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STATUTORY INSTRUMENTS

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**1996 No. 273**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Registration  
and Statistics) Order 1996**

<i>Made</i>	- - - -	<i>14th February 1996</i>
<i>Laid before Parliament</i>		<i>26th February 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

At the Court at Buckingham Palace, the 14th day of February 1996

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 and commencement**

1.—(1) This Order may be cited as the Transfer of Functions (Registration and Statistics) Order 1996.

(2) This Order shall come into force on 1st April 1996.

**Interpretation**

2. In this Order “instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, directions, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

**Transfer of functions**

3.—(1) The functions of the Secretary of State under the enactments listed in Schedule 1 to this Order are hereby transferred to the Chancellor of the Exchequer.

(2) The function of the Secretary of State for Health under section 9 of the Births and Deaths Registration Act 1926<sup>(2)</sup> (removal of bodies from England: regulations) is hereby transferred to the Chancellor of the Exchequer.

### **Supplemental**

4.—(1) All rights and liabilities to which the Secretary of State for Health is entitled or subject immediately before the coming into force of this Order in connection with any function transferred by this Order are hereby transferred to the Chancellor of the Exchequer.

(2) This Order shall not—affect the validity of anything done by or in relation to the Secretary of State for Health 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 Health may, if it relates to functions, rights or liabilities transferred by this Order, be continued by or in relation to the Chancellor of the Exchequer.

(3) Any legal proceedings to which the Secretary of State for Health is a party at the coming into force of this Order may, if they relate to functions, rights or liabilities transferred by this Order, be continued by or against the Chancellor of the Exchequer.

(4) Any approval, consent or direction given, or other thing done, by the Secretary of State for Health in the—exercise of any function transferred by this Order (or having effect as if so given or done) shall, if in force at the coming into force of this Order, continue in force and have effect as if similarly given or done by the Chancellor of the Exchequer.

### **Consequential amendments, &c.**

5.—(1) The enactments mentioned in Schedule 2 to this Order shall have effect with the amendments specified in that Schedule.

(2) Subject to the amendments made by Schedule 2 to this Order, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as necessary for the purpose of or in consequence of article 3, as if for any reference to the Secretary of State or the Secretary of State for Health (including any reference which is to be construed as such a reference) there were substituted a reference to the Chancellor of the Exchequer.

(3) Any reference in any instrument to the Central Statistical Office of the Chancellor of the Exchequer or the Office of Population Censuses and Surveys (including any reference which is to be construed as such a reference) shall be construed after the coming into force of this Order (so far as the context permits) as a reference to the Office for National Statistics.

(4) Documents or forms printed or duplicated for use in connection with any function transferred by this Order may be used notwithstanding that they contain (or are to be construed as containing) references to the Secretary of State, the Secretary of State for Health, the Department of Health, an officer of that Department, the Central Statistical Office of the Chancellor of the Exchequer, an officer of that Office, the Office of Population Censuses and Surveys or an officer of that Office; and those references shall be construed as references to the Chancellor of the Exchequer, the Office for National Statistics or an officer of that Office, as the context may require.

(5) The Documentary Evidence Act 1868<sup>(26)</sup> shall apply in relation to the Office for National Statistics—

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

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(2) 1926 c. 48; the function under section 9 was transferred from the Minister of Health to the Secretary of State for Social Services by the Secretary of State for Social Services Order 1968 (S.I.1968/1699), art. 5(3) and Sched., Part 1, and to the Secretary of State for Health by the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843), art. 2(1) and Sched. 2, Part I.

(26) 1868 c. 37.

- (b) as if the Chancellor of the Exchequer 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.

*N. H. Nicholls*  
Clerk of the Privy Council

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## SCHEDULE 1

Article 3(1).

## Functions Transferred from the Secretary of State to the Chancellor of the Exchequer

1. Section 5 of the Non-Parochial Registers Act 1840**(3)** (approval of regulations).
2. Section 7 of the Places of Worship Registration Act 1855**(4)** (direction as to printing of lists of certified places).
3. The following sections of the Census Act 1920**(5)**, except in their application to Scotland:
  - (a) section 2 (directions as to census);
  - (b) section 3 (regulations); and
  - (c) section 6 (local census).
4. Section 12 of the Births and Deaths Registration Act 1926**(6)** (approval of regulations under sections 1 and 3).
5. Section 2 of the Population (Statistics) Act 1938**(7)** (directions as to collection of information), except in its application to Scotland.
6. Section 94 of the Education Act 1944**(8)** (regulations about certificates and returns).
7. The following sections of the Marriage Act 1949**(9)** :
  - (a) section 46A**(10)** (approval of premises);
  - (b) section 58**(11)** (direction as to keeping of certified copies); and
  - (c) section 74 (approval of regulations).
8. The following sections of the Births and Deaths Registration Act 1953**(12)** :
  - (a) section 28 (directions as to custody of registers); and
  - (b) section 39 (approval of regulations).
9. The following sections of the Registration Service Act 1953**(13)** :
  - (a) section 14 (approval of local registration schemes);
  - (b) section 19 (annual abstract of registrations); and
  - (c) section 20 (approval of regulations).
10. Section 5 of the Public Expenditure and Receipts Act 1968**(14)** (increase of fees), in so far as it relates to—

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**(3)** 1840 c. 92.

**(4)** 1855 c. 81.

**(5)** 1920 c. 41; the functions of the Minister of Health under this Act were transferred to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(6)** The function under section 12 was transferred from the Minister of Health to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(7)** 1938 c. 12; the functions of the Minister of Health under this Act were transferred to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(8)** 1944 c. 31; the functions of the Minister of Health under this section were transferred to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(9)** 1949 c. 76.

**(10)** Section 46A was inserted by the Marriage Act 1994 (c. 34), s. 1(2).

**(11)** The functions under sections 58 and 74 were transferred from the Minister of Health to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(12)** 1953 c. 20; the functions of the Minister of Health under this Act were transferred to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(13)** 1953 c. 37; the functions of the Minister of Health under this Act were transferred to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2.

**(14)** 1968 c. 14. The functions of the Minister of Health under this Act were transferred to the Secretary of State by the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 2. Relevant amendments were made by: the National Health Service

- (a) the enactments listed in paragraphs 1(a) and 2 of Schedule 3 to that Act; and
- (b) the enactments listed in paragraph 1(b) of that Schedule, except as regards Scotland.

**11.** Section 18 of the Marriage (Registrar General's Licence) Act 1970<sup>(15)</sup> (approval of regulations).

**12.** Section 67(6) of the Adoption Act 1976<sup>(16)</sup> (approval of regulations).

**13.** Section 1 of the Industrial Diseases (Notification) Act 1981<sup>(17)</sup> (regulations).

## SCHEDULE 2

Article 5(1).

### Consequential Amendments

#### *The Non-Parochial Registers Act 1840 (c. 92)*

**1.** In section 5 of the Non-Parochial Registers Act 1840 (searching of registers), for the words "one of Her Majesty's Principal Secretaries of State" there shall be—substituted the words "the Chancellor of the Exchequer".

#### *Places of Worship Registration Act 1855 (c. 81)*

**2.** In section 7 of the Places of Worship Registration Act 1855 (lists of certified places), for the words "one of Her Majesty's Principal Secretaries of State" there shall be substituted the words "the Chancellor of the Exchequer".

#### *The Census Act 1920 (c. 41)*

**3.—(1)** The Census Act 1920 shall be amended as follows.

(2) In sections 2 (census), 3 (regulations) and 6 (local census), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words "the Chancellor of the Exchequer".

(3) In section 9 (application to Scotland), for paragraph (1) there shall be substituted—

"(1) References to the Chancellor of the Exchequer shall be construed as references to the Secretary of State and references to the Registrar-General shall be construed as references to the Registrar General for Scotland."

#### *The Births and Deaths Registration Act 1926 (c. 48)*

**4.** The Births and Deaths Registration Act 1926 shall be amended as follows.

**5.** In section 9 (regulations), for the words "Secretary of State for Health" there shall be substituted the words "Chancellor of the Exchequer".

**6.** In section 12 (definitions), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words "the Chancellor of the Exchequer".

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Reorganisation Act 1973, Sched. 5; the Social Security Act 1973, Sched. 28; the Friendly Societies Act 1974, Sched. 9, para. 21; the Social Security (Consequential Provisions) Act 1975, Sched. 2, para. 33; the Education (Scotland) Act 1980, Sched. 4, para. 4; the Employment Act 1989, Sched. 7; the Social Security (Consequential Provisions) Act 1992, Sched. 2, para. 5.

(15) 1970 c. 34.

(16) 1976 c. 36.

(17) 1981 c. 25.

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*The Population (Statistics) Act 1938 (c. 12)*

7.—(1) The Population (Statistics) Act 1938 shall be amended as follows.

(2) In subsections (2) and (3) of section 2 (collection of information, &c.), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words “the Chancellor of the Exchequer”.

(3) In section 6 (application to Scotland), for paragraph (a) there shall be substituted—

“(a) references to the Chancellor of the Exchequer shall be construed as references to the Secretary of State;”

*The Education Act 1944 (c. 31)*

8. In subsections (1) and (2) of section 94 of the Education Act 1944 (certificates of birth and registrars' returns), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words “the Chancellor of the Exchequer”.

*The Marriage Act 1949 (c. 76)*

9. The Marriage Act 1949 shall be amended as follows.

10. In sections 46A(1) and 46B(2)(18) (approved premises), for the words “Secretary of State” there shall be substituted the words “Chancellor of the Exchequer”.

11. In sections 58 (quarterly returns) and 74 (regulations), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words “the Chancellor of the Exchequer”.

*The Births and Deaths Registration Act 1953 (c. 20)*

12. In section 41 (interpretation), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words “the Chancellor of the Exchequer”.

*The Registration Service Act 1953 (c. 37)*

13. In section 21(1) (interpretation), for the words which are to be construed as referring to the Secretary of State there shall be substituted the words “the Chancellor of the Exchequer”.

*The Population (Statistics) Act 1960 (c. 32)*

14. In section 4 (additional matter to be included in annual reports of Registrar General), for the words which are to be construed as referring to the Secretary of State(19) there shall be substituted the words “the Chancellor of the Exchequer”.

*The Parliamentary Commissioner Act 1967 (c. 13)*

15. In Schedule 2 to the Parliamentary Commissioner Act 1967(20) (departments, &c. subject to investigation)—

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(18) Section 46B was inserted by the Marriage Act 1994 (c. 34); s. 1(2).

(19) By virtue of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699), art. 5(4).

(20) Relevant amendments are as follows: (a) Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), s. 1(2) & Sched. 1; and (b) the entry relating to the Central Statistical Office of the Chancellor of the Exchequer was inserted by the Transfer of Functions (Economic Statistics) Order 1989 (S.I. 1989/992); art. 6(2).

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- (a) the entries relating to the Central Statistical Office of the Chancellor of the Exchequer and the Office of Population Censuses and Surveys are hereby repealed; and
- (b) there shall be inserted at the appropriate place—  
“The Office for National Statistics.”

*The Public Expenditure and Receipts Act 1968 (c. 14)*

- 16.** In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees)—
- (a) for the entries in the second column relating to paragraphs 1(a) and 2 there shall be substituted—  
“The Chancellor of the Exchequer.; and”
  - (b) for the entry in the second column relating to paragraph 1(b) there shall be substituted—  
“The Chancellor of the Exchequer or, as regards Scotland, the Secretary of State..”

*The Finance Act 1969 (c. 32)*

**17.** In section 58 of the Finance Act 1969 (disclosure of information for statistical purposes), for the words “Central Statistical Office of the Chancellor of the Exchequer”(21), in each place, there shall be substituted the words “Office for National Statistics.”

*The Marriage (Registrar General’s Licence) Act 1970 (c. 34)*

**18.** In section 18(1) of the Marriage (Registrar General’s Licence) Act 1970 (regulations), for the words “Secretary of State” there shall be substituted the words “Chancellor of the Exchequer”.

*The Adoption Act 1976 (c. 36)*

**19.** In section 67(6) of the Adoption Act 1976 (regulations), for the words “Secretary of State” there shall be substituted the words “Chancellor of the Exchequer”.

*The Industrial Diseases (Notification) Act 1981 (c. 25)*

**20.** In section 1 of the Industrial Diseases (Notification) Act 1981, for the words “The Secretary of State” there shall be substituted the words “The Chancellor of the Exchequer”.

*The Inheritance Tax Act 1984 (c. 51)*

- 21.** In section 8 of the Inheritance Tax Act 1984 (indexation of rate bands)—
- (a) for the words “Central Statistical Office of the Chancellor of the Exchequer”(22) there shall be substituted the words “Office for National Statistics”; and
  - (b) for the words “that Department” there shall be substituted the words “that Office”.

*The Income and Corporation Taxes Act 1988 (c. 1)*

**22.** In section 833(2) of the Income and Corporation Taxes Act 1988 (interpretation)—

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(21) These words were substituted by the Transfer of Functions (Economic Statistics) Order 1989 (S.I. 1989/992), Sched. 2, para. 1.

(22) These words were substituted by the Transfer of Functions (Economic Statistics) Order 1989 (S.I. 1989/992), Sched. 2, para. 5.

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- (a) for the words “Central Statistical Office of the Chancellor of the Exchequer”(23) there shall be substituted the words “Office for National Statistics”; and
- (b) for the words “that Department” there shall be substituted the words “that Office”.

*The Dartford-Thurrock Crossing Act 1988 (c. 20)*

**23.** In section 17 of the Dartford-Thurrock Crossing Act 1988 (tolls)—

- (a) for the words “Central Statistical Office of the Chancellor of the Exchequer”(24) there shall be substituted the words “Office for National Statistics”; and
- (b) for the words “that Department” there shall be substituted the words “that Office”.

*The Local Government Finance Act 1988 (c. 41)*

**24.** In paragraph 5(8) of Schedule 7 to the Local Government Finance Act 1988 (non-domestic rating: multipliers)—

- (a) for the words “Central Statistical Office of the Chancellor of the Exchequer”(25) there shall be substituted the words “Office for National Statistics”; and
- (b) for the words “that Department” there shall be substituted the words “that Office”.

*The Broadcasting Act 1990 (c. 42)*

**25.** In sections 19(10) (additional payments in respect of Channel 3 licences) and 102(10) (additional payments in respect of national licences), for the words “Central Statistical Office of the Chancellor of the Exchequer” there shall be substituted the words “Office for National Statistics”.

*The Ports Act 1991 (c. 52)*

**26.** In section 11 of the Ports Act 1991 (annual turnover requirement), for the words “Central Statistical Office of the Chancellor of the Exchequer” there shall be substituted the words “Office for National Statistics”.

*The Value Added Tax Act 1994 (c. 23)*

**27.**—(1) Section 91 of the Value Added Tax Act 1994 (disclosure of information for statistical purposes) shall be amended as follows.

(2) In subsection (1), for the words “Central Statistical Office of the Chancellor of the Exchequer” there shall be substituted the words “Office for National Statistics”.

(3) In subsections (2) and (5), for the words “Central Statistical Office” there shall be substituted the words “Office for National Statistics”.

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(23) These words were substituted by the Transfer of Functions (Economic Statistics) Order 1989 (S.I. 1989/992), Sched. 2, para. 5.

(24) These words were substituted by the Transfer of Functions (Economic Statistics) Order 1989 (S.I. 1989/992), Sched. 2, para. 5.

(25) These words were substituted by the Transfer of Functions (Economic Statistics) Order 1989 (S.I. 1989/992) Sched. 2, para. 5.



## **EXPLANATORY NOTE**

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

This Order in Council, made under the Ministers of the Crown Act 1975, makes provision consequent on the merger of the Office of Population Censuses and Surveys and the Central Statistical Office of the Chancellor of the Exchequer to form a new department to be known as the Office for National Statistics. The Order provides for the transfer to the Chancellor of the Exchequer of functions under certain enactments (article 3 and Schedule 1) and makes supplemental and consequential provision (articles 4 and 5 and Schedule 2).