



Pre-release Access to Official Statistics (Scotland) Act 2021

2021 asp 11

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 4th March 2021 and received Royal Assent on 21st April 2021

An Act of the Scottish Parliament to make provision about restricting pre-release access to certain official statistics; and for connected purposes.

1 Pre-release access to official statistics: rules and principles

(1) The Statistics and Registration Service Act 2007 is amended as follows.

(2) In section 11 (pre-release access), after subsection (5), insert—

“(5A) Subsections (2) to (5) are subject to section 11A.”.

(3) After section 11, insert—

“11A Restrictions on provision by Scottish Ministers for rules and principles for pre-release access

(1) Rules and principles provided for by the Scottish Ministers by order made under section 11(2) on or after the day on which this section comes into force may not provide for the granting of pre-release access to official statistics on Scotland’s gross domestic product or Scottish retail sales (whether by volume or value).

(2) Subsection (1) does not apply to provision made under section 11(2) to give effect to a recommendation contained in the report laid before the Scottish Parliament in accordance with section 3 of the Pre-release Access to Official Statistics (Scotland) Act 2021.

(3) Rules and principles provided for by the Scottish Ministers by order under section 11(2) may not allow pre-release access to economic statistics for a period exceeding 1 working day before publication.

(4) In subsection (3), “economic statistics”—

(a) includes official statistics concerning devolved and local taxes, local government finance, labour productivity, exports, capital and revenue

- outturn budget estimates, government expenditure and revenue, oil production and gas production; but
- (b) does not include statistics produced by the Scottish Ministers in the exercise of a function which is exercisable by them pursuant to an Order made under section 63(1)(a) of the Scotland Act 1998.
- (5) Subsections (1) and (3) do not prevent the Scottish Ministers from providing in rules and principles made by order under section 11—
- (a) for the granting of pre-release access to official statistics on Scotland's gross domestic product or Scottish retail sales (whether by volume or value);
- (b) that there should be no maximum period for pre-release access to official statistics,
- in respect of cases where the condition set out in subsection (6) is met.
- (6) That condition is that the person responsible considers that pre-release access is necessary to ensure, where a publication or other material is being prepared by or on behalf of any public body or office-holder for publication at the same time or shortly after the publication of the official statistics, that any statistics contained in that publication or material are correct or that the publication or material is otherwise properly informed by those official statistics.
- (7) Nothing in this section prevents the Scottish Ministers from providing in rules and principles made by order under section 11 for the release of official statistics in their final form to any individual directly responsible for their printing and production for use solely for those purposes.”.

2 Amendment of the Pre-release Access to Official Statistics (Scotland) Order 2008

- (1) The [Pre-release Access to Official Statistics \(Scotland\) Order 2008 \(S.S.I. 2008/399\)](#) is amended as follows.
- (2) In article 2, at the appropriate place insert—
- ““economic statistics”—
- (a) includes official statistics concerning devolved and local taxes, local government finance, labour productivity, exports, capital and revenue outturn budget estimates, government expenditure and revenue, oil production and gas production; but
- (b) does not include statistics produced by the Scottish Ministers in the exercise of a function which is exercisable by them pursuant to an Order made under section 63(1)(a) of the Scotland Act 1998.”.
- (3) In the Schedule—
- (a) in paragraph 4(1)(a), after “market-sensitive statistics” insert “or economic statistics”;
- (b) after paragraph 4 insert—

“Further restrictions on pre-release access

- 4A (1) In this paragraph, official statistics on Scotland's gross domestic product and official statistics on Scottish retail sales (whether by volume or value) are referred to as “excepted statistics”.

- (2) During Year 1 the maximum period which may be allowed for pre-release access to excepted statistics is 1 working day before publication.
- (3) During Year 2 the maximum period is four hours before publication.
- (4) After the end of Year 2 pre-release access to excepted statistics may not be granted.
- (5) In this paragraph—
 - “Year 1” is the period of one year beginning on the day after the Pre-release Access to Official Statistics (Scotland) Act 2021 receives Royal Assent;
 - “Year 2” is the period of one year beginning on the day following the end of Year 1. ”.

3 Duty to commission review

- (1) As soon as practicable after the end of the period of 3 years beginning with Royal Assent, the Scottish Ministers must commission a review of, and preparation of a report on, the impact of the reduction and removal of pre-release access to official statistics on Scotland’s gross domestic product and Scottish retail sales (whether by volume or value).
- (2) The person or organisation appointed to conduct the review required under subsection (1) must be independent of the Scottish Ministers.
- (3) The Scottish Ministers must, as soon as practicable after receiving the report required under subsection (1)—
 - (a) publish the report, and
 - (b) lay a copy of the report before the Scottish Parliament.

4 Commencement

This Act comes into force on the day after Royal Assent.

5 Short title

The short title of this Act is the Pre-release Access to Official Statistics (Scotland) Act 2021.