

SCHEDULE

PART 2

Special provisions

Bank of England

12.—(1) The person responsible may grant pre-release access to a Bank eligible person if, in the opinion of the person responsible, such access is needed for the effective discharge by the Bank of England (“the Bank”) of its functions.

(2) For the purposes of this paragraph “Bank eligible person” means—

- (a) the Governor of the Bank;
- (b) a Deputy Governor of the Bank;
- (c) a member of the Monetary Policy Committee; or
- (d) an officer, servant or agent of the Bank.

(3) The person responsible may, for any of the purposes set out in sub-paragraph (5), grant pre-release access to a Treasury eligible person to any statistics to which access has been granted to a Bank eligible person under sub-paragraph (1).

(4) For the purposes of this paragraph “Treasury eligible person” means—

- (a) a person designated by the Treasury to attend, as a representative of the Treasury, a meeting of the Monetary Policy Committee pursuant to paragraph 13 of Schedule 3 to the Bank of England Act 1998⁽¹⁾;
- (b) the Chancellor of the Exchequer; or
- (c) a person who needs pre-release access in order to advise a person referred to in paragraph (a) or (b).

(5) The purposes referred to in sub-paragraph (3) are—

- (a) the effective co-ordination of fiscal and monetary policy;
- (b) the preparation of any communication from the Treasury to the Bank in relation to a notice given by the Treasury to the Bank under section 12 of the Bank of England Act 1998.

(6) The number of persons to whom pre-release access is granted under this paragraph must be kept to the minimum necessary for achieving the purpose for which such access is granted.

(7) Such access must be kept to the minimum time prior to publication necessary to achieve the purpose for which such access is granted.

(8) Such pre-release access may be granted subject to such conditions as the person responsible sees fit.

(9) The person responsible must not grant pre-release access under this paragraph unless, in the opinion of the person responsible, the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from such access.

(10) For the purposes of this paragraph, paragraphs 6, 7 and 8 apply to a Bank eligible person and a Treasury eligible person as they apply to an eligible person.

(11) The person responsible may, when deciding whether to grant pre-release access to a Bank eligible person or a Treasury eligible person, take into account any failure by that person, in relation

(1) 1998 c.11.

to a previous grant of pre-release access, to comply with paragraph 6, paragraph 7 or any conditions imposed by the person responsible.

(12) Nothing in paragraphs 6, 7 and 8 prevent a Bank eligible person or a Treasury eligible person who receives pre-release access sharing such access to the official statistic with a person providing administrative support (of a type not within paragraph 12(4)(c)) to that Bank eligible person or Treasury eligible person.

(13) A person providing administrative support under sub-paragraph (12) is an eligible person only for the purposes of paragraphs 6 and 7.

(14) Paragraphs 3, 4, 5 and 11 do not apply to the granting of pre-release access under this paragraph.

International obligations

13.—(1) The person responsible may grant pre-release access to permit the UK to comply with its international obligations to provide data to international statistical organisations.

(2) Part 1, except for paragraph 2, does not apply to the granting of pre-release access under this paragraph.

Journalists

14.—(1) If the person responsible is satisfied that a person is a bona fide representative of a news gathering or news reporting organisation, the person responsible may grant pre-release access to that person for up to a maximum period of 24 hours prior to publication of an official statistic.

(2) The person responsible may grant such pre-release access if, in the opinion of the person responsible, such access—

(a) is necessary for bona fide representatives of news gathering or news reporting organisations to understand the statistic and, where relevant, a statistical publication which includes that statistic, and

(b) is likely to facilitate well-informed debate.

(3) The person responsible may only grant pre-release access if in the opinion of the person responsible the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from such access.

(4) Such access must be kept to the minimum time prior to publication necessary to achieve the purposes of sub-paragraph (2).

(5) The person responsible may, when deciding whether to grant pre-release access to a person under this paragraph, take into account any failure by that person, in relation to a previous grant of pre-release access, to comply with paragraph 6, paragraph 7 or any conditions imposed by the person responsible.

(6) The person responsible may impose such conditions on the granting of pre-release access as the person responsible considers appropriate including —

(a) that pre-release access must take place in such secure location as may be specified by the person responsible and that no communication equipment may be used at that location except as may be permitted by the person responsible; or

(b) without prejudice to paragraph 8, that a person to whom pre-release access under this paragraph is intended to be granted and before such access is granted must agree to comply with any conditions imposed by the person responsible.

(7) Part 1, except for paragraphs 2, 6, 7, 8 and 9, does not apply to the granting of pre-release access under this paragraph.

(8) For the purposes of this paragraph, paragraphs 6, 7 and 8 apply to a person to whom pre-release access is granted under this paragraph as they apply to an eligible person.

Third party publications

15.—(1) The person responsible may grant pre-release access for the purpose of a publication where, in the opinion of the person responsible, the official statistic is relevant to the subject-matter of the publication and the inclusion of the official statistic in the publication will significantly improve the accuracy or usefulness of information contained in the publication.

(2) Such pre-release access may only be granted if the publication is intended to be published at the same time as or shortly after the official statistic to which pre-release access is being granted under this paragraph is to be published.

(3) The person responsible may only grant such access to—

- (a) a Minister of the Crown;
- (b) the head of a government department;
- (c) a member of the Scottish Executive;
- (d) a junior Scottish Minister;
- (e) a member of the Welsh Assembly Government;
- (f) a Northern Ireland Minister, including the First Minister and Deputy First Minister in Northern Ireland;
- (g) a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the Northern Ireland Act 1998;
- (h) the National Statistician;
- (i) an officer, servant or agent of a person or body which produces official statistics;
- (j) a person who, in the opinion of the person responsible, is otherwise accountable to the public for the formulation or development of government policy or for the delivery of public services to which the statistic has direct relevance;
- (k) a person who needs pre-release access in order to advise a person referred to in any of paragraphs (a) to (j).

(4) The number of persons to whom pre-release access is granted under this paragraph must be kept to the minimum necessary for achieving the purpose referred to at sub-paragraph (1).

(5) Such access must be kept to the minimum time prior to publication necessary for the inclusion of the statistic in the publication.

(6) The person responsible must not grant pre-release access under this paragraph unless in the opinion of the person responsible the public benefit likely to result from granting such access outweighs the detriment to public trust in official statistics likely to result from granting such access.

(7) The person responsible may, when deciding whether to grant pre-release access to a person listed in sub-paragraph (3), take into account any failure by that person, in relation to a previous grant of pre-release access, to comply with paragraphs 6 and 7.

(8) Paragraphs 3 to 5 of Part 1 do not apply to the granting of pre-release access under this paragraph.

(9) For the purposes of this paragraph, paragraphs 6, 7, 8 and 11 apply to a person listed at sub-paragraph (3) as they apply to an eligible person.

(10) For the purposes of this paragraph, “government policy” includes the policy of the Scottish Administration, the policy of the Executive Committee of the Northern Ireland Assembly and the policy of the Welsh Assembly Government.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Pre-release Access to Official Statistics Order 2008 No. 2998