

**EXPLANATORY MEMORANDUM TO
THE TRANSFER OF FUNCTIONS (REGISTRATION)
ORDER 2008**

2008 No. 678

1. This explanatory memorandum has been prepared by HM Treasury and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order in Council transfers certain statutory functions currently exercised by the Chancellor of the Exchequer relating to the Registrar General for England and Wales to the Secretary of State.

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

3.1 None

4. Legislative Background

4.1 This Order is made in pursuance of sections 1 of the Ministers of the Crown Act 1975. It provides for the transfer of statutory functions that are currently vested in the Chancellor of the Exchequer relating to the Registrar General for England and Wales.

4.2 The statutory functions to which this Order relates are set out in Schedule 1 to the Order.

5. Territorial Extent and Application

5.1 This Order applies to England and Wales.

6. European Convention on Human Rights

The Exchequer Secretary to the Treasury, Angela Eagle MP, has made the following statement regarding Human Rights:

In my view the provisions of the Transfer of Functions (Registration and Statistics) Order 2008 are compatible with the Convention rights.

7. Policy background

7.1 The Registrar General for England and Wales is appointed by the Crown under the Great Seal of the United Kingdom under section 1 of the Registration Service Act 1953. By convention the director of the Office for National Statistics (the National Statistician) holds office concurrently as Registrar General for England and Wales. As Registrar General for England and Wales, he/she is responsible for –

- administering the legislation relating to, and maintaining a central record of, the registration of births, stillbirths, deaths, marriages and civil partnerships in England and Wales,
- conducting a census of the population of England and Wales and
- acting as an assessor to the Parliamentary Boundary Commissions for England and for Wales.

7.2 The Statistics and Registration Service Act 2007 (c, 18), which received Royal Assent on 26 July 2007, created a new body, the Statistics Board. The Office for National Statistics will cease to function in its present form and will become the Executive Office of the Statistics Board. The new Board will take on the responsibilities of the existing ONS and will have powers to produce statistics, provide statistical services and promote statistical research.

7.3 The Board will also take on certain functions of the Registrar General for England and Wales. Under the Census Act 1920 the Registrar General for England and Wales has duties in respect of the carrying out of population censuses in England and Wales under the direction of the Chancellor of the Exchequer. The return on censuses is a key source of statistics and it has therefore been decided that these functions should be transferred to the Board. The Board will also take over certain functions under Schedule 1 to the Parliamentary Constituencies Act 1986 (c. 56) relating to the Boundary Commissions for England and for Wales, and under section 19 of the Registration Service Act 1953, relating to the annual abstract of the number of births, deaths, marriages and civil partnerships laid before Parliament.

7.4 The other general functions of the Registrar General for England and Wales, which include powers to make regulations governing the registration of births, marriages, civil partnerships and deaths in England and Wales and connected matters, are to remain with the Registrar General for England and Wales.

7.5 Under the new arrangements the role of Registrar General for England and Wales will be separated from that of Chief Statistician. The office of Registrar General for England and Wales will remain in existence and the Registrar General for England and Wales will become a corporation sole to separate the rights and liabilities of the office holder from those of the office.

7.6 The Chancellor of the Exchequer currently has ministerial oversight of the work carried out by the Registrar General for England and Wales and the General Register Office. It has been agreed that those functions are to be transferred to the Secretary of State for the Home Department. In consequence:

- the functions of the Registrar General for England and Wales will remain with the Registrar General for England and Wales and
- the functions of the Chancellor of the Exchequer relating to the Registrar General for England and Wales or the General Register Office will be transferred to the Secretary of State.

7.7 Although Ministerial oversight of the Registrar General for England and Wales is to be exercised by the Secretary of State for the Home Department the Order refers

simply to “the Secretary of State” in order to ensure continuity in the event of future machinery of government changes.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is neutral.

9. Contact

Susan Henstock at the Office for National Statistics Tel: 0151 471 4749 or e-mail: Susan.Henstock@ons.gsi.gov.uk can answer any queries regarding the instrument.