

These notes refer to the Lords Amendments to the Statistics and Registration Service Bill, as brought from the House of Lords on 25th June 2007 [Bill 134]

STATISTICS AND REGISTRATION SERVICE BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

INTRODUCTION

1. These explanatory notes relate to the Lords Amendments to the Statistics and Registration Service Bill, as printed for the House of Commons on 25th June 2007. They have been prepared by HM Treasury in order to assist the reader of the Bill and the Lords Amendments and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Lords Amendments themselves, refer to HL Bill 53, the Bill as first printed for the Lords.
3. These notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords Amendments.
4. Lords Amendments 1-10, 12-15, 17, 20-30, 23, 40-64, 68-70 and 72 were opposed by the Government. The remainder were in the name of the Minister. In the following commentary, an asterisk appears in the heading to each of the paragraphs dealing with non-Government amendments.

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COMMENTARY ON LORDS AMENDMENTS

****Lords Amendments 1-6, 7-9, 40-64 and 66***

5. Lords Amendments 1-6, 7-9, 40-64 and 66 would transfer residual responsibilities for the Board from the Treasury to the Cabinet Office. The effect of this would be that the Cabinet Office would:

- appoint Board Members (under clauses 3 and 4);
- make regulations authorising the further disclosure of information to the Board, use of information by the Board and disclosure of information by the Board (under clauses 44, 47 and 48);
- give consent to the making of regulations in Scotland or Northern Ireland authorising further disclosure of information by the Board (under clauses 49 and 50); and
- give approval to the Board for payments made under clause 58.

****Lords Amendment 10***

6. Lords Amendment 10 would amend clause 8, to require the Board to monitor the arrangements for the release of official statistics, and access to official statistics in their final form prior to publication.

Lords Amendments 11, 16, 18, 31 and 39

7. Lords Amendments 11, 16, 18, 31 and 39 (to clauses 10, 12, 13, 29 and 33) would change the name of the Code of Practice for National Statistics to “the Code of Practice for Statistics”.

****Lords Amendment 12***

8. Lords Amendment 12 would amend clause 10 to require the Code of Practice to include rules and principles relating to the access to official statistics in their final form prior to publication (“pre-release access”).

****Lords Amendment 13***

9. Lords Amendment 13 would amend clause 10 to place a duty on the Board to keep pre-release access to a minimum, while ensuring that it is sufficient to provide for the needs of Ministers.

****Lords Amendment 14***

10. Lords Amendment 14 would amend clause 10 to require the Board to set out in the Code of Practice rules and principles relating to the release of official statistics, including the location from which releases shall be made; the timing of releases; and the identification of persons responsible for issuing releases.

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****Lords Amendments 15, 67 to 70 and 72***

11. Lords Amendment 15 would remove clause 11 of the Bill (pre-release access). As a result of the removal, arrangements for pre-release access to statistics would pass to the Board to determine as part of its Code of Practice under clause 10 of the Bill, in accordance with Amendments 12, 13 and 14.

12. Amendments 67 to 70 and 72 are consequential on the removal of clause 11.

Lords Amendment 17

13. Lords Amendment 17 is a new clause. It would place a duty on the person who produces official statistics which are designated as National Statistics under clause 12 to ensure the Code of Practice continues to be complied with on reassessment under clause 13. The sanction for non-compliance would be removal of 'National Statistic' status. No form of legal action could be taken for failure to comply with the Code.

Lords Amendment 19

14. Clause 12 provides that assessment will normally only take place at the request of the person producing the statistics.

15. Lords Amendment 19 inserts a new clause which would require the Board to notify the appropriate authority if it considered that it would be appropriate for the authority to request that an official statistic should be assessed by the Board (where the appropriate authority had not yet requested the Board to do so).

16. The appropriate authorities for the purposes of this clause are a Minister of the Crown, the National Statistician, the Scottish Ministers, the Welsh Ministers and any Northern Ireland Department.

17. The clause provides that, where the appropriate authority is a Minister of the Crown, the Board is required to lay a copy of the notification before Parliament. Where a Minister of the Crown receives such a notification, he is required to publish and lay before Parliament a statement as to whether (and when) he will comply with the Board's request. Where the Minister of the Crown does not intend to comply with the Board's request, his statement must include reasons for the decision.

18. The clause also provides that where the National Statistician decides not to request that an official statistic produced under the authority of the Board should be assessed for compliance with the Code of Practice for Statistics, he must make a statement to that effect and to lay a copy of the statement before Parliament; and he must give reasons for his decision.

****Lords Amendment 20***

19. Lords Amendment 20 would amend clause 17 to remove the restriction on the Board making changes to the pre-release elements of the current Code before a new Code is published.

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***Lords Amendments 21 - 30**

20. Lords Amendments 21 – 30 would amend clause 27 such that the Prime Minister, rather than the Chancellor of the Exchequer, would have the power to give the Board directions in the case of a serious failure to comply with its objective or perform any of its functions.

Lords Amendments 32 to 38

21. These amendments deal with the Executive Office of the Board and related matters.

22. Lords Amendment 35 would insert a new clause setting out the particular functions which the Executive Office of the Board will assist the National Statistician in the discharge of. These are set out in subsection (1) of the new clause: the development and maintenance of definitions (clause 9(1)(a)), production of statistics (clause 18), the Retail Prices Index (clause 19), the provision of statistical services (clause 20), and any other function of the Board which the National Statistician may exercise. The new clause provides that the Executive Office is to consist of the National Statistician, the other executive members of the Board (though not the Head of Assessment if a member of the Board) and any other employees of the Board as the National Statistician assigns to it. The new clause also provides that the National Statistician can delegate the functions in subsection (1) to members of the executive office, though he can still exercise them himself.

23. Lords Amendments 32 and 33 are consequential on Lords Amendment 35.

24. Lords Amendment 36 would ensure that the Head of Assessment will never be a member of the Executive Office of the Board. As a consequence of this provision, that Amendment, and Lords Amendments 34 and 36, would gather into clause 30 all provisions relating to the Head of Assessment's role in the Board.

25. Lords Amendment 37 would secure that any employee assigned to the Executive Office may not take part in any assessment or determination of the Board's statistics under clause 12(1) or 13(1).

Lords Amendments 65, 71 and 73

26. Following a recommendation made by the Lords Delegated Powers and Regulatory Reform Committee,¹ Lords Amendments 65, 71 and 73 would amend clause 62 to provide that, where a Minister of the Crown, a Welsh Minister or a Northern Ireland department delegates a function to the Board under clause 22, the Order will be subject to the negative resolution procedure where it amends primary legislation. Where the Order does not amend primary legislation, the previous position is retained and no Parliamentary procedure is required.

¹ Select Committee on Delegated Powers and Regulatory Reform - Seventh Report, ordered by the House of Lords to be printed 28 March 2007

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27. These amendments do not apply to the Scottish Ministers because the Scottish Ministers are not able to delegate functions to the Board.

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