EXPLANATORY MEMORANDUM TO

THE OFFICIAL STATISTICS ORDER 2008

2008 No.

1. This explanatory memorandum has been prepared by Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This order specifies statistics produced by certain bodies as being "official statistics" under the Statistics and Registration Service Act 2007 ("the Act"), making them subject to the monitoring of the Statistics Board.

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

3.1 None

4. Legislative Background

4.1 This order is made under section 6(1)(b) and (2) of the Act and is the first use of this order-making power. The purpose of the order is to specify statistics made by the bodies listed as official statistics for the purpose of that Act.

4.2 The official statistics specified are in addition to those created by the Statistics Board, government departments, devolved administrations and any other person acting on behalf of the Crown.

4.3 The order does not apply to wholly Scottish devolved statistics. Scottish devolved statistics are defined under section 66(1) and (2) of the Act. The term wholly Scottish devolved statistics is used in section 11.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

5.2 With the agreement of officials in the devolved administrations in Wales and Northern Ireland, this order covers devolved statistics produced by the bodies listed. We understand that the Scottish Executive will be making its own order to cover wholly Scottish devolved statistics produced by these bodies.

6. European Convention on Human Rights

The Minister for the Cabinet Office has made the following statement regarding Human Rights:

In my view the provisions of the Official Statistics Order 2008 are compatible with the Convention rights.

7. Policy background

7.1 The Act received Royal Assent in July 2007. It creates a new non-ministerial department, the Statistics Board, to promote and safeguard the production and publication of official statistics that serve the public good. This order is being made as part of the implementation of the new system, to coincide with the expected start date for the Statistics Board's work on 1 April 2008.

7.2 The Statistics Board will:

- promote good practice for official statistics, including through the development and dissemination of a Code of Practice for Statistics that will set out the best practice to be followed in producing and publishing official statistics.

- monitor, and report on, the production and publication of official statistics; and

- assess a core set of official statistics against the Code of Practice for Statistics, and publish the results of these assessments. If statistics comply with the Code, the Board will approve them as "National Statistics".

7.3 Under section 6 of the Act, all statistics produced by government departments and other Crown bodies are designated as official statistics. Section 6 also allows orders to be made to specify other statistics as official statistics.

7.4 This order designates the statistics produced by current National Statistics producers that are not Crown bodies – such as the Health and Social Care Information Centre – as official statistics. This is necessary to fulfil the Government's stated intention to Parliament that current National Statistics will continue to be National Statistics in the new system (see for example the record of the Public Bill Committee for the Statistics and Registration Service Bill, Tuesday 23 January 2007, Col: 206-207). The order also defines statistics produced by a number of other public sector bodies as official statistics.

7.5 As required by the Act, the Statistics Board have been consulted on the order. They highlighted no bodies as of being specific concern at this time,

indicating that they intended to consider the matter of which further statistics should be official statistics at a later stage.

8. Impact

Please see the Regulatory Impact Assessment to the Statistics and Registration Service Act. There is expected to be no regulatory impact on business, individuals or charities, and the impact on the public sector is expected to be negligible.

9. Contact

Lorna Booth at the Cabinet Office, tel: 0207 276 0426 or email: lorna.booth@cabinet-office.x.gsi.gov.uk, can answer any queries regarding the instrument.