



# Statistics and Registration Service Act 2007

## 2007 CHAPTER 18

### PART 1

#### THE STATISTICS BOARD

##### *National Statistics*

#### **10 Code of Practice for Statistics**

- (1) The Board is to prepare, adopt and publish a Code of Practice for Statistics.
- (2) The Board may at any time revise the Code and, if it decides to do so, must publish the Code as revised.
- (3) In preparing or revising the Code the Board must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Department of Finance and Personnel for Northern Ireland, and
  - (d) such other persons as it thinks fit.

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#### **Commencement Information**

**II** S. 10 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(b\)](#)

#### **11 Pre-release access**

- (1) The Code of Practice for Statistics under section 10 may not deal with any matter relating to the granting of pre-release access to official statistics.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics. (See end of Document for details)*

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- (2) The appropriate authority may for the purposes of the Code by order provide for rules and principles relating to the granting of pre-release access to official statistics.
- (3) The Code shall apply in relation to any official statistics as if it included any rules and principles provided for in relation to those statistics under subsection (2).
- (4) The rules and principles which may be provided for under subsection (2) include rules and principles as to—
- (a) the circumstances in which, or descriptions of statistics in relation to which, pre-release access may or may not be granted;
  - (b) the persons or descriptions of person to whom pre-release access may be granted;
  - (c) the period, or maximum period, during which pre-release access may be so granted;
  - (d) the conditions subject to which pre-release access may be so granted.
- (5) Those rules and principles may—
- (a) make different provision for different cases, and
  - (b) allow for the exercise of discretion by persons responsible for official statistics.

[<sup>F1</sup>(5A) Subsections (2) to (5) are subject to section 11A.]

- (6) In this section “appropriate authority” means—
- (a) the Minister for the Cabinet Office, except in a case falling within paragraphs (b) to (d);
  - (b) the Scottish Ministers, in relation to official statistics that are wholly Scottish devolved statistics;
  - (c) the Welsh Ministers, in relation to official statistics that are wholly Welsh devolved statistics;
  - (d) the Department of Finance and Personnel for Northern Ireland, in relation to official statistics that are wholly Northern Ireland devolved statistics.
- (7) Before making an order under subsection (2) the appropriate authority must consult—
- (a) the other persons referred to in subsection (6)(a) to (d), and
  - (b) the Board.
- (8) In this section “pre-release access”, in relation to official statistics, means access to the statistics in their final form prior to publication.

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**Textual Amendments**

**F1** S. 11(5A) inserted (S.) (22.4.2021) by [Pre-release Access to Official Statistics \(Scotland\) Act 2021 \(asp 11\)](#), ss. **1(2)**, 4

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**Commencement Information**

**I2** S. 11 in force at 1.12.2007 by [S.I. 2007/3388](#), art. **2(b)**

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics. (See end of Document for details)*

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**[<sup>F2</sup>11A Restrictions on provision by Scottish Ministers for rules and principles for pre-release access**

- (1) Rules and principles provided for by the Scottish Ministers by order made under section 11(2) on or after the day on which this section comes into force may not provide for the granting of pre-release access to official statistics on Scotland's gross domestic product or Scottish retail sales (whether by volume or value).
- (2) Subsection (1) does not apply to provision made under section 11(2) to give effect to a recommendation contained in the report laid before the Scottish Parliament in accordance with section 3 of the Pre-release Access to Official Statistics (Scotland) Act 2021.
- (3) Rules and principles provided for by the Scottish Ministers by order under section 11(2) may not allow pre-release access to economic statistics for a period exceeding 1 working day before publication.
- (4) In subsection (3), “economic statistics”—
  - (a) includes official statistics concerning devolved and local taxes, local government finance, labour productivity, exports, capital and revenue outturn budget estimates, government expenditure and revenue, oil production and gas production; but
  - (b) does not include statistics produced by the Scottish Ministers in the exercise of a function which is exercisable by them pursuant to an Order made under section 63(1)(a) of the Scotland Act 1998.
- (5) Subsections (1) and (3) do not prevent the Scottish Ministers from providing in rules and principles made by order under section 11—
  - (a) for the granting of pre-release access to official statistics on Scotland's gross domestic product or Scottish retail sales (whether by volume or value);
  - (b) that there should be no maximum period for pre-release access to official statistics,in respect of cases where the condition set out in subsection (6) is met.
- (6) That condition is that the person responsible considers that pre-release access is necessary to ensure, where a publication or other material is being prepared by or on behalf of any public body or office-holder for publication at the same time or shortly after the publication of the official statistics, that any statistics contained in that publication or material are correct or that the publication or material is otherwise properly informed by those official statistics.
- (7) Nothing in this section prevents the Scottish Ministers from providing in rules and principles made by order under section 11 for the release of official statistics in their final form to any individual directly responsible for their printing and production for use solely for those purposes.]

**Textual Amendments**

- F2** S. 11A inserted (S.) (22.4.2021) by [Pre-release Access to Official Statistics \(Scotland\) Act 2021 \(asp 11\)](#), **ss. 1(3), 4**

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics. (See end of Document for details)*

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## 12 Assessment

- (1) At the request of the appropriate authority the Board must, in accordance with this Part, assess and determine whether the Code of Practice for Statistics under section 10 has been complied with in relation to any official statistics.
- (2) If under subsection (1) the Board determines that the Code has been complied with, it must designate the statistics as “National Statistics”; but otherwise it must decline so to designate them.
- (3) A request under subsection (1) may not be withdrawn.
- (4) The person responsible for any official statistics in relation to which an assessment is being made under subsection (1) must provide the Board with such information about the statistics as it may reasonably require.
- (5) The Board must publish the results of any assessment under subsection (1).
- (6) The Board may in exercising its functions under subsection (1) take into account information or advice received from any person.
- (7) In subsection (1) the “appropriate authority” in relation to any official statistics is a Minister of the Crown, subject to the following—
  - (a) the National Statistician is the appropriate authority in relation to statistics produced by the Board;
  - (b) the Scottish Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Scottish devolved statistics;
  - (c) the Welsh Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Welsh devolved statistics;
  - (d) any Northern Ireland department is the appropriate authority in relation to official statistics not produced by the Board which are Northern Ireland devolved statistics.
- (8) For the purposes of this Part, any official statistics designated as National Statistics before the commencement of this section shall be regarded as having been so designated under this section.

### Commencement Information

**I3** S. 12 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

## 13 Duty to continue to comply with Code

- (1) The person producing any official statistics which are designated under section 12 as National Statistics must ensure that the Code of Practice for Statistics under section 10 continues to be complied with in relation to the statistics.
- (2) Failure to comply with subsection (1) in relation to any statistics means that the designation of the statistics as National Statistics may not be confirmed under section 14 (but no action shall lie in relation to any such failure).

*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics. (See end of Document for details)*

**Commencement Information**

**I4** S. 13 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

**14 Re-assessment**

- (1) The Board must, in accordance with this Part, assess and determine whether the Code of Practice for Statistics under section 10 continues to be complied with in relation to statistics already designated as National Statistics under section 12.
- (2) If under subsection (1) the Board determines that the Code continues to be complied with in relation to any statistics already designated as National Statistics under section 12, it must confirm their designation as National Statistics; but otherwise it must cancel their designation.
- (3) The person responsible for any official statistics in respect of which an assessment is being made under subsection (1) must provide the Board with such information about the statistics as it may reasonably require.
- (4) The Board may in exercising its functions under subsection (1) take into account information or advice received from any person.
- (5) The Board must publish the results of any assessment under subsection (1).
- (6) The designation of any statistics as National Statistics may not be cancelled except pursuant to a determination under subsection (1).

**Commencement Information**

**I5** S. 14 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

**15 Programme of assessment**

- (1) The Board must prepare and publish a programme for the assessment and re-assessment of statistics under sections 12(1) and 14(1).
- (2) The Board may at any time revise the programme and, if it decides to do so, must publish the programme as revised.

**Commencement Information**

**I6** S. 15 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

**16 Requests for assessment: supplementary**

- (1) Where in the case of any official statistics other than statistics produced by the Board—
  - (a) the appropriate authority has not under section 12(1) requested the Board to assess and determine whether the Code of Practice for Statistics has been complied with, and
  - (b) the Board is of the view that it would be appropriate for it to do so,the Board must notify the appropriate authority accordingly.

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*Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics. (See end of Document for details)*

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- (2) Where the appropriate authority is a Minister of the Crown, the Board must lay a copy of its notification under subsection (1) before Parliament.
- (3) A Minister of the Crown, on receiving notification under subsection (1), must provide the Board with—
  - (a) a statement that he intends to make a request under section 12(1) in relation to the statistics, or
  - (b) a statement that he does not intend to make such a request, and must lay a copy of the statement before Parliament.
- (4) A statement under subsection (3)(a) must include a timetable for making the request.
- (5) A statement under subsection (3)(b) must give reasons for not making the request.
- (6) Where the National Statistician determines not to make a request under section 12(1) in relation to any official statistics produced by the Board, he must—
  - (a) make a statement that he does not intend to make such a request, giving reasons, and
  - (b) lay a copy of the statement before Parliament.
- (7) In this section “appropriate authority” has the same meaning as in section 12(1).

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**Commencement Information**

**17** S. 16 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

## 17 Principles and procedures

- (1) The Board must prepare and publish a statement of—
  - (a) the principles to which it will have regard, and
  - (b) the procedures which it will adopt,
 in exercising its functions under sections 12(1) and 14(1).
- (2) The Board may at any time revise the statement under subsection (1) and, if it decides to do so, must publish the statement as revised.
- (3) In preparing or revising the statement under subsection (1) the Board must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the Department of Finance and Personnel for Northern Ireland, and
  - (d) such other persons as it thinks fit.

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**Commencement Information**

**18** S. 17 in force at 1.4.2008 by [S.I. 2008/839](#), [art. 2](#)

## 18 List of National Statistics

The Board must, at least once every financial year, publish a list of statistics which are at the time of publication designated as National Statistics under this Part.

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**Changes to legislation:** There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics. (See end of Document for details)

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**Commencement Information**

**19** S. 18 in force at 1.4.2008 by [S.I. 2008/839](#), **art. 2**

**19 Code: transitional**

- (1) In this section—
- (a) “the interim period” means the period after the Board is established under section 1 but before the Board has adopted and published a Code under section 10(1), and
  - (b) “the existing Code” means the National Statistics Code of Practice existing at the time of the commencement of this section.
- (2) During the interim period the Board is to maintain the existing Code.
- (3) The Board may at any time during the interim period revise the existing Code and, if it decides to do so, must publish that Code as revised.
- (4) The Board may not under subsection (3) make any revision relating to pre-release access to official statistics (within the meaning of section 11).
- (5) Sections 11(2) to (7), 12 and 14 apply during the interim period in relation to the existing Code as they apply in relation to the Code under section 10.

**Commencement Information**

**110** S. 19 in force at 1.4.2008 by [S.I. 2008/839](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: National Statistics.