

Explanatory Memorandum to the Draft Official Statistics (Wales) Order 2013

This Explanatory Memorandum has been prepared by Knowledge and Analytical Services and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Official Statistics (Wales) Order 2013.

Jane Hutt

Minister for Finance and Leader of the House

14 February 2013

1. Description

This Order designates the statistics produced by certain bodies as “official statistics” for the purposes of the Statistics and Registration Services Act 2007 (“the Act”). The effect of designation as official statistics is set out in section 4 below.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

It is considered that the draft Order does not raise any matters of special interest to the Committee which are not referred to elsewhere in the Memorandum.

3. Legislative background

Under section 6(1)(a) of the Act, all statistics produced by government departments, the Scottish Administration, a Welsh Ministerial authority, a Northern Ireland department or any other person acting on behalf of the Crown are official statistics. “Official statistics” is defined in section 6(1) of the Act. The power of the Welsh Ministers to make this Order is contained in section 6(1)(b) and (2) of the Act, which allows orders to be made to specify other persons as producers of official statistics. This Order designates the statistics produced, or to be produced, by the bodies listed in the Schedule as official statistics.

The Order is subject to approval by the Assembly (the affirmative resolution procedure).

4. Purpose & intended effect of the legislation

The Act which received Royal Assent in July 2007 created a new non-ministerial department, the Statistics Board (which operates under the name 'UK Statistics Authority'). The Act conferred a number of functions on the Statistics Board to promote and safeguard the quality and comprehensiveness of official statistics. The Statistics Board is required to monitor the production and publication of official statistics and to report relevant concerns to the person responsible for those statistics (section 8 of the Act). The Statistics Board may publish its findings or report under that section. At the request of the appropriate authority (defined in section 12(7) of the Act), the Statistics Board must assess and determine whether the Code of Practice for Official Statistics ("the Code") has been complied with in relation to any official statistics and, if so, to designate those statistics as "National Statistics" (section 12 of the Act).

The impact of designation as official statistics on the producers of such statistics is that:

- a) the production and publication of official statistics is subject to monitoring and reporting by the Statistics Board (section 8 of the Act);
- b) the persons producing official statistics which have not been designated as "National Statistics" are expected to comply with the standards set out in the Code, which sets out the procedures to be followed in producing and publishing National Statistics. Official statistics designated as National Statistics requires the producers of those statistics to fully comply with the Code, in order to maintain that designation. For other official statistics compliance with the Code is not a formal requirement but is best practice to be observed;
- c) the persons producing official statistics must comply with the relevant rules and principles relating to the granting of pre-release access to official statistics to the extent applicable to them and, in relation to official statistics designated as National Statistics, must do so as if these rules and principles are part of the Code;
- d) the person responsible for any official statistics in respect of which an assessment is being made under section 12 of the Act must provide the Statistics Board with such information about the statistics as the Statistics Board may reasonably require.

This is the first time that this order-making power has been exercised by the Welsh Ministers. The Order applies to wholly Welsh devolved statistics. Welsh devolved statistics are defined under section 66(3) of the Act. The Order designates the statistics produced, or to be produced by five bodies listed in the Schedule as official statistics. These are the Arts Council of Wales, Natural Resources Body for Wales, Public Health Wales National Health Service Trust, Sports Council for Wales and the Welsh Language Commissioner.

Each of the bodies that are listed in the Schedule produce important statistics but over which the Statistics Board has no control, or power to make assessments against its Code. If the Statistics Board is to be able to fulfil its duty to build trust in official statistics, these bodies need to be specified in the Order.

5. Consultation

Bodies that have been included in the Order have agreed to be named within it, following direct discussions with the statistical Head of Profession.

As required by the Act, the Statistics Board has been consulted on this order. No comments were received on the draft Order.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared in respect of this Order. The Order only has an impact on those bodies listed in the Schedule. Two of those bodies are registered charities and the other three bodies are from the wider public sector. No impact on businesses, individuals and the voluntary sector is foreseen. The impact on the public sector is expected to be negligible. .

The Order has no impact on the Welsh Ministers statutory duties set out under sections 77- 79 of the Government of Wales Act 2006 or the local government, voluntary sector and business schemes made under sections 73, 74 and 75 of the Government of Wales Act 2006 respectively.