

STATISTICS AND REGISTRATION SERVICE ACT 2007

EXPLANATORY NOTES

SUMMARY

12. The Act provides for the creation of a new Statistics Board (referred to in the Act and in these explanatory notes as ‘the Board’) operating at arm’s length from Ministers, with a statutory responsibility to promote and safeguard the production and publication of official statistics that serve the public good.

The Statistics Board, its membership and staff (sections 1 to 5)

13. The new Board is a Non-Ministerial Department (NMD), with a non-executive Chairman who, along with the National Statistician, is appointed by Her Majesty. The Board itself is composed of at least six non-executive members, including the Chairman, and three executive members, one of whom is the National Statistician.
14. The Board may have other employees as needed. These will include the staff in the executive office of the National Statistician involved in the production of statistics, as well as the Board secretariat and those working on assessment of National Statistics.

Functions relating to official statistics and National Statistics (sections 7 to 21)

15. The Board has an overall objective of promoting and safeguarding the quality of official statistics that serve the public good, including by informing the public about social and economic matters, and assisting in the development and evaluation of public policy. The Board also has an objective to promote and safeguard good practice in relation to official statistics and the comprehensiveness of official statistics ([section 7](#)).
16. The Board has a number of functions which will enable it to fulfil this objective, including powers to monitor the quality of official statistics ([section 8](#)), and to develop, maintain and promote the use of definitions, methodologies, classifications and standards for official statistics ([section 9](#)). [Section 10](#) requires the Board to draw up a Code of Practice for Statistics. [Section 12](#) and [14](#) require the Board to assess National Statistics against the Code.
17. Where the Board considers that a set of official statistics should be subject to assessment under [section 12](#), it is obliged, under [section 16](#), to notify the authority responsible for those statistics. Where the appropriate authority is a Minister of the Crown, the Minister must publish a statement as to whether (and when) he will comply with the Board’s request. Where relevant, this must include reasons for why he does not intend to comply with the Board’s request.
18. Pre-release arrangements will be set out in secondary legislation ([section 11](#)), and the Board has a statutory duty to assess compliance with the arrangements as part of its duty to assess National Statistics under [sections 12](#) and [14](#).

Further and supplementary functions (sections 22 to 29)

19. The Board also has a number of statistical functions that are not confined to official statistics and National Statistics. These include the power to provide statistical services to any person ([section 22](#)) and a power to promote and assist statistical research ([section 23](#)).
20. The Board is required to lay an annual report before Parliament, the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly ([section 27](#)) and to exercise its functions efficiently and cost-effectively ([section 28](#)).
21. [Section 21](#) (with [Schedule 1](#)) provides for the transfer of statistical functions, including the Census, from the Registrar General for England and Wales to the Board. [Section 24](#) enables a Minister of the Crown (or a Welsh Minister or a Northern Ireland department) to delegate to the Board functions relating to the production of statistics.

Organisation and administration (section 30 to 37)

22. The National Statistician and the Head of Assessment are the principal advisers to the Board on, respectively, professional statistical matters, and the assessment of National Statistics. The National Statistician is also the Board's Chief Executive, and will be accountable to the Board for the operation of the executive office of the Board. [Section 34](#) establishes the separation of the Board's statistical production and assessment functions.

Use and disclosure of information by the Board (sections 38 to 41)

23. Much of the information obtained by the Board in connection with one function may be used by it for another ([section 38](#)). However, [section 39](#) places a general obligation on the Board, and anyone to whom the Board has passed personal information, not to disclose it unless one of the exemptions at [section 39\(4\)](#) applies. Failure to comply with this duty of confidentiality is a criminal offence.

Information sharing (sections 42 to 46 and Schedule 2)

24. [Sections 42 to 46](#) (with [Schedule 2](#)) allow existing information flows to continue between the Board, as the legal successor body to ONS, and: the General Register Office ([section 42](#)); the relevant Secretary of State, and Welsh Ministers, for patient registration data ([sections 43 and 44](#)); HM Revenue and Customs ([section 45](#), [section 46](#) and [Schedule 2](#)); the Bank of England and the Department for Environment, Food and Rural Affairs ([section 46](#) and [Schedule 2](#)).

Information sharing: supplementary powers (sections 47 to 54)

25. [Section 47](#) allows the Minister for the Cabinet Office, with the consent of the Minister of the Crown responsible for the public authority from which the information will be obtained, to make regulations to allow information to be shared with the Board where this would normally not be allowed (either because of a barrier to sharing in existing law, or because such a public authority would not otherwise have the power to share information with the Board). Information shared under the regulations can only be used for statistical purposes, and cannot be disclosed by the Board other than in the limited circumstances set out in [section 39](#) and where the regulations provide for further disclosure. [Section 50](#) allows the Minister for the Cabinet Office, with the consent of the Minister of the Crown responsible for the public authority from which the information has been obtained, to make regulations to allow the Board to use information it has received where such use would otherwise be prohibited.
26. Under [section 51](#), the Minister for the Cabinet Office may, with the consent of the Minister of the Crown responsible for the relevant public authority, make regulations to allow information to be shared by the Board with another public authority where

*These notes refer to the Statistics and Registration Service
Act 2007 (c.18) which received Royal Assent on 26 July 2007*

this would normally not be allowed. Information shared under this provision can only be used for statistical purposes, and onward disclosure of the information is restricted under [section 39](#).

27. [Sections 48 and 52, and 49 and 53](#), duplicate [sections 47 and 51](#) for Scotland and Northern Ireland respectively. In these sections, the power to make regulations operates with the consent of the Minister for the Cabinet Office.

Consequential and miscellaneous provisions (sections 55 to 64)

28. The Act provides that the ONS ceases to operate. However its existing property, rights and liabilities pass to the new Board under provisions in these sections, other than property, rights and liabilities that will transfer to the Registrar General or a Minister of the Crown on behalf of the Registrar General. The Statistics Commission also ceased to operate upon commencement of this Act.

Registration service (sections 68 to 72)

29. [Part 2](#) makes provision in relation to offices established under the *Registration Service Act 1953*, and the status of the persons holding those offices.
30. [Section 68](#) establishes the Registrar General for England and Wales as a corporation sole with legal personality separate from the office holder. Sections 69 to 72 transfer registration officers into local authority employment, provide for the retention of their existing terms and conditions, and make various minor and consequential amendments to the *Registration Service Act 1953*.