



# 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.

#### **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.

##### *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.

#### **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,
  - (b) the member is the subject of a bankruptcy restrictions order (or interim order),
  - (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).

## **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.
- (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.

### *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.

## 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.

### *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.

## **9 Definitions etc for official statistics**

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

### *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.

## **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.
- (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.

## 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;
  - (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.

### **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).

### **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).

### **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.

### **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).

## **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.

## **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.

## **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.

### *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.

## **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;

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

*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.

**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.

**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).

*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.

*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.

**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—
  - (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.

**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.

**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
  - (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 Community 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.

### *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.

## **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.

## **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.

### 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.

### 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.

### 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.

### **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.
- (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.

### **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.

### *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.

### **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—
  - (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 a Community 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),
  - (g) is made, in the interests of national security, to an Intelligence Service,
  - (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—
  - (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 section 154(1) of the Criminal Justice Act 2003 (c. 44),
  - (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.

## **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.
- (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.

**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.

*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.
- (3) In subsection (2)(b) “birth” has the same meaning as in the Births and Deaths Registration Act 1953.
- (4) The Board may, for the purpose of assisting the Secretary of State or the Welsh Ministers in the performance of his or their functions in relation to the health service, disclose to him or them any information referred to in subsection (2)(a) to (c) which is received by the Board under this section.
- (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.
- (6) In subsection (4) “health service” has the same meaning as in the National Health Service Act 2006 (c. 41).

**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.
- (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).

#### **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).

**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, other than its function under section 22 (statistical services).
- (3) Information disclosed under subsection (1) may only be used by the Board for the purposes of any one or more of its functions, other than its function under section 22.
- (4) Information disclosed under subsection (1) may not be disclosed by the Board to any person except with the consent of the Commissioners.
- (5) Subsection (1) does not authorise the disclosure of personal information, other than personal information relating to the import or export of goods to or from the United Kingdom.
- (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.

**46 Information sharing: supplementary amendments**

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

*Information sharing: supplementary powers*

**47 Power to authorise disclosure to the Board**

- (1) Subject to this section, the Minister for the Cabinet Office may make regulations for the purpose of authorising a public authority to disclose information to the Board where—
  - (a) the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act, or
  - (b) the authority would not otherwise have power to make the disclosure.
- (2) Regulations under subsection (1) may only authorise disclosure to enable the Board to carry out one or more of its functions, other than its function under section 22 (statistical services).
- (3) The Board 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 the Board 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 by—

- (a) a Scottish public authority, so far as exercising 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 provision—
  - (a) prohibiting or restricting further disclosure by the Board of information disclosed under the regulations;
  - (b) authorising further disclosure by the Board 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) The Minister for the Cabinet Office may only make regulations under subsection (1) with the consent of—
  - (a) the Welsh Ministers, in a case where the regulations authorise disclosure by a public authority exercising functions only or mainly in or as regards Wales,
  - (b) the Treasury, in a case where the regulations authorise disclosure by the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, or
  - (c) a Minister of the Crown (other than the Minister for the Cabinet Office), in any other case.
- (9) The Minister for the Cabinet Office may only make regulations under subsection (1) authorising any disclosure if the Minister and any persons or person whose consent is required under subsection (8) are satisfied that—
  - (a) the disclosure is required by the Board to enable it to carry out the function or functions in relation to which the disclosure is authorised, and
  - (b) the disclosure is in the public interest.
- (10) Subsection (8)(c) does not apply in relation to regulations authorising disclosure by a public authority where the Minister for the Cabinet Office is the relevant Minister in relation to the public authority.
- (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)(b).

## **48 Power to authorise disclosure to the Board: Scotland**

- (1) Subject to this section, the Scottish Ministers may make regulations for the purpose of authorising a Scottish public authority, so far as exercising functions which relate to matters which are not reserved matters, to disclose information to the Board where—
  - (a) the disclosure would otherwise be prohibited by a rule of law, an Act passed before this Act or an Act of the Scottish Parliament passed before this Act, or
  - (b) the authority would not otherwise have power to make the disclosure.

- (2) Regulations under subsection (1) may only authorise disclosure to enable the Board to carry out one or more of its functions, other than its function under section 22 (statistical services).
- (3) The Board 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 the Board 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 provision—
  - (a) prohibiting or restricting further disclosure by the Board of information disclosed under the regulations;
  - (b) authorising further disclosure by the Board 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.
- (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 Board to enable it to carry out the function or functions in relation to which the disclosure is authorised, and
  - (b) the disclosure is in the public interest.

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

- (1) Subject to this section, a Northern Ireland department may make regulations for the purpose of authorising a Northern Ireland public authority to disclose information to the Board where—
  - (a) the disclosure would otherwise be prohibited by a rule of law, an Act passed before this Act or any Northern Ireland legislation passed or made before this Act, or
  - (b) the authority would not otherwise have power to make the disclosure.
- (2) Regulations under subsection (1) may only authorise disclosure to enable the Board to carry out one or more of its functions, other than its function under section 22 (statistical services).
- (3) The Board 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 the Board 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 provision—
  - (a) prohibiting or restricting further disclosure by the Board of information disclosed under the regulations;
  - (b) authorising further disclosure by the Board 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.
- (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 Board to enable it to carry out the function or functions in relation to which the disclosure is authorised, and
  - (b) the disclosure is in the public interest.

## **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).

## **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.
- (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).

## **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.

### **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.

### **54 Data Protection Act 1998 and Human Rights Act 1998**

In sections 47 to 53, references to an Act passed before this Act do not include—

- (a) the Data Protection Act 1998 (c. 29), or

- (b) the Human Rights Act 1998 (c. 42).

### *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.

## **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).
- (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.

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

## **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).

## **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.
- (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).

## **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).”

### *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.

#### **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.

#### **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.”

## 64 House of Commons etc disqualification

In each of—

- (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”.

### *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 47(11), 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 47, 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 48 or 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.
- (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 49 or 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.

## **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 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.



- (3) In this Part “Welsh devolved statistics” means statistics which relate wholly or mainly to the exercise of functions by—
- (a) a Welsh ministerial authority, or
  - (b) any other public authority whose functions are exercisable only in or as regards Wales,
- 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 does not so relate.
- (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.

## 67 General interpretation

In this Part—

“enactment” includes—

- (a) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (b) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

“Intelligence Service” means—

- (a) the Security Service,
- (b) the Secret Intelligence Service, or
- (c) GCHQ (within the meaning of the Intelligence Services Act 1994 (c. 13));

“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).