

NOTIFICATION TO THE SCOTTISH PARLIAMENT

Name of the SI(s) (if known) or a title describing the policy area

The UK Statistics (Amendment etc.) (EU Exit) Regulations 2021

Is the notification Type 1 or Type 2

Type 1

A brief overview of the SI (including reserved provision)

In 2019 the UK Government made the UK Statistics (Amendment etc.) (EU Exit) Regulations 2019 to revoke EU statistical law ahead of EU Exit. The purpose of this was to address deficiencies in retained EU law that arose as a consequence of EU Exit, and to ensure the operability of the domestic law and retained EU law after EU Exit. The 2021 Regulations implements technical changes to revoke deficient EU law in continuation from the 2019 SI and maintains the desired working arrangements as part of the UK statistical system. The SI is due to be laid before the UK Parliament on Wednesday 6th October.

Details of the provisions that Scottish Ministers are being asked to consent to.

The purpose of the instrument is to revoke retained EU statistics law. EU Member States are subject to a large EU statute book relating to the production of EU statistics. Most EU statistics law require the UK to collect data, produce statistics and transmit these data to the EU for the purpose of producing EU statistics. The EU statistics law set timescales for surveys, reference periods, quality criteria, classifications and standards that must be used for EU statistics. As EU statistics law only concern EU statistics, they do not confer any powers for the production of UK statistics. The UK statistical system is run under a separate existing legal framework, covered under UK legislation. Revoking these laws would have the practical effect of all statistics currently produced according to European Regulations reverting to the UK's national framework for official statistics, which is the Statistics and Registration Service Act 2007 (SRSA 2007) and its Code of Practice for Statistics. As the UK does not need these regulations to continue to produce statistical data, the EU statistics law are deficient and redundant. The EU statistics law are surplus to the UK legal framework and would confer a burden on the UK to continue to provide data.

Does the SI relate to a common framework or other scheme?

Separately to this SI, the Office of the Chief Statistician is working with UKSA and the devolved administrations to update the Concordat on Statistics – this is an official level agreement between the permanent secretaries and Chief Statisticians and sets out a framework for how the UK will work together on statistical matters to achieve alignment across the UK and internationally. While the SI would repeal EU regulations that oblige the UK to transmit statistics to Eurostat, the Concordat advocates alignment with international standards, including the United Nations Fundamental Principles of Official Statistics.

Summary of stakeholder engagement/consultation

Officials from the UK Statistics Authority have maintained a regular dialogue with officials and the Chief Statisticians of Scotland, Wales and Northern Ireland, to consult them on the instrument. In addition, OCS has flagged with statistical leads across Scottish Government. No major concerns have been raised.

A note of other impact assessments, (if available)

N/A

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

Scottish Ministers consented to the 2019 SI, and this is a continuation of it to repeal the outstanding EU statistical legislation. Since EU Exit, EU statistics law relating to the production of EU statistics are deficient and redundant. This is because it makes provision for, or in connection with, arrangements which involve the EU, and which are no longer appropriate. This law does not operate effectively because the majority of its obligations attach to Member States (which no longer include the UK). Most of this law requires transmission of statistics by the Authority to Eurostat. This instrument does not explicitly prohibit the UK from sharing data with Eurostat, but it does remove the legal requirement for the UK to do this.

Intended laying date (if known) of instruments likely to arise

6 October

SI NOTIFICATION: SUMMARY

Title of Instrument The UK Statistics (Amendment etc.) (EU Exit) Regulations 2021
Proposed laying date at Westminster 6 th October
Date by which Committee has been asked to respond 28 th September
Power(s) under which SI is to be made Section 8 of the European Union (Withdrawal) Act 2018
Categorisation under SI Protocol Type 1
Purpose <p>The purpose of the instrument is to revoke retained EU statistics law, continuing from the 2019 SI. EU Member States are subject to a large EU statute book relating to the production of EU statistics. Most EU statistics law require the UK to collect data, produce statistics and transmit these data to the EU for the purpose of producing EU statistics. The EU statistics law set timescales for surveys, reference periods, quality criteria, classifications and standards that must be used for EU statistics. As EU statistics law only concern EU statistics, they do not confer any powers for the production of UK statistics. The UK statistical system is run under a separate existing legal framework, covered under UK legislation. Revoking these laws would have the practical effect of all statistics currently produced according to European Regulations reverting to the UK's national framework for official statistics, which is the Statistics and Registration Service Act 2007 (SRSA 2007) and its Code of Practice for Statistics. As the UK does not need these regulations to continue to produce statistical data, the EU statistics law are deficient and redundant. The EU statistics law are surplus to the UK legal framework and would confer a burden on the UK to continue to provide data.</p>
Other information <p>Separately to this SI, the Office of the Chief Statistician is working with UKSA and the devolved administrations to update the Concordat on Statistics – this is an official level agreement between the permanent secretaries and Chief Statisticians and sets out a framework for how the UK will work together on statistical matters to achieve alignment across the UK and internationally. While the SI would repeal EU regulations that oblige the UK to transmit statistics to Eurostat, the Concordat advocates alignment with international standards, including the United Nations Fundamental Principles of Official Statistics.</p>
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