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STATUTORY INSTRUMENTS

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**1989 No. 992**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Economic Statistics) Order 1989**

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|-------------------------------|---------|-----------------------|
| <i>Made</i>                   | - - - - | <i>13th June 1989</i> |
| <i>Laid before Parliament</i> |         | <i>21st June 1989</i> |
| <i>Coming into force</i>      | - -     | <i>31st July 1989</i> |

At the Court at Buckingham Palace, the 13th day of June 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation, interpretation and commencement**

1.—(1) This Order may be cited as the Transfer of Functions (Economic Statistics) Order 1989.

(2) In this Order—

“the 1947 Act” means the Statistics of Trade Act 1947(2);

“the Chancellor” means the Chancellor of the Exchequer;

“the former Trade and Industry functions” means the functions transferred to the Chancellor by articles 2 and 3 below;

“the transferred CSO” means the Central Statistical Office of the Chancellor of the Exchequer.

(3) This Order shall come into force on 31st July 1989.

**Functions under the 1947 Act**

2.—(1) There are hereby transferred to the Chancellor, so as to be exercisable by him concurrently with the Board of Trade and the Secretary of State, those functions of the Secretary of State under sections 2, 3, 6, 7, 8, 9(2) and (3), 10, 11 and 17(2) of the 1947 Act which, by virtue of articles 2(1) (a) and 7(4) of the Secretary of State for Trade and Industry Order 1970(3), are exercisable by the Secretary of State concurrently with the Board of Trade.

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(1) 1975 c. 26.

(2) 1947 c. 39.

(3) S.I. 1970/1537.

(2) There are hereby transferred to the Chancellor, so as to be exercisable by him concurrently with the Secretary of State, the functions exercisable under that Act by the Secretary of State as a competent authority, within the meaning of that Act.

### **Collection of information under certain petroleum licences**

**3.—**(1) The functions of any Minister of the Crown under the information provision of a licence which incorporates any of the relevant model clauses are hereby transferred to the Chancellor, so as to be exercisable by him concurrently with that Minister.

(2) Any such licence shall have effect after the coming into force of this Order as if any reference in the information provision to a Minister of the Crown (including any reference which is to be construed as such a reference) included a reference to the Chancellor.

(3) The variation of any provision of a licence by paragraph (2) above is without prejudice to any power to delete or further vary that provision by an instrument under seal executed by the Secretary of State and the licensee.

(4) For the purposes of this article—

- (a) the “relevant model clauses” are the provisions specified in Schedule 1 to this Order; and
- (b) the “information provision” of a licence which incorporates a relevant model clause is the provision corresponding to that clause.

### **Central Statistical Office**

**4.** There are hereby transferred to the Chancellor the functions of any Minister of the Crown which are carried out by the Central Statistical Office.

### **Retail prices index and family expenditure survey**

**5.—**(1) There are hereby transferred to the Chancellor those functions of the Secretary of State for Employment which relate to the compilation, maintenance and publication of any general index of retail prices and the family expenditure survey.

(2) Subject to the amendments made by Schedule 2 to this Order, any reference (however expressed) in any enactment, instrument, contract or other document to—

- (a) any general index of retail prices compiled, maintained or published by the Department of Employment,
- (b) any index compiled, maintained or published by that Department in substitution for such an index, or
- (c) the family expenditure survey published by that Department,

shall be construed, as respects compilation, maintenance or publication of any such index or survey after the coming into force of this Order, as a reference to the corresponding index or any substituted index or the corresponding survey, as the case may be, compiled, maintained or published by the transferred CSO.

### **Consequential provisions**

**6.—**(1) The Documentary Evidence Act 1868<sup>(4)</sup> shall apply to the transferred CSO—

- (a) as if that Office were a government department included in the first column of the Schedule to that Act;

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(4) 1868 c. 37.

- (b) as if the Chancellor or any person authorised to act on his behalf were mentioned in relation to that Office in the second column of that Schedule; and
  - (c) as if the regulations referred to in that Act included any document issued by that Office.
- (2) In Schedule 2 to the Parliamentary Commissioner Act 1967(5) (bodies subject to investigation) there shall be inserted at the appropriate place—  
“The Central Statistical Office of the Chancellor of the Exchequer.”
- (3) The 1947 Act shall have effect after the coming into force of this Order—
- (a) with the insertion in section 17(3) (competent authorities) of the words “the Chancellor of the Exchequer” immediately before the words “a Secretary of State”; and
  - (b) as if any other reference to the Secretary of State (including any reference which is to be construed as such a reference) were or included a reference to the Chancellor, as the context may require.
- (4) Schedule 2 to this Order, which contains consequential amendments, shall have effect.

### **Supplemental**

7.—(1) All rights and liabilities to which, immediately before the coming into force of this Order, the Secretary of State for Trade and Industry is entitled or subject in connection with the former Trade and Industry functions are hereby transferred to the Chancellor.

(2) This Order shall not affect the validity of anything done by or in relation to the Secretary of State for Trade and Industry before the coming into force of this Order; and anything which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Trade and Industry (including, in particular, any legal proceedings to which that Minister is a party) may, if it relates to any of the former Trade and Industry functions, be continued by or in relation to the Chancellor.

(3) Any directions given and any arrangements or appointments, or requests for information, made by the Secretary of State for Trade and Industry before the coming into force of this Order, or having effect as if so given or made, shall, if in force at the coming into force of this Order, have effect as if given or made by the Chancellor, in so far as that is required for continuing their effect after the coming into force of this Order.

(4) Subject to the amendments made by Schedule 2 to this Order, any instrument or contract made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes or in consequence of the transfers effected by article 2 or 3 above, as if any reference to the Secretary of State for Trade and Industry or to the department or an officer of that Minister (including any reference which is to be construed as such a reference) were or included a reference to the Chancellor or the transferred CSO or an officer of the Chancellor's, as the context may require.

(5) Documents or forms printed or duplicated for use in connection with any of the former Trade and Industry functions may be so used notwithstanding that they contain references to the Secretary of State for Trade and Industry or his department or an officer of his; and those references shall be construed as references to the Chancellor or the transferred CSO or an officer of the Chancellor's, as the context may require.

(6) Subject to the amendments made by Schedule 2 to this Order, any reference in any instrument, contract or other document (including any such document or form as is referred to in paragraph (5) above) to the Business Statistics Office of the Department of Trade and Industry or to the Central Statistical Office (including any reference which is to be construed as such a reference) shall be construed after the coming into force of this Order as a reference to the transferred CSO.

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(7) Paragraphs (1) to (6) above shall apply in relation to any such Minister as is mentioned in article 4 above as they apply in relation to the Secretary of State for Trade and Industry, but taking—

- (a) references to the former Trade and Industry functions as references to the functions transferred under article 4 above; and
- (b) the reference in paragraph (4) to the transfers effected by article 2 or 3 above as a reference to the transfer effected by article 4 above.

*G.I. de Deney*  
Clerk of the Privy Council

## SCHEDULE 1

Article 3(4)

### RELEVANT MODEL CLAUSES

#### *Petroleum (Production) Regulations 1935*

Paragraph (4) of the clause entitled “Plans and records” in the model clauses set out in Part I of Schedule 2 to the Petroleum (Production) Regulations 1935<sup>(6)</sup>.

#### *Petroleum (Production) Regulations 1966*

Clause 27(3) of the model clauses set out in Schedule 3 to the Petroleum (Production) Regulations 1966<sup>(7)</sup>.

Clause 29(3) of the model clauses set out in Schedule 4 to those regulations.

#### *Petroleum and Submarine Pipe-lines Act 1975*

Clause 29(3) of the model clauses set out in Part II of Schedule 2 to the Petroleum and Submarine Pipe-lines Act 1975<sup>(8)</sup>.

Clause 27(3) of the model clauses set out in Part II of Schedule 3 to that Act.

#### *Petroleum (Production) Regulations 1976*

Clause 28(3) of the model clauses set out in Schedule 4 to the Petroleum (Production) Regulations 1976<sup>(9)</sup>.

Clause 30(3) of the model clauses set out in Schedule 5 to those regulations.

#### *Petroleum (Production) Regulations 1982*

Clause 28(3) of the model clauses set out in Schedule 4 to the Petroleum (Production) Regulations 1982<sup>(10)</sup>.

Clause 29(3) of the model clauses set out in Schedule 5 to those regulations.

Clause 13(3) of the model clauses set out in Schedule 7 to those regulations.

#### *Petroleum (Production) (Landward Areas) Regulations 1984*

Clause 18(3) of the model clauses set out in Schedule 3 to the Petroleum (Production) (Landward Areas) Regulations 1984<sup>(11)</sup>.

Clause 24(3) of the model clauses set out in Schedule 4 to those regulations.

Clause 26(3) of the model clauses set out in Schedule 5 to those regulations.

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<sup>(6)</sup> S.R. & O. 1935/426.

<sup>(7)</sup> S.I. 1966/898; the specified provisions of Schedules 3 and 4 are incorporated in the form set out in Part II of Schedules 2 and 3 to the Petroleum and Submarine Pipe-lines Act 1975.

<sup>(8)</sup> 1975 c. 74.

<sup>(9)</sup> S.I. 1976/1129.

<sup>(10)</sup> S.I. 1982/1000.

<sup>(11)</sup> S.I. 1984/1832.

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*Petroleum (Production) (Seaward Areas) Regulations 1988*

Clause 32(3) of the model clauses set out in Schedule 4 to the Petroleum (Production) (Seaward Areas) Regulations 1988**(12)**.

Clause 13(3) of the model clauses set out in Schedule 5 to those regulations.

SCHEDULE 2

Article 6(4)

CONSEQUENTIAL AMENDMENTS

*Business Statistics Office*

**1.**—(1) In section 58 of the Finance Act 1969**(13)** (disclosure of information by Revenue for statistical purposes)—

- (a) in subsection (1), for the words “or by the Business Statistics Office of the Board of Trade” there shall be substituted the words “the Department of Trade and Industry or the Central Statistical Office of the Chancellor of the Exchequer”;
- (b) in subsection (4), for the words “or of the Business Statistics Office of the Board of Trade” there shall be substituted the words “or of the Department of Trade and Industry or of the Central Statistical Office of the Chancellor of the Exchequer”; and
- (c) in subsection (7), for the words “or the Business Statistics Office of the Board of Trade” there shall be substituted the words “the Department of Trade and Industry or the Central Statistical Office of the Chancellor of the Exchequer”.

(2) In section 44 of the Value Added Tax Act 1983**(14)** (disclosure of information for statistical purposes)—

- (a) in subsection (1), for the words “the Business Statistics Office of the Departments of Trade and Industry” there shall be substituted the words “the Department of Trade and Industry or the Central Statistical Office of the Chancellor of the Exchequer” and for the words “that Office” there shall be substituted in both places the words “that Department or Office”;
- (b) in subsection (2), for the words “the Business Statistics Office” there shall be substituted the words “the Department of Trade and Industry or of the Central Statistical Office”; and
- (c) in subsection (5), for the words “the Business Statistics Office of the Departments of Trade and Industry” there shall be substituted the words “the Department of Trade and Industry or the Central Statistical Office of the Chancellor of the Exchequer”.

*Central Statistical Office*

**2.** In the definition of “Standard Industrial Classification” in each of the following provisions, that is to say—

- (a) section 37(1) of the Industry Act 1975**(15)**,
- (b) section 21 of the Energy Act 1976**(16)**, and
- (c) regulation 1(3) of the Industrial Common Ownership (Loans) Regulations 1977**(17)**,

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**(12)** S.I. 1988/1213.

**(13)** 1969 c. 32.

**(14)** 1983 c. 55.

**(15)** 1975 c. 68.

**(16)** 1976 c. 76.

**(17)** S.I. 1977/1386.

after the words “Central Statistical Office” there shall be inserted the words “of the Chancellor of the Exchequer”.

*Furnishing and disclosure of information etc.*

3. The words “or the Chancellor of the Exchequer” shall be inserted after the words “the Minister” in each place where they occur in the following provisions—

- (a) clause 18(3) of the model clauses set out in Schedule 3 to the Petroleum (Production) (Landward Areas) Regulations 1984;
- (b) clause 24(3) of the model clauses set out in Schedule 4 to those regulations;
- (c) clause 26(3) of the model clauses set out in Schedule 5 to those regulations;
- (d) clause 32(3) of the model clauses set out in Schedule 4 to the Petroleum (Production) (Seaward Areas) Regulations 1988; and
- (e) clause 13(3) of the model clauses set out in Schedule 5 to those regulations.

4. In articles 2 and 3 of the Census of Production Order 1981(18) (which relates to the taking of a census in 1982 and subsequent years by the Secretary of State) after the words “the Secretary of State” there shall be inserted the words “or the Chancellor of the Exchequer”.

*Retail prices index and family expenditure survey*

5.—(1) In each of the provisions specified in sub-paragraph (2) below (which refer to the retail prices index maintained or published by the Department of Employment) for the words “Department of Employment” there shall be substituted the words “Central Statistical Office of the Chancellor of the Exchequer”.

(2) The provisions referred to in sub-paragraph (1) above are the following—

- (a) section 24(8) of the Finance Act 1980(19);
- (b) section 8(3) of the Inheritance Tax Act 1984(20);
- (c) section 833(2) of the Income and Corporation Taxes Act 1988(21);
- (d) section 17(12) of the Dartford–Thurrock Crossing Act 1988(22);
- (e) paragraph 5(7) of Schedule 7 to the Local Government Finance Act 1988(23); and
- (f) the definition of “retail prices index” in each of the following—
  - (i) article 16(2)(b) of the Edinburgh Assay Office Order 1979(24);
  - (ii) regulation 2(1) of the Town and Country Planning (Compensation for Restrictions on Mineral Working) Regulations 1985(25); and
  - (iii) regulation 2 of the Pension Scheme Surpluses (Valuation) Regulations 1987(26).

6. In the definition of “the Index” in article 2(2) of the Docks and Harbours (Rateable Values) Order 1976(27), for the words “published by the Secretary of State” there shall be substituted the words “published by the Central Statistical Office of the Chancellor of the Exchequer”.

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(18) S.I. 1981/1487.

(19) 1980 c. 48.

(20) 1984 c. 51.

(21) 1988 c. 1.

(22) 1988 c. 20.

(23) 1988 c. 41.

(24) S.I. 1979/1587.

(25) S.I. 1985/698.

(26) S.I. 1987/412.

(27) S.I. 1976/535.

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7. The amendments made by paragraphs 5 and 6 above shall have effect in relation to maintenance or publication of the index in question after the coming into force of this Order.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Articles 2, 3, 4 and 5 of this Order provide respectively for the transfer to the Chancellor of the Exchequer of—

- (a) the functions of the Secretary of State under the Statistics of Trade Act 1947, currently carried out by the Business Statistics Office of the Department of Trade and Industry;
- (b) his functions relating to the collection of information from licensees under the Petroleum (Production) Act 1934 (c. 36), also currently carried out by that Office;
- (c) the functions of any Minister of the Crown which are currently carried out by the Central Statistical Office of the Cabinet Office; and
- (d) those functions of the Secretary of State for Employment which relate to general indices of retail prices and the family expenditure survey.

The transferred functions will be carried out in the Central Statistical Office of the Chancellor of the Exchequer and those referred to in paragraphs (a) and (b) will be exercisable by him concurrently with the Ministers from whom they are transferred.

Articles 6 and 7 and Schedule 2 contain incidental, supplemental and consequential provision.