EXPLANATORY MEMORANDUM TO

THE OFFICIAL STATISTICS ORDER 2009

2009 No. 753

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

2. Purpose of the instrument

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 Context

4.1 This order is made under section 6(1)(b) and (2) of the Act and is the second use of this order-making power. The first use of this power was in March 2008, when the Official Statistics Order 2008 was made. This first order is to be revoked by the 2009 order. The purpose of the order is to specify bodies that are to be considered as producers of official statistics for the purpose of the Act. The first order concentrated on bodies that produce 'National Statistics' (statistics that were judged by the Office for National Statistics to be fully compliant with its code of practice at the time), although a few other public bodies were also included. This was because, once the Act came into force on 1 April 2008, a National Statistic had to be an official statistic. This new order keeps the producers of National Statistics as official statistics, but includes other producers of statistics which are considered to be important, national-level statistics, and which the Government feels it is important that the public has trust in.

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, the first order in 2008 covered devolved statistics produced by the bodies listed in that first order. These bodies have been included in this order as well.

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 2009 are compatible with the Convention rights.

7. Policy background

- ***What is being done and why***

7.1 The Act received Royal Assent in July 2007. It created a new non-ministerial department, the Statistics Board (which has chosen to operate under the name 'UK Statistics Authority'), to promote and safeguard the production and publication of official statistics that serve the public good. This is intended to address low levels of public trust in official statistics. The definition of official statistics in the Act allows for some flexibility to add or remove bodies from the Statistics Board's remit. This order does this by giving a list of bodies whose statistical activities can now be monitored and reported on by the Board.

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 allows orders to be made to specify other bodies as producers of official statistics.

7.4 Without this order, there will be several public bodies producing what one would reasonably consider to be important, national-level official statistics but over which the Statistics Board has no control, or power to make assessments against its Code. If the Board is to be able to fulfil its duty to build trust in official statistics then these bodies need to be specified in this order.

- ***Consolidation***

7.5 This order revokes the first order and replaces it with a more comprehensive list of bodies falling within the Statistics Board's remit. A few bodies in the first order have not been included in the second because they were not considered to be producing important, national-level statistics (bodies such as the Royal Air Force Museum). Some other bodies from the first order do not appear in this one because they are to be formally abolished by 1 April 2009 (which is the date on which this order is to come into force).

7.6 The Government expects to produce an order like this once a year, to ensure that the Statistics Board is able to perform its duties effectively.

8. Consultation outcome

8.1 As required by the Act, the Statistics Board has been consulted on this order. The formal consultation took place in December 2008, although in September the Cabinet Office updated the Board on progress. The Board has said, after the formal consultation, that it is content for the Government to proceed with its proposals.

8.2 Bodies that have been included in the order have been consulted (although those bodies that were in the first order were consulted last year and have not been consulted again). This has generally been done by the statistical Head of Profession in each Government department contacting those bodies which are sponsored by that department.

9. Guidance

9.1 The Statistics Board has been consulting on its Code of Practice and published this in January 2009. Producers of official statistics – including those bodies specified in this order – will be expected to follow the Code as best as they can. It is the responsibility of the Board to maintain this Code.

10. Impact

10.1 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.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This instrument is intended to allow the Statistics Board to fulfil its duties, in particular with regard to improving public trust in official statistics. The Government expects to update this order every year, to ensure that the Board is able to comment on official statistics as comprehensively as possible. In doing so the Government will take heed of advice from the Board and it will also take an interest in comments made

by other bodies on the scope of the Board's remit (for example comments made by Parliament as part of its scrutiny of the Board's activities).

13. Contact

Sumit Rahman at the Cabinet Office Tel: 020 7276 0426 or email: sumit.rahman@cabinet-office.x.gsi.gov.uk can answer any queries regarding the instrument.