

EXPLANATORY MEMORANDUM TO

THE HEALTH AND SOCIAL CARE INFORMATION CENTRE (TRANSFER OF STAFF, PROPERTY AND LIABILITIES) ORDER 2008

2008 No. 519

1. 1.1 This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Transfer Order transfers the staff, property, rights and liabilities of the NHS Central Register (NHSCR) from the Secretary of State for Health to the Health and Social Care Information Centre, a Special Health Authority, on 1 April 2008. This follows the transfer, on 31 March 2008, of the same staff, property, rights and liabilities from the Office for National Statistics (ONS) to the Secretary of State for Health.

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

3.1 None

4. Legislative Background

4.1 The Statistics and Registration Service Act 2007 received Royal Assent in July 2007 and will establish a new, independent Statistics Board on 1 April 2008. The current Office for National Statistics (ONS) will become the executive office of the Statistics Board. As such, the current non-core statistical functions of ONS need to be located elsewhere in the machinery of Government.

4.2 One non-core function of the ONS is the NHS Central Register, which will transfer to the Health and Social Care Information Centre, an arms-length body of the Department of Health. The transfer of the staff, property, rights and liabilities associated with the NHSCR will be effected by means of, first, a transfer from ONS to the Secretary of State for Health and then a transfer by means of this Order from the Secretary of State for Health to the Health and Social Care Information Centre.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Statistics and Registration Service Act 2007 will establish an independent Statistics Board with a statutory responsibility to promote and safeguard the production and publication of official statistics that serve the public good. The current ONS will become the executive office of the Statistics Board on 1 April 2008. The NHS Central Register, as a non-core function of ONS, is not planned to remain part of ONS.

7.2 The function of collecting, using and maintaining information to maintain an accurate record of persons registered with a GP to assist in the provision of an effective health service (i.e. the NHSCR) already falls within the functions of the Secretary of State for Health under the National Health Service Act 2006 but, due to mainly historical reasons, is carried out within ONS on behalf of Connecting for Health. With the cessation of the current ONS, the Secretary of State will instead direct the Health and Social Care Information Centre to carry out this function from 1 April 2008. At the same time, the staff, property, rights and liabilities of the NHSCR will transfer from ONS to the Secretary of State for Health on 31 March 2008. This Order then transfers them to the Health and Social Care Information Centre the following day.

7.2 The Department of Health has consulted on a draft of this Order for 12 weeks with staff in the NHSCR section of ONS, Health and Social Care Information Centre and ONS. The draft Order was made available on the ONS and Health and Social Care Information Centre websites and comments invited in staff briefings (both verbal and written). No comments on the draft Order were received and no significant issues for the Order were raised.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies – the NHSCR will transfer as is, to be run by the Health and Social Care Information Centre in place of ONS.

9. Contact

Catherine Pearson at the Department of Health (tel 020 7210 5303; email Catherine.Pearson@dh.gsi.gov.uk) can answer any queries regarding the instrument.