
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first Commencement Order made by the Minister for the Cabinet Office under the Statistics and Registration Service Act 2007 (“the Act”). Article 2 brings the following provisions of the Act into force on 1st December 2007:

Section 1 establishes a body corporate to be known in English as the Statistics Board, in Gaelic as Am Bord an Staitistig and in Welsh as Y Bwrdd Ystadegau. Section 2 sets out that the Board exercises its functions on behalf of the Crown. Sections 3 to 5 stipulate that the Board should have a mixture of executive and non-executive members, with a non-executive Chairman appointed by Her Majesty, and contain provisions concerning the appointment, resignation and dismissal of those members. Section 5 also contains provisions concerning the employment of staff by the Board. Section 6 defines official statistics for the purposes of the Act and section 7 provides the Board with an objective for its functions relating to official statistics.

Section 10 requires the Board to prepare, adopt and publish a Code of Practice for statistics. Section 11 provides for the Minister for the Cabinet Office and (in the case of official devolved statistics) the Devolved Administrations to determine, by order, the principles and rules for access to official statistics (so called “pre –release access”). The appropriate authority making the order must consult the Board and the other authorities listed in section 11 before making an order.

Section 24 allows a Minister of the Crown, a Welsh ministerial authority or a Northern Ireland department, by order, to delegate to the Board any of their functions relating to the production of statistics.

Section 26 enables the Board to do anything necessary in connection with the exercise of its functions or incidental business.

Section 28 obliges the Board to have regard to efficiency and cost-effectiveness when making decisions relating to the exercise of its functions.

Section 39 provides that personal information held by the Board, or received by others from the Board, must not be disclosed.

Section 40 provides a limited qualification to section 44 of the Freedom of Information Act 2000 in the case of personal information which is received from the Board by public authorities.

Section 47 creates a power for the Minister of the Cabinet Office to make regulations authorising the disclosure of information from a public authority to the Board. Sections 48 and 49 provide a similar power for Scottish Ministers or a Northern Ireland Department to make regulations authorising disclosure from a Scottish or Northern Irish public authority to the Board respectively.

Section 50 provides the Minister for the Cabinet Office with a power to make regulations permitting the Board to use information, received from a public authority through an existing gateway, to carry out its functions (except that of providing statistical services) where there is an existing legal barrier to the Board’s use of that information.

Section 51 provides that the Minister for the Cabinet Office, with the consent of the Minister of the Crown responsible for the public authority concerned, may make regulations authorising the disclosure of information by the Board for the statistical purposes of the body receiving the information. Sections 52 and 53 grant similar powers to the Scottish Ministers and Northern Ireland departments to make regulations allowing disclosure of information by the Board to Scottish or Northern Irish public authorities respectively.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 54 provides that regulations made under sections 44 to 50 of the Act may not amend the Data Protection Act 1998 (c. 29) or the Human Rights Act 1998 (c. 42).

Section 65 sets out the parliamentary procedure to be followed when secondary legislation is made under different provisions of the Act, section 66 sets out the definitions of Scottish, Welsh and Northern Ireland devolved statistics and section 67 defines certain terms used in the Act.

Section 69 provides for superintendent registrars, registrars and their respective deputies to become employees of the local authority that appointed them and makes provision in respect of their terms and conditions. Sections 70 to 72 make consequential amendments to the Registration Service Act 1953 (c. 37).