) If under subsection (1) the Board determines that the Code continues to be complied with in relation to any statistics already designated as National Statistics under section 12, it must confirm their designation as National Statistics; but otherwise it must cancel their designation.
- (3) The person responsible for any official statistics in respect of which an assessment is being made under subsection (1) must provide the Board with such information about the statistics as it may reasonably require.
- (4) The Board may in exercising its functions under subsection (1) take into account information or advice received from any person.
- (5) The Board must publish the results of any assessment under subsection (1).
- (6) The designation of any statistics as National Statistics may not be cancelled except pursuant to a determination under subsection (1).



*Status: Point in time view as at 31/12/2020.*

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**Commencement Information**

**I14** S. 14 in force at 1.4.2008 by S.I. 2008/839, art. 2

**15 Programme of assessment**

- (1) The Board must prepare and publish a programme for the assessment and re-assessment of statistics under sections 12(1) and 14(1).
- (2) The Board may at any time revise the programme and, if it decides to do so, must publish the programme as revised.

**Commencement Information**

**I15** S. 15 in force at 1.4.2008 by S.I. 2008/839, art. 2

**16 Requests for assessment: supplementary**

- (1) Where in the case of any official statistics other than statistics produced by the Board—
  - (a) the appropriate authority has not under section 12(1) requested the Board to assess and determine whether the Code of Practice for Statistics has been complied with, and
  - (b) the Board is of the view that it would be appropriate for it to do so, the Board must notify the appropriate authority accordingly.
- (2) Where the appropriate authority is a Minister of the Crown, the Board must lay a copy of its notification under subsection (1) before Parliament.
- (3) A Minister of the Crown, on receiving notification under subsection (1), must provide the Board with—
  - (a) a statement that he intends to make a request under section 12(1) in relation to the statistics, or
  - (b) a statement that he does not intend to make such a request, and must lay a copy of the statement before Parliament.
- (4) A statement under subsection (3)(a) must include a timetable for making the request.
- (5) A statement under subsection (3)(b) must give reasons for not making the request.
- (6) Where the National Statistician determines not to make a request under section 12(1) in relation to any official statistics produced by the Board, he must—
  - (a) make a statement that he does not intend to make such a request, giving reasons, and
  - (b) lay a copy of the statement before Parliament.
- (7) In this section “appropriate authority” has the same meaning as in section 12(1).

**Commencement Information**

**I16** S. 16 in force at 1.4.2008 by S.I. 2008/839, art. 2

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

## 17 Principles and procedures

- (1) The Board must prepare and publish a statement of—
  - (a) the principles to which it will have regard, and
  - (b) the procedures which it will adopt,
 in exercising its functions under sections 12(1) and 14(1).
- (2) The Board may at any time revise the statement under subsection (1) and, if it decides to do so, must publish the statement as revised.
- (3) In preparing or revising the statement under subsection (1) the Board must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Department of Finance and Personnel for Northern Ireland, and
  - (d) such other persons as it thinks fit.

### Commencement Information

**I17** S. 17 in force at 1.4.2008 by S.I. 2008/839, art. 2

## 18 List of National Statistics

The Board must, at least once every financial year, publish a list of statistics which are at the time of publication designated as National Statistics under this Part.

### Commencement Information

**I18** S. 18 in force at 1.4.2008 by S.I. 2008/839, art. 2

## 19 Code: transitional

- (1) In this section—
  - (a) “the interim period” means the period after the Board is established under section 1 but before the Board has adopted and published a Code under section 10(1), and
  - (b) “the existing Code” means the National Statistics Code of Practice existing at the time of the commencement of this section.
- (2) During the interim period the Board is to maintain the existing Code.
- (3) The Board may at any time during the interim period revise the existing Code and, if it decides to do so, must publish that Code as revised.
- (4) The Board may not under subsection (3) make any revision relating to pre-release access to official statistics (within the meaning of section 11).
- (5) Sections 11(2) to (7), 12 and 14 apply during the interim period in relation to the existing Code as they apply in relation to the Code under section 10.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

#### Commencement Information

**I19** S. 19 in force at 1.4.2008 by S.I. 2008/839, art. 2

### *Production of statistics*

## **20 Production of statistics**

- (1) The Board may itself produce and publish statistics relating to any matter relating to the United Kingdom or any part of it.
- (2) The Board may at any time publish information or give advice on statistics produced under subsection (1).
- (3) The Board may not without the consent of the Scottish Ministers produce and publish Scottish devolved statistics.
- (4) The Board may not without the consent of a Welsh ministerial authority produce and publish Welsh devolved statistics.
- (5) The Board may not without the consent of the appropriate Northern Ireland department produce and publish Northern Ireland devolved statistics.

#### Commencement Information

**I20** S. 20 in force at 1.4.2008 by S.I. 2008/839, art. 2

## **21 Retail prices index**

- (1) The Board must under section 20—
  - (a) compile and maintain the retail prices index, and
  - (b) publish it every month.
- (2) Before making any change to the coverage or the basic calculation of the retail prices index, the Board must consult the Bank of England as to whether the change constitutes a fundamental change in the index which would be materially detrimental to the interests of the holders of relevant index-linked gilt-edged securities.
- (3) If the Bank of England considers that the change constitutes a fundamental change in the index which would be materially detrimental to the interests of the holders of relevant index-linked gilt-edged securities, the Board may not make the change without the consent of the Chancellor of the Exchequer.
- (4) In this section —

“index-linked gilt-edged securities” means securities issued under section 12 of the National Loans Act 1968 (c. 13) the amount of the payments under which is determined wholly or partly by reference to the retail prices index;

“relevant index-linked gilt-edged securities” means index-linked gilt-edged securities issued before the commencement of this section subject to a prospectus containing provision relating to early redemption in the event of a change to the retail prices index;

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“retail prices index” means the United Kingdom General Index of Retail Prices.

**Commencement Information**

**I21** [S. 21](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

*Additional statistical functions*

**22 Statistical services**

- (1) The Board may provide statistical services to any person in any place within or outside the United Kingdom.
- (2) The services which may be provided under this section include in particular—
  - (a) providing information, advice and technical assistance in relation to statistics;
  - (b) providing quality assessment in relation to statistics;
  - (c) conducting statistical surveys and analysis;
  - (d) collecting, adapting and developing data.

**Commencement Information**

**I22** [S. 22](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

**23 Statistical research**

The Board may promote and assist statistical research, in particular by providing access (where it may lawfully do so) to data held by it.

**Commencement Information**

**I23** [S. 23](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

**24 Delegated functions**

- (1) A Minister of the Crown may by order delegate to the Board any of his functions relating to the production of statistics.
- (2) A Welsh ministerial authority may by order delegate to the Board any of the authority's functions relating to the production of statistics.
- (3) A Northern Ireland department may by order delegate to the Board any of its functions relating to the production of statistics.
- (4) An order under this section may include consequential or incidental provision (including provision amending any enactment).

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

**Commencement Information**

**I24** S. 24 in force at 1.12.2007 by S.I. 2007/3388, art. 2(c)

*Census etc*

**25 Census etc**

- (1) The functions of the Registrar General for England and Wales under the enactments specified in subsection (2) are transferred to the Board.
- (2) Those enactments are—
  - (a) the Census Act 1920 (c. 41) (censuses);
  - (b) section 19 of the Registration Service Act 1953 (c. 37) (annual abstract of number of births, deaths and marriages);
  - (c) paragraph 5(a) and (c) of Schedule 1 to the Parliamentary Constituencies Act 1986 (c. 56) (function as assessor to Boundary Commission for England and Boundary Commission for Wales).
- (3) Schedule 1 (which makes consequential and supplementary provision relating to the transfer of functions under subsection (1)) has effect.

**Commencement Information**

**I25** S. 25 in force at 1.4.2008 by S.I. 2008/839, art. 2

*Functions: supplementary*

**26 Ancillary powers**

- (1) The Board may do anything which it thinks necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) Anything required to be published by the Board may be published by it in such manner as it thinks fit.

**Commencement Information**

**I26** S. 26 in force at 1.12.2007 by S.I. 2007/3388, art. 2(d)

**27 Reports**

- (1) As soon as possible after the end of each financial year the Board must produce a report on—
  - (a) what it has done during that year,
  - (b) what it has found during that year, and
  - (c) what it intends to do during the next financial year.
- (2) The Board must lay a report under subsection (1) before—

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- (a) Parliament,
  - (b) the Scottish Parliament,
  - (c) the National Assembly for Wales, and
  - (d) the Northern Ireland Assembly.
- (3) The Board may at any time produce a report about any matter relating to the exercise of its functions.
- (4) The Board must lay a report under subsection (3) before one or more of the following—
- (a) Parliament;
  - (b) the Scottish Parliament;
  - (c) the National Assembly for Wales;
  - (d) the Northern Ireland Assembly.
- (5) Where the Board lays a report under this section it must publish it as soon as possible thereafter.

**Commencement Information**

**I27** S. 27 in force at 1.4.2008 by S.I. 2008/839, art. 2 (with art. 3)

**28 Efficiency etc**

- (1) The Board must exercise its functions efficiently and cost-effectively.
- (2) The Board must seek to minimise the burdens (including financial burdens) it imposes on other persons.

**Commencement Information**

**I28** S. 28 in force at 1.12.2007 by S.I. 2007/3388, art. 2(e)

**29 Directions**

- (1) If the Minister for the Cabinet Office considers that there has been a serious failure by the Board—
- (a) to comply with its objective, or
  - (b) to perform any of its functions,
- he may give the Board such directions as he considers appropriate to remedy the failure.
- (2) If the Scottish Ministers consider that there has been a serious failure by the Board—
- (a) to comply with its objective, or
  - (b) to perform any of its functions so far as relating to Scottish devolved statistics,
- they may, with the consent of the Minister for the Cabinet Office, give the Board such directions as they consider appropriate to remedy the failure.
- (3) If the Welsh Ministers consider that there has been a serious failure by the Board—
- (a) to comply with its objective, or

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- (b) to perform any of its functions so far as relating to Welsh devolved statistics, they may, with the consent of the Minister for the Cabinet Office, give the Board such directions as they consider appropriate to remedy the failure.
- (4) If the Department of Finance and Personnel for Northern Ireland considers that there has been a serious failure by the Board—
- (a) to comply with its objective, or
- (b) to perform any of its functions so far as relating to Northern Ireland devolved statistics,
- it may, with the consent of the Minister for the Cabinet Office, give the Board such directions as it considers appropriate to remedy the failure.
- (5) The Minister for the Cabinet Office may give the Board such directions as he considers appropriate for the purpose of implementing any [F2retained EU obligation].
- (6) A direction under this section must be in writing.
- (7) A direction under this section must be published by the authority which gave it in such manner as that authority considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.
- (8) Where the Minister for the Cabinet Office gives a direction under this section—
- (a) he must lay a copy before Parliament, and
- (b) he must notify the Scottish Ministers, the Welsh Ministers and the Department of Finance and Personnel for Northern Ireland of the direction, who must lay a copy before the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly respectively.
- (9) Where the Scottish Ministers give a direction under this section—
- (a) they must lay a copy before the Scottish Parliament, and
- (b) the Minister for the Cabinet Office must lay a copy before Parliament.
- (10) Where the Welsh Ministers give a direction under this section—
- (a) they must lay a copy before the National Assembly for Wales, and
- (b) the Minister for the Cabinet Office must lay a copy before Parliament.
- (11) Where the Department of Finance and Personnel for Northern Ireland gives a direction under this section—
- (a) it must lay a copy before the Northern Ireland Assembly, and
- (b) the Minister for the Cabinet Office must lay a copy before Parliament.
- (12) If the Board fails to comply with any direction given to it under this section, the authority which gave the direction may give effect to it, and for that purpose may exercise any function of the Board.
- (13) But the Scottish Ministers, the Welsh Ministers and the Department of Finance and Personnel for Northern Ireland may only give effect to a direction under subsection (12) with the consent of the Minister for the Cabinet Office.

#### **Textual Amendments**

- F2** Words in s. 29(5) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), regs. 1, 2(2); 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

#### Commencement Information

**I29** S. 29 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

### *Organisation and administration*

#### **30 National Statistician: advisory functions**

- (1) The National Statistician is to be the Board's principal adviser on—
  - (a) the quality of official statistics,
  - (b) good practice in relation to official statistics, and
  - (c) the comprehensiveness of official statistics.
- (2) The Board must have regard to the advice of the National Statistician on those matters.
- (3) If the Board rejects the advice of the National Statistician—
  - (a) in relation to the development and maintenance of definitions, methodologies, classifications and standards for official statistics, or
  - (b) as to the application to any statistics produced by the Board of any definition, methodology, classification or standard promoted by the Board under section 9,
 the Board must publish a statement of its reasons for doing so.
- (4) Where the Board publishes a statement under subsection (3), it must as soon as possible thereafter lay a copy before Parliament.

#### Commencement Information

**I30** S. 30 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

#### **31 National Statistician: executive functions**

- (1) The National Statistician is also to be the chief executive of the Board.
- (2) The National Statistician may, subject as follows, exercise any of the functions of the Board (including functions of establishing committees under section 35 and delegating functions to such committees).
- (3) The National Statistician may not exercise the functions of—
  - (a) determining under section 10 whether to adopt a code as the Code of Practice for Statistics or to revise the Code, or
  - (b) determining under section 12(1) or 14(1) whether any official statistics comply with the Code.
- (4) The Board may direct the National Statistician—
  - (a) not to exercise a particular function, or
  - (b) as to how he should exercise a particular function.
- (5) In the event of a vacancy in the office of National Statistician, his functions under this section and section 32 may be exercised by such one of the other executive members of the Board as the Board may direct.



*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

#### Commencement Information

**I31** [S. 31](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

### 32 Executive office

- (1) The National Statistician must establish an executive office of the Board to assist him in his exercise of—
  - (a) the function of the Board under section 9(1)(a) (development and maintenance of definitions, methodologies, classifications and standards for official statistics),
  - (b) the function of the Board under section 20 (production of statistics),
  - (c) the function of the Board under section 21 (retail prices index),
  - (d) the function of the Board under section 22 (statistical services), and
  - (e) any other function of the Board which he may exercise under section 31(2).
- (2) The executive office is, subject to this Act, to consist of—
  - (a) the National Statistician (who is to be its head),
  - (b) the other executive members of the Board, and
  - (c) such other employees of the Board as the National Statistician may assign to it.
- (3) For the purposes of subsection (1) the National Statistician may delegate any function of the Board referred to in that subsection to any other member of the executive office.
- (4) The delegation of a function by the National Statistician under subsection (3) does not prevent him from exercising the function himself.

#### Commencement Information

**I32** [S. 32](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

### 33 Head of Assessment

- (1) The Head of Assessment is to be the Board's principal adviser on the exercise of its functions under sections 12(1) and 14(1).
- (2) The Board must have regard to the advice of the Head of Assessment in the exercise of those functions.
- (3) The Head of Assessment—
  - (a) if an executive member of the Board, may not exercise functions of the National Statistician under section 31(5),
  - (b) may not be a member of the executive office of the Board under section 32(2) (b) or (c), and
  - (c) may not in any other way take part in the production of statistics by the Board.

#### Commencement Information

**I33** [S. 33](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

### 34 Separation of functions

- (1) The National Statistician may not take part in any assessment or determination of the Board under section 12(1) or 14(1) in relation to statistics produced by the Board.
- (2) The following may not take part in any assessment or determination of the Board under section 12(1) or 14(1)—
  - (a) an executive member of the Board, not being the National Statistician or Head of Assessment;
  - (b) a person assigned to the executive office of the Board under section 32(2)(c).
- (3) The Board must seek to secure that, so far as practicable, employees who take part in the production of statistics should not be engaged in advising the Board on the exercise of its functions under sections 12(1) and 14(1) in relation to those statistics.

#### Commencement Information

**I34** S. 34 in force at 1.4.2008 by S.I. 2008/839, art. 2

### 35 Committees

- (1) The Board may establish committees for the purpose of—
  - (a) exercising functions of the Board, or
  - (b) giving advice to the Board.
- (2) A committee of the Board established under subsection (1)(b) may include persons who are neither members nor employees of the Board.
- (3) A committee established under this section may establish one or more sub-committees.

#### Commencement Information

**I35** S. 35 in force at 1.4.2008 by S.I. 2008/839, art. 2

### 36 Delegation

- (1) Subject as follows, the Board may delegate any of its functions (generally or specifically) to—
  - (a) a member of the Board,
  - (b) an employee of the Board not assigned to the executive office of the Board, or
  - (c) a committee established under section 35(1)(a).
- (2) The Board may not under this section delegate the functions of—
  - (a) determining under section 10 whether to adopt or revise the Code of Practice for Statistics, or
  - (b) determining under section 12(1) or 14(1) whether any official statistics comply with the Code.
- (3) Any committee of the Board established under section 35(1)(a) may delegate any function exercisable by it to any of its sub-committees.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (4) The delegation of a function by the Board or a committee of the Board under this section does not prevent the Board or committee from exercising the function.

**Commencement Information**

**I36** S. 36 in force at 1.4.2008 by S.I. 2008/839, art. 2

**37 Proceedings: supplementary**

- (1) Subject to this Part, the Board may regulate—
- (a) its own proceedings (including quorum);
  - (b) the proceedings (including quorum) of any of its committees.
- (2) A committee of the Board may regulate the proceedings (including quorum) of any of its sub-committees.
- (3) The validity of any proceedings of the Board, or of any of its committees or sub-committees, is not affected by—
- (a) a vacancy, or
  - (b) a defective appointment.

**Commencement Information**

**I37** S. 37 in force at 1.4.2008 by S.I. 2008/839, art. 2

*Use and disclosure of information by the Board*

**38 Use of information by the Board**

- (1) Any information obtained by the Board in relation to the exercise of any of its functions may be used by it in relation to the exercise of any of its other functions.
- (2) Subsection (1) does not apply to information obtained by the Board in relation to the exercise of its functions under sections 12(1) and 14(1).
- (3) Subsection (1) does not apply to information obtained by the Board in relation to the exercise of its functions under section 22, unless the person from whom the Board receives the information consents to its use as specified in that subsection.
- (4) Subsection (1) is subject to any enactment which restricts or prohibits the use or disclosure of information.

**Commencement Information**

**I38** S. 38 in force at 1.4.2008 by S.I. 2008/839, art. 2

**39 Confidentiality of personal information**

- (1) Subject to this section, personal information held by the Board in relation to the exercise of any of its functions must not be disclosed by—

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

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- (a) any member or employee of the Board,
  - (b) a member of any committee of the Board, or
  - (c) any other person who has received it directly or indirectly from the Board.
- (2) In this Part “personal information” means information which relates to and identifies a particular person (including a body corporate); but it does not include information about the internal administrative arrangements of the Board (whether relating to its members, employees or other persons).
- (3) For the purposes of subsection (2) information identifies a particular person if the identity of that person—
- (a) is specified in the information,
  - (b) can be deduced from the information, or
  - (c) can be deduced from the information taken together with any other published information.
- (4) Subsection (1) does not apply to a disclosure which—
- (a) is required or permitted by any enactment,
  - (b) is required by [<sup>F3</sup>a retained EU obligation],
  - (c) is necessary for the purpose of enabling or assisting the Board to exercise any of its functions,
  - (d) has already lawfully been made available to the public,
  - (e) is made in pursuance of an order of a court,
  - (f) is made for the purposes of a criminal investigation or criminal proceedings (whether or not in the United Kingdom),
  - <sup>F4</sup>(g) .....
  - (h) is made with the consent of the person to whom it relates, or
  - (i) is made to an approved researcher.
- (5) For the purposes of subsection (4)(i), “approved researcher” means an individual to whom the Board has granted access, for the purposes of statistical research, to personal information held by it.
- (6) The Board is from time to time to publish criteria by reference to which it will determine whether to grant access as specified in subsection (5).
- (7) Those criteria must require the Board to consider—
- (a) whether the individual is a fit and proper person, and
  - (b) the purpose for which access is requested.
- (8) The Board may not grant access to an individual as specified in subsection (5) unless he has first signed a declaration, in such form as the Board may determine, that he understands the requirements of this section.
- (9) A person who contravenes subsection (1) is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding the statutory maximum, or both.
- (10) Subsection (9) does not apply where the individual making the disclosure reasonably believes—

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- (a) in the case of information which is personal information by virtue of subsection (3)(a), that the identity of the person to whom it relates is not specified in the information,
  - (b) in the case of information which is personal information by virtue of subsection (3)(b), that the identity of that person cannot be deduced from the information, or
  - (c) in the case of information which is personal information by virtue of subsection (3)(c), that the identity of that person cannot be deduced from the information taken together with any other published information.
- (11) In the application of this section —
- (a) in England and Wales, in relation to an offence committed before the commencement of [F5 paragraph 24(2) of Schedule 22 to the Sentencing Act 2020],
  - (b) in Scotland, until the commencement of section 45(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), or
  - (c) in Northern Ireland,
- the reference in subsection (9)(b) to twelve months is to be read as a reference to three months.

#### Textual Amendments

- F3** Words in s. 39(4)(b) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), regs. 1, **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 39(4)(g) repealed (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), Sch. 1 para. 5(a), [Sch. 9 Pt. 2](#) (with s. 101(2)); S.I. 2008/3296, art. 2
- F5** Words in s. 39(11)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 443\(1\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

#### Modifications etc. (not altering text)

- C1** S. 39 modified (E.) (11.2.2009) by [Statistics and Registration Service Act 2007 \(Disclosure of Pupil Information\) \(England\) Regulations 2009 \(S.I. 2009/277\)](#), regs. 1, **6**
- C2** S. 39(4)(c) applied (18.5.2012) by [The Statistics and Registration Service Act 2007 \(Disclosure of Social Security and Revenue Information\) Regulations 2012 \(S.I. 2012/1711\)](#), regs. 1, **7, 8**

#### Commencement Information

- I39** S. 39 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(f\)](#)

## 40 Freedom of information

- (1) Section 44 of the Freedom of Information Act 2000 (c. 36) (prohibitions on disclosure) does not, by virtue of section 39 above, apply to personal information which—
- (a) is held by a public authority who has received it directly or indirectly from the Board, and
  - (b) is not held by that authority on behalf of the Board.
- (2) In subsection (1) “public authority” has the same meaning as in the Freedom of Information Act 2000.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (3) Section 26 of the Freedom of Information (Scotland) Act 2002 (asp 13) (prohibitions on disclosure) does not, by virtue of section 39 above, apply to personal information which—
- (a) is held by a Scottish public authority who has received it directly or indirectly from the Board, and
  - (b) is not held by that authority on behalf of the Board.
- (4) In subsection (3) “Scottish public authority” has the same meaning as in the Freedom of Information (Scotland) Act 2002.

**Commencement Information**

**I40** S. 40 in force at 1.12.2007 by S.I. 2007/3388, art. 2(f)

**41 Disclosure of information to service providers**

The Board may disclose any information obtained by it in connection with any function exercised by it to any person providing services to the Board, if the Board considers it necessary or appropriate to do so for the purpose of the provision of those services.

**Commencement Information**

**I41** S. 41 in force at 1.4.2008 by S.I. 2008/839, art. 2

*Information sharing*

**42 Information relating to births and deaths etc**

- (1) The Registrar General for England and Wales may, for the purpose of the exercise by the Board of any function, disclose to the Board any information to which this section applies.
- (2) This section applies to—
- (a) any information entered in any register kept under the Births and Deaths Registration Act 1953 (c. 20);
  - (b) any other information received by the Registrar General in relation to any birth or death;
  - (c) any information entered in the Adopted Children Register maintained by the Registrar General under section 77 of the Adoption and Children Act 2002 (c. 38);
  - (d) any information entered in any marriage register book kept under Part 4 of the Marriage Act 1949 (c. 76);
  - (e) any information relating to a civil partnership which is recorded under the Civil Partnership Act 2004 (c. 33) at the time of the formation of the civil partnership.
- [<sup>F6</sup>(ea) any information recorded under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section on the conversion of a civil partnership into a marriage;]

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

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- [<sup>F7</sup>(f) any other information received by the Registrar General in relation to any marriage or civil partnership.]
- (3) In subsection (2)(b) “birth” has the same meaning as in the Births and Deaths Registration Act 1953.
- [<sup>F8</sup>(4) The Board may disclose to a person mentioned in subsection (4A) any information referred to in subsection (2)(a) to (c) which is received by the Board under this section, or any information which is produced by the Board by analysing any such information, if—
- (a) the information consists of statistics and is disclosed for the purpose of assisting the person in the performance of functions exercisable by it in relation to the health service, or
  - (b) the information is disclosed for the purpose of assisting the person to produce or to analyse statistics for the purpose of assisting the person, or any other person mentioned in subsection (4A), in the performance of functions exercisable by it in relation to the health service.
- (4A) Those persons are—
- (a) the Secretary of State,
  - (b) the Welsh Ministers,
  - (c) the National Health Service Commissioning Board,
  - (d) a clinical commissioning group,
  - (e) a local authority,
  - (f) a Local Health Board,
  - (g) an NHS trust established under section 18 of the National Health Service (Wales) Act 2006,
  - (h) the National Institute for Health and Care Excellence,
  - (i) the Health and Social Care Information Centre,
  - (j) a Special Health Authority,
  - (k) the Care Quality Commission, and
  - (l) such other persons as the appropriate authority may specify in a direction given for the purposes of this section.
- (4B) For the purposes of subsection (4A)(l), the appropriate authority is—
- (a) in relation to a direction to be given for purposes relating only to Wales, the Welsh Ministers, and
  - (b) in any other case, the Secretary of State.]
- (5) Any information disclosed under subsection (4) may be disclosed in such form as the Board considers appropriate for the purpose specified in that subsection.
- [<sup>F9</sup>(5A) A direction under subsection (4A)(l) must be given by an instrument in writing.
- (5B) Sections 272(7) and 273(1) of the National Health Service Act 2006 apply in relation to the power of the Secretary of State to give a direction under subsection (4A)(l) as they apply in relation to powers to give a direction under that Act.
- (5C) Sections 203(9) and 204(1) of the National Health Service (Wales) Act 2006 apply in relation to the power of the Welsh Ministers to give a direction under subsection (4A)(l) as they apply in relation to powers to give a direction under that Act.]

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

(6) In subsection (4) “health service” has the same meaning as in the National Health Service Act 2006 (c. 41).

[<sup>F10</sup>(7) In subsection (4A)—

“clinical commissioning group” and “Special Health Authority” have the same meaning as in the National Health Service Act 2006;

“local authority” has the same meaning as in section 2B of that Act of 2006. ]

#### Textual Amendments

- F6** S. 42(2)(ea) inserted (E.W.) (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 13**
- F7** S. 42(2)(f) inserted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 33**
- F8** S. 42(4)-(4B) substituted for s. 42(4) (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 287(2)**, 306(1)(d), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 42(5A)-(5C) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 287(3)**, 306(1)(d), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** S. 42(7) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 287(4)**, 306(1)(d), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### Commencement Information

- I42** S. 42 in force at 1.4.2008 by [S.I. 2008/839](#), **art. 2**

### 43 Information relating to NHS registration

- (1) The Secretary of State or other public authority may, subject to this section, disclose patient registration information to the Board.
- (2) In subsection (1) “patient registration information” means information about the persons who are or have been registered in any place in England or Wales as persons to whom primary medical services are or may be provided.
- (3) That information includes in particular, in relation to any person who is or has been registered as such a person—
  - (a) their address and any previous address,
  - (b) their date of birth and sex,
  - (c) their patient identification number, and
  - (d) their history of registration as such a person (including reasons for any periods of non-registration or for any cancellation of registration).
- (4) The information disclosed under this section may not include any information about the health or condition of, or the care or treatment provided to, any person.
- (5) Information disclosed under this section may only be used by the Board for the production of population statistics.



*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (6) In the application of section 39 to the disclosure by a member, employee or committee member of the Board of information received by the Board under this section, paragraphs (c) and (i) of subsection (4) of that section only have effect if the disclosure is made with the consent of the Secretary of State.
- (7) In subsection (2) “primary medical services” means services which are primary medical services for the purposes of the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 (c. 42).

#### **Commencement Information**

**I43** S. 43 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

#### **44 Information relating to NHS registration: Wales**

- (1) The Welsh Ministers may, subject to this section, disclose patient registration information to the Board.
- (2) In subsection (1) “patient registration information” means information about the persons who are or have been registered in any place in Wales as persons to whom primary medical services are or may be provided.
- (3) That information includes in particular, in relation to any person who is or has been registered as such a person—
  - (a) their address and any previous address,
  - (b) their date of birth and sex,
  - (c) their patient identification number, and
  - (d) their history of registration as such a person (including reasons for any periods of non-registration or for any cancellation of registration).
- (4) Information disclosed under this section may not include any information about the health or condition of, or the care or treatment provided to, any person.
- (5) Information disclosed under this section may only be used by the Board for the production of population statistics.
- (6) In the application of section 39 to the disclosure by a member, employee or committee member of the Board of information received by the Board under this section, paragraphs (c) and (i) of subsection (4) of that section only have effect if the disclosure is made with the consent of the Welsh Ministers.
- (7) In subsection (2) “primary medical services” means services which are primary medical services for the purposes of the National Health Service (Wales) Act 2006 (c. 42).

#### **Commencement Information**

**I44** S. 44 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

## 45 Information held by HMRC

- (1) The Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs may, subject to this section, disclose to the Board any information held by the Revenue and Customs in connection with any function of the Revenue and Customs.
- (2) Information may only be disclosed under subsection (1) if the Commissioners are satisfied that the Board requires it to enable it to exercise one or more of its functions<sup>F11</sup> ....
- [<sup>F12</sup>(2A) In determining whether the condition in subsection (2) is met the Commissioners must have regard to any views of the Board which have been communicated to them.]
- (3) Information disclosed under subsection (1) may only be used by the Board for the purposes of any one or more of its functions<sup>F13</sup> ....
- [<sup>F14</sup>(3A) Information disclosed under subsection (1) may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the Commissioners.]
- (4) Information disclosed under subsection (1) may not be disclosed by the Board to any person except with the consent of the Commissioners.
- [<sup>F15</sup>(4A) In disclosing information under subsection (1), the Commissioners or an officer of Revenue and Customs must have regard to the following codes of practice issued by the Information Commissioner under [<sup>F16</sup>section 128 of the Data Protection Act 2018], so far as they apply to the information in question—
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (4B) The duty in subsection (4A) to have regard to a code of practice does not affect any other requirement for the Commissioners or an officer of Revenue and Customs to have regard to a code of practice under [<sup>F17</sup>the Data Protection Act 2018] in disclosing the information.
- (4C) In determining how to comply with the duty in subsection (4A) the Commissioners or the officer of Revenue and Customs must have regard to any views of the Board which are communicated to the Commissioners or the officer.]
- <sup>F18</sup>(5) .....
- (6) In subsection (1) the references to “the Revenue and Customs” are to either or both of—
- (a) the Commissioners;
  - (b) officers of Revenue and Customs.

### Textual Amendments

**F11** Words in s. 45(2) omitted (31.7.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), ss. 78\(2\), 118\(4\); S.I. 2017/765, reg. 2\(t\)](#)

**F12** S. 45(2A) inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 78\(3\), 118\(4\); S.I. 2017/765, reg. 2\(t\)](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- F13** Words in s. 45(3) omitted (31.7.2017) by virtue of Digital Economy Act 2017 (c. 30), **ss. 78(4)**, 118(4); S.I. 2017/765, reg. 2(t)
- F14** S. 45(3A) inserted (31.7.2017) by Digital Economy Act 2017 (c. 30), **ss. 78(5)**, 118(4); S.I. 2017/765, reg. 2(t)
- F15** S. 45(4A)-(4C) inserted (31.7.2017) by Digital Economy Act 2017 (c. 30), **ss. 78(6)**, 118(4); S.I. 2017/765, reg. 2(t)
- F16** Words in s. 45(4A) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 134(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F17** Words in s. 45(4B) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 134(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F18** S. 45(5) omitted (31.7.2017) by virtue of Digital Economy Act 2017 (c. 30), **ss. 78(7)**, 118(4); S.I. 2017/765, reg. 2(t)

#### **Commencement Information**

- I45** S. 45 in force at 1.4.2008 by S.I. 2008/839, **art. 2**

### **[<sup>F19</sup>45A Information held by other public authorities**

- (1) A public authority to which this section applies may, subject to this section, disclose to the Board any information held by the authority in connection with its functions.
- (2) This section applies to a public authority other than—
  - (a) the Commissioners for Her Majesty's Revenue and Customs, or
  - (b) an officer of Revenue and Customs.
- (3) A public authority may disclose information under subsection (1) only if it is satisfied that the Board requires the information to enable it to exercise one or more of its functions.
- (4) In determining whether the condition in subsection (3) is met the public authority must have regard to any views of the Board which have been communicated to the authority.
- (5) Information disclosed under subsection (1) may only be used by the Board for the purposes of any one or more of its functions.
- (6) Information disclosed under subsection (1) may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the public authority which disclosed the information.
- (7) Where personal information is disclosed by a public authority to the Board under subsection (1), the Board may not disclose the information to an approved researcher under section 39(4)(i) except with the consent of the public authority.
- (8) In disclosing information under subsection (1), a public authority must have regard to the following codes of practice issued by the Information Commissioner under [<sup>F20</sup>section 128 of the Data Protection Act 2018], so far as they apply to the information in question—
  - (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (9) The duty in subsection (8) to have regard to a code of practice does not affect any other requirement for the public authority to have regard to a code of practice under <sup>[F21]</sup>the data protection legislation] in disclosing the information.
- (10) In determining how to comply with the duty in subsection (8) the public authority must have regard to any views of the Board which are communicated to the authority.
- (11) A disclosure under subsection (1) does not breach—
- (a) any obligation of confidence owed by the public authority making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (12) But subsection (1) does not authorise the making of a disclosure which—
- (a) contravenes <sup>[F22]</sup>the data protection legislation],
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (c) contravenes <sup>[F23]</sup>retained direct EU legislation] <sup>[F24]</sup>(which is not part of the data protection legislation)] or <sup>[F25]</sup>anything that is EU-derived domestic legislation by virtue of section 2(2)(a) or (b) of the European Union (Withdrawal) Act 2018].
- (13) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (12)(b) has effect as if it included a reference to that Part.
- (14) This section does not limit the circumstances in which information may be disclosed apart from this section.]

#### Textual Amendments

- F19** S. 45A inserted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 79(2)**, 118(4); S.I. 2017/765, reg. 2(u); S.I. 2018/382, reg. 3(kk)
- F20** Words in s. 45A(8) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 135(2)** (with **ss. 117, 209, 210**); S.I. 2018/625, reg. 2(1)(g)
- F21** Words in s. 45A(9) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 135(3)** (with **ss. 117, 209, 210**); S.I. 2018/625, reg. 2(1)(g)
- F22** Words in s. 45A(12)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 135(4)** (with **ss. 117, 209, 210**); S.I. 2018/625, reg. 2(1)(g)
- F23** Words in s. 45A(12)(c) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), **regs. 1, 2(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in s. 45A(12)(c) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 135(5)** (with **ss. 117, 209, 210**); S.I. 2018/625, reg. 2(1)(g)
- F25** Words in s. 45A(12)(c) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), **regs. 1, 2(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>[F26]</sup>**45B Access to information held by Crown bodies etc**

- (1) This section applies to—
- (a) a public authority which is an emanation of the Crown or a servant or agent of the Crown,
  - (b) the Bank of England (including in the exercise of its functions as the Prudential Regulation Authority),

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- (c) a subsidiary undertaking of the Bank of England within the meaning of the Companies Acts (see sections 1161 and 1162 of the Companies Act 2006),
  - (d) the Financial Conduct Authority, and
  - (e) the Payment Systems Regulator established under section 40 of the Financial Services (Banking Reform) Act 2013.
- (2) Subject to this section and section 45E, the Board has a right of access to information which—
  - (a) is held by a public authority to which this section applies in connection with its functions, and
  - (b) is required by the Board to enable it to exercise one or more of its functions.
- (3) Subsection (2) does not apply to information if the disclosure of that information—
  - (a) would contravene [<sup>F27</sup>the data protection legislation],
  - (b) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (c) would contravene [<sup>F28</sup>retained direct EU legislation][<sup>F29</sup>(which is not part of the data protection legislation)] or [<sup>F30</sup>anything that is EU-derived domestic legislation by virtue of section 2(2)(a) or (b) of the European Union (Withdrawal) Act 2018].
- (4) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (3)(b) has effect as if it included a reference to that Part.
- (5) The right of access in subsection (2) is to be exercised in accordance with the following provisions of this section.
- (6) The Board may, by notice in writing to the public authority, request the authority to disclose the information to the Board.
- (7) A notice under subsection (6) must—
  - (a) set out the Board's reasons for requesting the information to be disclosed, and
  - (b) specify the date by which or the period within which the public authority must respond to the request.
- (8) The public authority must, by that date or within that period, provide a response in writing to the Board which—
  - (a) indicates that it is willing to provide the information and gives the date by which it will be provided, or
  - (b) indicates that it is not willing to provide the information and gives reasons for not providing it.
- (9) Subsection (10) applies if—
  - (a) the public authority fails to respond to the request in accordance with subsection (8),
  - (b) the public authority indicates that it is not willing to provide the information requested, or
  - (c) the public authority has indicated that it is willing to provide the information requested, but the Board considers that the public authority is failing to take reasonable steps to comply with that request.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (10) The Board may lay the request and any response by the public authority before the relevant legislature.
- (11) In subsection (10) “the relevant legislature” means Parliament, subject as follows.
- (12) The Scottish Parliament is the relevant legislature if the public authority—
- (a) is a part of the Scottish Administration, or
  - (b) is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (13) The National Assembly for Wales is the relevant legislature if the public authority is a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006.
- (14) The Northern Ireland Assembly is the relevant legislature if—
- (a) the public authority exercises functions only as regards Northern Ireland, and
  - (b) its functions are wholly or mainly functions which relate to transferred matters (within the meaning of the Northern Ireland Act 1998).
- (15) This section does not apply to—
- (a) Her Majesty in Her private capacity,
  - (b) Her Majesty in right of the Duchy of Lancaster, or
  - (c) the Duke of Cornwall.
- (16) Until the coming into force of section 12 of the Bank of England and Financial Services Act 2016 subsection (1)(b) has effect as if the words in brackets were omitted.

#### Textual Amendments

- F26** Ss. 45B-45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80**, 118(4); S.I. 2017/765, reg. 3(n); S.I. 2018/382, reg. 3(l)
- F27** Words in s. 45B(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 136(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F28** Words in s. 45B(3)(c) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), regs. 1, **2(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in s. 45B(3)(c) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 136(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F30** Words in s. 45B(3)(c) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), regs. 1, **2(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### 45C Power to require disclosures by other public authorities

- (1) This section applies to a public authority to which section 45B does not apply (other than one within subsection (15) of that section).
- (2) Subject to this section and section 45E, the Board may, by notice in writing to a public authority to which this section applies, require the authority to disclose to the Board information which—
- (a) is held by the authority in connection with its functions, and
  - (b) is specified, or is of a kind specified, in the notice.

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- (3) A notice under subsection (2) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (4) A notice under subsection (2) other than one within subsection (3) must specify the date by which or the period within which the information must be disclosed.
- (5) A notice under subsection (2) may specify the form or manner in which the information to which it relates must be disclosed.
- (6) A notice under subsection (2) may require the public authority to consult the Board before making changes to—
  - (a) its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
  - (b) its processes for supplying such information to the Board.
- (7) The reference in subsection (6) to making changes to a process includes introducing or removing a process.
- (8) The Board may give a notice under subsection (2) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (9) The Board must obtain the consent of the Scottish Ministers before giving a notice under subsection (2) to a public authority which is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (10) The Board must obtain the consent of the Welsh Ministers before giving a notice under subsection (2) to a public authority which is a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006.
- (11) The Board must obtain the consent of the Department of Finance in Northern Ireland before giving a notice under subsection (2) to a public authority if—
  - (a) the public authority exercises functions only as regards Northern Ireland, and
  - (b) its functions are wholly or mainly functions which relate to transferred matters (within the meaning of the Northern Ireland Act 1998).
- (12) A public authority to which a notice under subsection (2) is given must comply with it.
- (13) But the public authority need not comply with the notice if compliance—
  - (a) might prejudice national security,
  - (b) would contravene [<sup>F31</sup>the data protection legislation],
  - (c) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (d) would contravene [<sup>F32</sup>retained direct EU legislation][<sup>F33</sup>(which is not part of the data protection legislation)] or [<sup>F34</sup>anything that is EU-derived domestic legislation by virtue of section 2(2)(a) or (b) of the European Union (Withdrawal) Act 2018].
- (14) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (13)(c) has effect as if it included a reference to that Part.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

### Textual Amendments

- F26** Ss. 45B-45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80**, 118(4); S.I. 2017/765, reg. 3(n); S.I. 2018/382, reg. 3(II)
- F31** Words in s. 45C(13)(b) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 137(2)** (with [ss. 117, 209, 210](#)); S.I. 2018/625, reg. 2(1)(g)
- F32** Words in s. 45C(13)(d) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), regs. 1, **2(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in s. 45C(13)(d) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 137(3)** (with [ss. 117, 209, 210](#)); S.I. 2018/625, reg. 2(1)(g)
- F34** Words in s. 45C(13)(d) substituted (31.1.2020) by [The UK Statistics \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/489\)](#), regs. 1, **2(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## 45D Power to require disclosure by undertakings

- (1) Subject to this section and section 45E, the Board may, by notice in writing to an undertaking, require the undertaking to disclose to the Board information which—
  - (a) is held by the undertaking, and
  - (b) is specified, or is of a kind specified, in the notice.
- (2) A notice under subsection (1) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (3) A notice under subsection (1) other than one within subsection (2) must specify the date by which or the period within which the information must be disclosed.
- (4) A notice under subsection (1) may specify the form or manner in which the information to which it relates must be disclosed.
- (5) A notice under subsection (1) may require the undertaking to consult the Board before making changes to—
  - (a) its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
  - (b) its processes for supplying such information to the Board.
- (6) The reference in subsection (5) to making changes to a process includes introducing or removing a process.
- (7) The Board may give a notice under subsection (1) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (8) An undertaking to which a notice under subsection (1) is given must comply with it.
- (9) But the undertaking need not comply with the notice if compliance—
  - (a) might prejudice national security,
  - (b) would contravene [<sup>F35</sup>the data protection legislation], or
  - (c) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.



*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (10) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(c) has effect as if it included a reference to that Part.
- (11) Subject to subsection (13), in this section “undertaking” means—
- (a) any person carrying on a trade or business, whether or not with a view to profit, or
  - (b) any charity.
- (12) In subsection (11) “charity” means a body, or the trustees of a trust, established for charitable purposes only.
- (13) The following are not undertakings for the purposes of this section—
- (a) a public authority;
  - (b) a micro business;
  - (c) a small business.
- (14) Section 33 of the Small Business, Enterprise and Employment Act 2015 (definitions of small and micro business) and regulations made under that section apply in relation to subsection (13) as they apply in relation to subordinate legislation within subsection (1) of that section.

#### Textual Amendments

- F26** Ss. 45B–45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80, 118(4)**; S.I. 2017/765, [reg. 3\(n\)](#); S.I. 2018/382, [reg. 3\(II\)](#)
- F35** Words in s. 45D(9)(b) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 138** (with [ss. 117, 209, 210](#)); S.I. 2018/625, [reg. 2\(1\)\(g\)](#)

#### **45E Further provisions about powers in sections 45B, 45C and 45D**

- (1) Information disclosed under section 45B, 45C or 45D may only be used by the Board for the purposes of any one or more of its functions.
- (2) Information disclosed under section 45B, 45C or 45D may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the person who disclosed the information.
- (3) Where personal information is disclosed under section 45B, 45C or 45D, the Board may not disclose the information to an approved researcher under section 39(4)(i) except with the consent of the person who disclosed the information.
- (4) A disclosure pursuant to section 45B, 45C or 45D does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) The Board must prepare and publish a statement of—
  - (a) the principles to which it will have regard in exercising its functions under sections 45B, 45C and 45D, and
  - (b) the procedures which it will adopt in exercising those functions.

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- (6) The statement must be consistent with the code of practice [<sup>F36</sup>prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act] (as altered or replaced from time to time).
- (7) The Board may at any time revise the statement and, if it decides to do so, must publish the statement as revised.
- (8) In preparing or revising the statement the Board must consult—
- (a) the Minister for the Cabinet Office,
  - (b) the Information Commissioner,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers,
  - (e) the Department of Finance in Northern Ireland, and
  - (f) such other persons as the Board thinks fit.
- (9) The fact that this section was not in force when consultation of the kind mentioned in subsection (8) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (10) The Board may not publish the original statement under this section unless a draft of the statement has been laid before, and approved by a resolution of, each House of Parliament.
- (11) Before publishing a revised statement under this section the Board must lay a draft of the statement as proposed to be published before Parliament.
- (12) The Board may not publish the revised statement if, within the 40-day period, either House of Parliament resolves not to approve it.
- (13) In subsection (12) “the 40 day period” means—
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (14) For the purposes of subsection (13) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (15) After preparing or revising a statement the Board must lay the statement, or the statement as revised, before—
- (a) the Scottish Parliament,
  - (b) the National Assembly for Wales, and
  - (c) the Northern Ireland Assembly.
- (16) In exercising any of its functions under section 45B, 45C or 45D to require the disclosure of information, the Board must have regard to any code of practice issued by the Information Commissioner under [<sup>F37</sup>section 128 of the Data Protection Act 2018] which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information, so far as the code applies to the information in question.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (17) The duty in subsection (16) to have regard to a code of practice does not affect any other requirement for the Board to have regard to a code of practice under [F38the data protection legislation] in exercising the function.

#### Textual Amendments

- F26** Ss. 45B-45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80**, 118(4); S.I. 2017/765, reg. 3(n); S.I. 2018/382, reg. 3(l)
- F36** Words in s. 45E(6) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 139(2)** (with [ss. 117, 209, 210](#), Sch. 20 para. 49); S.I. 2018/625, reg. 2(1)(g)
- F37** Words in s. 45E(16) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 139(3)** (with [ss. 117, 209, 210](#), Sch. 20 para. 49); S.I. 2018/625, reg. 2(1)(g)
- F38** Words in s. 45E(17) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 139(4)** (with [ss. 117, 209, 210](#), Sch. 20 para. 49); S.I. 2018/625, reg. 2(1)(g)

#### 45F Offences relating to notices under section 45C or 45D

- (1) A person is guilty of an offence if—
- the person is given a notice under section 45C or 45D,
  - the person is required to comply with the notice,
  - the person fails to do so, and
  - the person does not have a reasonable excuse for that failure.
- (2) A person is guilty of an offence if, in purporting to comply with a notice under section 45C or 45D, the person—
- provides information which is false in a material respect, and
  - knows that the information is false in that respect or is reckless as to whether it is false in that respect.
- (3) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction—
- in England and Wales, to a fine, and
  - in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (4) If an offence under this section is committed by a body corporate with the consent or connivance of an officer of the body, the officer, as well as the body, is to be treated as having committed the offence.
- (5) In subsection (4) a reference to an officer of a body includes a reference to—
- a director, manager or secretary,
  - a person purporting to act as a director, manager or secretary, and
  - if the affairs of the body are managed by its members, a member.
- (6) Where an offence under this section is committed by a partnership (whether or not a limited partnership) subsection (4) has effect, but as if a reference to an officer of the body were a reference to—
- a partner, and
  - a person purporting to act as a partner.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

### Textual Amendments

**F26** Ss. 45B-45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80, 118(4)**; [S.I. 2017/765, reg. 3\(n\)](#); [S.I. 2018/382, reg. 3\(II\)](#)

## 45G Code of practice on changes to data systems

- (1) The Board must prepare, adopt and publish a code of practice containing guidance on the matters to be taken into account by a public authority in making changes to—
  - (a) its processes for collecting, organising, storing or retrieving information, or
  - (b) its processes (if any) for supplying information to the Board.
- (2) A public authority must have regard to any code of practice under this section in making such changes.
- (3) The Board may at any time revise a code of practice under this section and, if it decides to do so, must publish the code as revised.
- (4) In preparing or revising a code of practice under this section, the Board must consult—
  - (a) the Minister for the Cabinet Office,
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers,
  - (d) the Department of Finance in Northern Ireland, and
  - (e) such other persons as the Board thinks fit.
- (5) The fact that this section was not in force when consultation of the kind mentioned in subsection (4) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (6) The Board may not publish the original code of practice under this section unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament
- (7) Before publishing a revised code of practice under this section the Board must lay a draft of the code as proposed to be published before Parliament.
- (8) The Board may not publish the revised code of practice if, within the 40-day period, either House of Parliament resolves not to approve it.
- (9) In subsection (8) “the 40 day period” means—
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (10) For the purposes of subsection (9) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (11) After preparing or revising a code of practice under this section the Board must lay the code, or the code as revised, before—
  - (a) the Scottish Parliament,

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- (b) the National Assembly for Wales, and
  - (c) the Northern Ireland Assembly.
- (12) The reference in subsection (1) to making changes to a process includes introducing or removing a process.
- (13) This section binds the Crown.
- (14) The reference to the Crown in subsection (13) does not include—
- (a) Her Majesty in Her private capacity,
  - (b) Her Majesty in right of the Duchy of Lancaster, or
  - (c) the Duke of Cornwall.]

**Textual Amendments**

**F26** Ss. 45B-45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80**, 118(4); [S.I. 2017/765](#), **reg. 3(n)**; [S.I. 2018/382](#), **reg. 3(l)**

**46 Information sharing: supplementary amendments**

Schedule 2 (which makes further provision relating to the disclosure of information to or by the Board) has effect.

**Commencement Information**

**I46** S. 46 in force at 1.4.2008 by [S.I. 2008/839](#), **art. 2**

*Information sharing: supplementary powers*

<sup>F39</sup>**47 Power to authorise disclosure to the Board**

**Textual Amendments**

**F39** S. 47 omitted (1.5.2018) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), **ss. 79(3)(a)**, 118(4); [S.I. 2018/382](#), **reg. 3(kk)**

<sup>F40</sup>**48 Power to authorise disclosure to the Board: Scotland**

**Textual Amendments**

**F40** S. 48 omitted (1.5.2018) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), **ss. 79(3)(b)**, 118(4); [S.I. 2018/382](#), **reg. 3(kk)**

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

#### **F41 49 Power to authorise disclosure to the Board: Northern Ireland**

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##### **Textual Amendments**

**F41** S. 49 omitted (1.5.2018) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), [ss. 79\(3\)\(c\), 118\(4\)](#); [S.I. 2018/382, reg. 3\(kk\)](#)

#### **50 Power to authorise use of information by the Board**

- (1) Subject to this section, the Minister for the Cabinet Office may make regulations for the purpose of authorising the Board to use information received from a public authority where the use would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise use to enable the Board to carry out one or more of its functions, other than its function under section 22 (statistical services).
- (3) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (4) The Minister for the Cabinet Office may only make regulations under subsection (1) with the consent of—
  - (a) the Treasury, in a case where the regulations authorise the use of information received from the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, or
  - (b) a Minister of the Crown (other than the Minister for the Cabinet Office), in any other case.
- (5) The Minister for the Cabinet Office may only make regulations under subsection (1) authorising the use of any information if the Minister and the person consenting to the regulations are satisfied that—
  - (a) the Board needs to use the information to enable it to carry out the function or functions for which the use is authorised, and
  - (b) the use is in the public interest.
- (6) Where the Minister for the Cabinet Office is the relevant Minister in relation to a public authority, subsection (4)(b) and the reference in subsection (5) to the person consenting to the regulations do not apply.
- (7) For the purposes of subsection (6), the Minister for the Cabinet Office is the relevant Minister in relation to such public authorities, or public authorities of such description, as the Minister may by order prescribe.
- (8) The Treasury must consult the Commissioners for Her Majesty's Revenue and Customs before giving its consent under subsection (4)(a).

##### **Commencement Information**

**I47** S. 50 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

## **51 Power to authorise disclosure by the Board**

- (1) Subject to this section, the Minister for the Cabinet Office may by regulations make provision for the purpose of authorising the Board to disclose information to a public authority where the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise disclosure for the purposes of any or all of the statistical functions of the public authority.
- (3) A public authority may only use information received under regulations under subsection (1) for the purposes for which disclosure is authorised under subsection (2).
- (4) In the application of section 39 to personal information which has been disclosed to a public authority under regulations under subsection (1), paragraphs (c) and (i) of subsection (4) of that section do not apply (subject to any provision made under subsection (7)(b) below).
- (5) Regulations under subsection (1) may not authorise disclosure to—
  - (a) a Scottish public authority for the purpose of the exercise by the authority of statistical functions which relate to matters which are not reserved matters, or
  - (b) a Northern Ireland public authority.
- (6) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (7) The consequential and supplementary provision referred to in subsection (6)(b) includes in particular—
  - (a) provision prohibiting or restricting further disclosure by a public authority of information disclosed under the regulations;
  - (b) provision authorising further disclosure by a public authority of such information in circumstances where the disclosure would otherwise be prohibited by a rule of law, this Act or an Act passed before this Act.
- (8) Regulations may only be made under subsection (1) authorising disclosure to a public authority with the consent of—
  - (a) the Treasury, in a case where the regulations authorise disclosure to the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, or
  - (b) a Minister of the Crown (other than the Minister for the Cabinet Office), in any other case.
- (9) Regulations may only be made under subsection (1) authorising any disclosure to a public authority if the Minister and the person consenting to the regulations are satisfied that—
  - (a) the disclosure is required by the public authority for the purposes specified in the regulations, and
  - (b) the disclosure is in the public interest.
- (10) Subsection (8)(b) and the reference in subsection (9) to the person consenting to the regulations do not apply in relation to regulations authorising disclosure to a public authority where the Minister for the Cabinet Office is the relevant Minister in relation to the public authority.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

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- (11) For the purposes of subsection (10), the Minister for the Cabinet Office is the relevant Minister in relation to such public authorities, or public authorities of such description, as the Minister may by order prescribe.
- (12) The Treasury must consult the Commissioners for Her Majesty's Revenue and Customs before giving its consent under subsection (8)(a).

#### **Commencement Information**

**I48** S. 51 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

## **52 Power to authorise disclosure by the Board: Scotland**

- (1) Subject to this section, the Scottish Ministers may by regulations make provision for the purpose of authorising the Board to disclose information to a Scottish public authority where the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise disclosure for the purposes of any or all of the statistical functions of the Scottish public authority, so far as relating to matters which are not reserved matters.
- (3) A Scottish public authority may only use information received under regulations under subsection (1) for the purposes for which disclosure is authorised under subsection (2).
- (4) In the application of section 39 to personal information which has been disclosed to a Scottish public authority under regulations under subsection (1), paragraphs (c) and (i) of subsection (4) of that section do not apply (subject to any provision made under subsection (6)(b) below).
- (5) Regulations under subsection (1) may—
- (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (6) The consequential and supplementary provision referred to in subsection (5)(b) includes in particular—
- (a) provision prohibiting or restricting further disclosure by a Scottish public authority of information disclosed under the regulations;
  - (b) provision authorising further disclosure by a Scottish public authority of such information in circumstances where the disclosure would otherwise be prohibited by a rule of law, this Act, an Act passed before this Act or an Act of the Scottish Parliament passed before this Act.
- (7) The Scottish Ministers may only make regulations under subsection (1) with the consent of the Minister for the Cabinet Office.
- (8) The Scottish Ministers may only make regulations under subsection (1) authorising any disclosure if they and the Minister for the Cabinet Office are satisfied that—
- (a) the disclosure is required by the Scottish public authority for the purposes specified in the regulations, and
  - (b) the disclosure is in the public interest.



*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

**Commencement Information**

**I49** S. 52 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

**53 Power to authorise disclosure by the Board: Northern Ireland**

- (1) Subject to this section, a Northern Ireland department may by regulations make provision for the purpose of authorising the Board to disclose information to a Northern Ireland public authority where the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise disclosure for the purposes of any or all of the statistical functions of the Northern Ireland public authority.
- (3) A Northern Ireland public authority may only use information received under regulations under subsection (1) for the purposes for which disclosure is authorised under subsection (2).
- (4) In the application of section 39 to personal information which has been disclosed to a Northern Ireland public authority under regulations under subsection (1), paragraphs (c) and (i) of subsection (4) of that section do not apply (subject to any provision made under subsection (6)(b) below).
- (5) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (6) The consequential and supplementary provision referred to in subsection (5)(b) includes in particular—
  - (a) provision prohibiting or restricting further disclosure by a Northern Ireland public authority of information disclosed under the regulations;
  - (b) provision authorising further disclosure by a Northern Ireland public authority of such information in circumstances where the disclosure would otherwise be prohibited by a rule of law, this Act, an Act passed before this Act or any Northern Ireland legislation passed or made before this Act.
- (7) A Northern Ireland department may only make regulations under subsection (1) with the consent of the Minister for the Cabinet Office.
- (8) A Northern Ireland department may only make regulations under subsection (1) authorising any disclosure if the department and the Minister for the Cabinet Office are satisfied that—
  - (a) the disclosure is required by the Northern Ireland public authority for the purposes specified in the regulations, and
  - (b) the disclosure is in the public interest.

**Commencement Information**

**I50** S. 53 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

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### **[<sup>F42</sup>53A Disclosure by the Board to devolved administrations**

- (1) Subject to this section, the Board may disclose information held by the Board in connection with the exercise of any of its functions to a devolved authority.
- (2) In this section “devolved authority” means—
  - (a) a person who is a part of the Scottish Administration,
  - (b) the Welsh Ministers,
  - (c) the Department of Finance in Northern Ireland, or
  - (d) the Registrar General for Northern Ireland.
- (3) Information may only be disclosed under this section for the purposes of any or all of the statistical functions of a devolved authority.
- (4) Information may only be disclosed under this section in response to a request in writing by a devolved authority which specifies—
  - (a) the information which is sought, and
  - (b) the purposes for which it is sought.
- (5) A request under subsection (4) may request information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (6) Information may be disclosed under this section only if—
  - (a) the Board is satisfied that the information is required for the purposes of the statistical functions of the devolved authority which are specified in the request,
  - (b) the Board is satisfied that the information will not be used for any other purpose, and
  - (c) if the information was obtained by the Board from a public authority, the authority consents to the disclosure.
- (7) The Board may—
  - (a) disclose information under this section subject to conditions to be met by the devolved authority;
  - (b) from time to time modify conditions subject to which information has been disclosed;
  - (c) in the case of information which it is disclosing in response to a request to which subsection (5) applies, cease to disclose information in response to the request if any of the conditions are breached.
- (8) A devolved authority may only use information disclosed under this section for the purposes for which it was disclosed.
- (9) In disclosing information under subsection (1), the Board must have regard to the following codes of practice issued by the Information Commissioner under [<sup>F43</sup>section 128 of the Data Protection Act 2018], so far as they apply to the information in question—
  - (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (10) The duty in subsection (9) to have regard to a code of practice does not affect any other requirement for the Board to have regard to a code of practice under [<sup>F44</sup>the data protection legislation] in disclosing the information.
- (11) In the application of section 39 to personal information which has been disclosed to a devolved authority under this section, paragraphs (c) and (i) of subsection (4) of that section do not apply.
- (12) This section does not authorise the making of a disclosure which would—
- (a) breach any obligation of confidence owed by the Board,
  - (b) contravene [<sup>F45</sup>the data protection legislation],
  - (c) be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (d) breach any other restriction on the disclosure of information (however imposed).
- (13) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (12)(c) has effect as if it included a reference to that Part.
- (14) Nothing in this section affects the scope of the powers in sections 51 to 53.]

#### Textual Amendments

- F42** S. 53A inserted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 81**, 118(4); S.I. 2017/765, **reg. 2(v)**; S.I. 2018/382, **reg. 3(mm)**
- F43** Words in s. 53A(9) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 140(2)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**
- F44** Words in s. 53A(10) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 140(3)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**
- F45** Words in s. 53A(12)(b) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 140(4)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**

#### 54 <sup>F46</sup>... Human Rights Act 1998

In sections [<sup>F47</sup>50] to 53, references to an Act passed before this Act do not include—

- <sup>F48</sup>(a) . . . . .
- (b) the Human Rights Act 1998 (c. 42).

#### Textual Amendments

- F46** Words in s. 54 heading omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 141(2)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**
- F47** Word in s. 54 substituted by virtue of (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 79(4)**, 118(4); S.I. 2017/765, **reg. 2(u)**; S.I. 2018/382, **reg. 3(kk)**
- F48** S. 54(a) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 141(3)** (with **ss. 117, 209, 210**); S.I. 2018/625, **reg. 2(1)(g)**

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### Consequential

#### 55 Cessation of Office for National Statistics etc

The following shall cease to function on the commencement of this section—

- (a) the Office for National Statistics;
- (b) the Statistics Commission.

#### Commencement Information

**I51** S. 55 in force at 1.4.2008 by S.I. 2008/839, art. 2

#### 56 Transfers etc from ONS to the Board

- (1) Subject to subsection (6), on commencement of this section the property, rights and liabilities of the Office for National Statistics and of the National Statistician shall by virtue of this section vest in the Board.
- (2) Subsection (1) shall operate in relation to property, rights and liabilities—
  - (a) whether or not they would otherwise be capable of being transferred,
  - (b) without any instrument or other formality being required, and
  - (c) irrespective of any requirement for consent that would otherwise apply.
- (3) Anything done by, on behalf of or in relation to the Office for National Statistics or the National Statistician which has effect immediately before the commencement of this section shall continue to have effect as if done by, on behalf of or in relation to the Board.
- (4) Anything (including legal proceedings) which immediately before commencement of this section is in the process of being done by, on behalf of or in relation to the Office for National Statistics or the National Statistician may be continued by, on behalf of or in relation to the Board.
- (5) So far as is necessary or appropriate in consequence of the preceding provisions of this section, on and after commencement of this section a reference to the Office for National Statistics or the National Statistician in an agreement (whether written or not), instrument or other document shall be treated as a reference to the Board.
- (6) The Minister for the Cabinet Office may make a scheme or schemes identifying property, rights and liabilities of the Office for National Statistics or the National Statistician (or both) which shall not vest in the Board on commencement of this section but shall vest in the Registrar General for England and Wales or a Minister of the Crown (including the Minister for the Cabinet Office).
- (7) A scheme under subsection (6) shall have effect—
  - (a) in so far as it excludes anything from the operation of subsection (1), on commencement of this section, and
  - (b) in so far as it vests anything in the Registrar General or Minister of the Crown, on such date as may be specified in the scheme.
- (8) A scheme under subsection (6) may operate in relation to property, rights and liabilities as specified in subsection (2)(a), (b) and (c).

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- (9) A scheme under subsection (6) may include consequential and incidental provision and may in particular—
- (a) make provision for the continuing effect of things done by the Office for National Statistics or the National Statistician before commencement of this section;
  - (b) make provision for the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the Office for National Statistics or the National Statistician immediately before commencement of this section;
  - (c) make provision for references to the Office for National Statistics or the National Statistician in an agreement (whether written or not), instrument or other document to be treated as references to the Registrar General or a Minister of the Crown;
  - (d) make provision for shared ownership, use or access.
- (10) Where a scheme has been made under subsection (6), the Board and the Registrar General or the Minister of the Crown may agree in writing to modify the scheme (and any such modification shall have effect as from the date the original scheme came into effect).
- (11) In this section “the National Statistician” means the National Statistician who holds office immediately before the commencement of section 1.

**Commencement Information**

**I52** [S. 56](#) in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

**57 Transfers etc from Registrar General to the Board**

- (1) On commencement of this section the property, rights and liabilities of the Registrar General for England and Wales held or incurred in relation to the functions transferred under section 25 (the “transferred functions”) shall by virtue of this section vest in the Board.
- (2) Subsection (1) shall operate in relation to property, rights and liabilities—
- (a) whether or not they would otherwise be capable of being transferred,
  - (b) without any instrument or other formality being required, and
  - (c) irrespective of any requirement for consent that would otherwise apply.
- (3) Anything done by, on behalf of or in relation to the Registrar General in respect of the transferred functions which has effect immediately before commencement of this section shall continue to have effect as if done by, on behalf of or in relation to the Board.
- (4) Anything (including legal proceedings) which immediately before commencement of this section is in the process of being done by, on behalf of or in relation to the Registrar General in respect of, or connected with, the transferred functions, may be continued by, on behalf of or in relation to the Board.
- (5) So far as is necessary or appropriate in consequence of the preceding provisions of this section, on and after commencement of this section a reference to the Registrar

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General in an agreement (whether written or not), instrument or other document shall be treated as a reference to the Board.

#### **Commencement Information**

**I53** S. 57 in force at 1.4.2008 by S.I. 2008/839, art. 2

### **58 Transfers etc from Ministers of the Crown to the Board**

- (1) The Minister for the Cabinet Office may make a scheme or schemes transferring property, rights and liabilities from a Minister of the Crown to the Board and such transfer shall have effect in accordance with the terms of the scheme.
- (2) A scheme under subsection (1) may operate in relation to property, rights and liabilities as specified in section 56(2)(a), (b) and (c).
- (3) A scheme under subsection (1) may include consequential and incidental provision and may in particular—
  - (a) make provision for the continuing effect of things done by the Minister of the Crown in relation to anything transferred by the scheme;
  - (b) make provision for the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the Minister of the Crown in relation to anything transferred by the scheme;
  - (c) make provision for references to the Minister of the Crown in an agreement (whether written or not), instrument or other document in relation to anything transferred by the scheme to be treated as references to the Board;
  - (d) make provision for shared ownership, use or access.
- (4) Where a scheme has been made under subsection (1), the Minister of the Crown and the Board may agree in writing to modify the scheme (and any such modification shall have effect as from the date the original scheme came into effect).

#### **Commencement Information**

**I54** S. 58 in force at 1.4.2008 by S.I. 2008/839, art. 2

### **59 Provision of services and facilities by the Board**

- (1) The Board may provide services and facilities to—
  - (a) the Registrar General for England and Wales in order to enable him more efficiently to carry out his functions,
  - (b) the Boundary Commission for England in order to enable it more efficiently to carry out its functions, and
  - (c) the Secretary of State or another public authority in order to enable him or it more efficiently to carry out his or its functions relating to the registration in England or Wales of persons to whom primary medical services are or have been provided.
- (2) The services and facilities referred to in subsection (1) include in particular the making available of premises, computer systems and administrative services.

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- (3) In subsection (1)(c) “primary medical services” means—
- (a) in relation to registration in England, services which are primary medical services for the purposes of the National Health Service Act 2006 (c. 41), and
  - (b) in relation to registration in Wales, services which are primary medical services for the purposes of the National Health Service (Wales) Act 2006 (c. 42).

**Commencement Information**

**I55** S. 59 in force at 1.4.2008 by S.I. 2008/839, art. 2

**60 Consequential amendments**

- (1) Schedule 3 (which makes amendments consequential on the conferral on the Board of functions previously exercised by the Office for National Statistics) has effect.
- (2) Section 57 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) (which provides for a central register kept by the Registrar General for Scotland for health and local authority purposes) is amended as follows—
  - (a) in subsection (2), in paragraph (d), after “department” insert “ or an NHS body ”;
  - (b) after that subsection, insert—

“(2A) In subsection (2)(d), “NHS body” has the same meaning as it has (apart from in Schedule 15) in the National Health Service Act 2006 (c. 41).”

**Commencement Information**

**I56** S. 60 in force at 1.4.2008 by S.I. 2008/839, art. 2

*Miscellaneous*

**61 Money**

- (1) The expenditure of the Board is to be paid out of money provided by Parliament.
- (2) Sums paid to the Board (other than under subsection (1)) are to be paid into the Consolidated Fund.
- (3) The Board may with the approval of the Minister for the Cabinet Office make to or in respect of members of the Board, employees or committee members payments by way of, or in respect of, remuneration, pension, allowances or expenses.

**Commencement Information**

**I57** S. 61 in force at 1.4.2008 by S.I. 2008/839, art. 2

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

## 62 Evidence

- (1) The application of the seal of the Board is to be authenticated by the signature of a person authorised for that purpose by the Board (generally or specifically).
- (2) A document purporting to be duly executed under the seal of the Board or purporting to be signed on its behalf is to be received in evidence and taken, unless the contrary is proved, as so executed or signed.

### Commencement Information

**I58** S. 62 in force at 1.4.2008 by S.I. 2008/839, art. 2

## 63 Investigation by Parliamentary Commissioner

- (1) The Parliamentary Commissioner Act 1967 (c. 13) is amended in accordance with subsections (2) and (3).
- (2) In Schedule 2 (departments and authorities subject to investigation), at the appropriate place insert— “ Statistics Board ”.
- (3) In the Notes to Schedule 2, after the paragraph relating to the Ministry of Defence insert—

### **Statistics Board**

In the case of the Statistics Board, no investigation is to be conducted in relation to any action taken by or on behalf of the Board in the exercise of any of its functions where the function is being exercised only in relation to Scottish devolved statistics (within the meaning of section 66 of the Statistics and Registration Service Act 2007).”

- (4) The Scottish Public Services Ombudsman Act 2002 (asp 11) is amended in accordance with subsections (5) and (6).
- (5) In section 7 (matters which may be investigated: restrictions), after subsection (6A) insert—
  - “(6B) The Ombudsman must not investigate action taken by or on behalf of the Statistics Board in the exercise of any of its functions unless the function is being exercised only in relation to Scottish devolved statistics (within the meaning of section 66 of the Statistics and Registration Service Act 2007).”
- (6) In schedule 2 (persons liable to investigation), after paragraph 91 (Security Industry Authority) insert—

“91A The Statistics Board.”

### Commencement Information

**I59** S. 63 in force at 1.4.2008 by S.I. 2008/839, art. 2

## 64 House of Commons etc disqualification

In each of—



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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (a) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), and
  - (b) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25),
- at the appropriate place insert “ The Statistics Board ”.

#### **Commencement Information**

**160** S. 64 in force at 1.4.2008 by S.I. 2008/839, art. 2

### *General*

## **65 Orders and regulations**

- (1) Any power to make an order or regulations under this Part is exercisable—
  - (a) in the case of an order or regulations made by the Minister for the Cabinet Office or other Minister of the Crown, the Scottish Ministers or a Welsh ministerial authority, by statutory instrument, and
  - (b) in the case of an order or regulations made by a Northern Ireland department, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (SI 1979/1573 (NI 12)).
- (2) A Minister of the Crown may not make an order under section 6(1)(b) unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.
- (3) A statutory instrument containing an order made by a Minister of the Crown under section 24 that includes consequential or incidental provision amending any relevant legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing an order made by the Minister for the Cabinet Office under section <sup>F49</sup>... 50(7) or 51(11) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The Minister for the Cabinet Office may not make—
  - (a) an order under section 11, or
  - (b) regulations under section <sup>F50</sup>... 50 or 51,unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by resolution of, each House of Parliament.
- (6) The Scottish Ministers may not make—
  - (a) an order under section 6(1)(b) or 11, or
  - (b) regulations under section <sup>F51</sup>... 52,unless a draft of the instrument containing the order or regulations has been laid before, and approved by resolution of, the Scottish Parliament.
- (7) The Welsh Ministers may not make an order under section 6(1)(b) or 11 unless a draft of the instrument containing the order has been laid before, and approved by resolution of, the National Assembly for Wales.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (8) A statutory instrument containing an order made by a Welsh ministerial authority under section 24 that includes consequential or incidental provision amending any relevant legislation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (9) A statutory rule containing—
- (a) an order made by a Northern Ireland department under section 6(1)(b),
  - (b) an order made by the Department of Finance and Personnel for Northern Ireland under section 11, or
  - (c) regulations made by a Northern Ireland department under section <sup>F52</sup>... 53,
- is subject to affirmative resolution, within the meaning of section 41(4) of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (NI)).
- (10) A statutory rule containing an order made by a Northern Ireland department under section 24 that includes consequential or incidental provision amending any relevant legislation is subject to negative resolution, within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.
- (11) In this section, “relevant legislation” means—
- (a) an Act of Parliament;
  - (b) an Act of the Scottish Parliament;
  - (c) Northern Ireland legislation;
  - (d) a Measure or Act of the National Assembly for Wales.

#### Textual Amendments

- F49** Words in s. 65(4) omitted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), [ss. 79\(5\)\(a\)](#), 118(4); [S.I. 2017/765](#), [reg. 2\(u\)](#); [S.I. 2018/382](#), [reg. 3\(kk\)](#)
- F50** Word in s. 65(5)(b) omitted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), [ss. 79\(5\)\(b\)](#), 118(4); [S.I. 2017/765](#), [reg. 2\(u\)](#); [S.I. 2018/382](#), [reg. 3\(kk\)](#)
- F51** Words in s. 65(6)(b) omitted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), [ss. 79\(5\)\(c\)](#), 118(4); [S.I. 2017/765](#), [reg. 2\(u\)](#); [S.I. 2018/382](#), [reg. 3\(kk\)](#)
- F52** Words in s. 65(9)(c) omitted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), [ss. 79\(5\)\(d\)](#), 118(4); [S.I. 2017/765](#), [reg. 2\(u\)](#); [S.I. 2018/382](#), [reg. 3\(kk\)](#)

#### Commencement Information

- I61** S. 65 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(h\)](#)

## 66 Devolved statistics

- (1) In this Part “Scottish devolved statistics” means—
- (a) statistics which relate to matters in Scotland which are not reserved matters, unless the statistics are produced by a person acting on behalf of the Crown or a public authority in the exercise of functions in relation to a reserved matter,
  - (b) statistics which relate to matters in Scotland which are reserved matters, where the statistics are produced by a person acting on behalf of the Crown or a

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- public authority in the exercise of functions in relation to a matter which is not a reserved matter, and
- (c) statistics produced by the Scottish Ministers in the exercise of a function which is exercisable by them pursuant to an Order made under section 63(1)(a) of the Scotland Act 1998 (c. 46).
- (2) But statistics are not Scottish devolved statistics by virtue of subsection (1)(a) or (b) if they are produced by—
- (a) an authority which is a cross-border public authority within the meaning of the Scotland Act 1998, or
- (b) an authority which is treated as a cross-border public authority for the purposes of sections 23(2)(b) and 70(6) of that Act,
- and do not relate wholly to Scotland.
- [<sup>F53</sup>(3) In this Part “Welsh devolved statistics” means statistics which relate to the exercise of functions by a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006), other than statistics produced by a person acting on behalf of—
- (a) the Crown, or
- (b) a public authority,
- in the exercise of functions that could not be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of that Act).]
- (4) In this Part “Northern Ireland devolved statistics” means—
- (a) statistics which relate to matters in Northern Ireland which are transferred matters, unless the statistics are produced by a person acting on behalf of the Crown or a public authority in the exercise of functions in relation to a matter which is not a transferred matter, and
- (b) statistics which relate to matters in Northern Ireland which are not transferred matters, where the statistics are produced by a person acting on behalf of the Crown or a public authority in the exercise of functions in relation to matter which is a transferred matter.

#### Textual Amendments

**F53** S. 66(3) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 69](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

#### Commencement Information

**I62** S. 66 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(h\)](#)

## 67 General interpretation

In this Part—

[<sup>F54</sup>“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]

[<sup>F55</sup>“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;]

F56  
...

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“Northern Ireland devolved statistics” has the meaning given by section 66(4);

“Northern Ireland public authority” means a public authority whose functions—

- (a) are exercisable only or mainly in or as regards Northern Ireland, and
- (b) relate only or mainly to transferred matters;

“official statistics” has the meaning given by section 6(1);

“person responsible”, in relation to any official statistics, means—

- (a) in the case of official statistics produced by the Board, the National Statistician,
- (b) in the case of official statistics produced by a government department, the Minister in charge of the department, and
- (c) in any other case, the person producing the statistics;

“personal information” has the meaning given by section 39(2);

“public authority” (except in section 40(1)) means—

- (a) a person or body exercising functions of a public nature in the United Kingdom,
- (b) a person or body entirely or substantially funded from public money,
- (c) an office-holder appointed by a person or body falling within paragraph (a), or
- (d) a body more than half of whose governing body or members are appointed by a person or body falling within paragraph (a);

“reserved matters” has the same meaning as in the Scotland Act 1998 (c. 46);

“rights and liabilities” includes rights and liabilities relating to employment;

“Scottish devolved statistics” has the meaning given by section 66(1) and (2);

“Scottish public authority” (except in section 40(3)) has the same meaning as in the Scotland Act 1998;

“transferred matters” has the same meaning as in the Northern Ireland Act 1998 (c. 47);

“Welsh devolved statistics” has the meaning given by section 66(3);

“Welsh ministerial authority” has the meaning given by section 6(5).

#### Textual Amendments

**F54** Words in s. 67 inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 142](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

**F55** Words in s. 67 substituted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 79\(6\)](#), 118(4); [S.I. 2017/765](#), reg. 2(u); [S.I. 2018/382](#), reg. 3(kk)

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1. (See end of Document for details)*

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**F56** Words in s. 67 repealed (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 5(b), **Sch. 9 Pt. 2** (with s. 101(2)); S.I. 2008/3296, art. 2

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**Commencement Information**

**I63** S. 67 in force at 1.12.2007 by S.I. 2007/3388, **art. 2(h)**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Part 1.