

STATES OF JERSEY



Jersey

DRAFT STATISTICS AND CENSUS (JERSEY) AMENDMENT LAW 202-

**Lodged au Greffe on 14th May 2024
by the Chief Minister
Earliest date for debate: 25th June 2024**

STATES GREFFE



Jersey

DRAFT STATISTICS AND CENSUS (JERSEY) AMENDMENT LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Chief Minister has made the following statement –

In the view of the Chief Minister, the provisions of the Draft Statistics and Census (Jersey) Amendment Law 202- are compatible with the Convention Rights.

Signed: **Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter**
Chief Minister

Dated: 14th May 2024

REPORT

Section 1: Introduction

1. The draft Statistics and Census (Jersey) Amendment Law 202- (the “draft Law”) would, if adopted, amend the [Statistics and Census \(Jersey\) Law 2018](#) (the “2018 Law”) to bring Jersey’s statistical system in line with international best practice. Implementation of the draft Law would maintain the public’s trust and confidence in the Island’s statistical system in the long term.
2. The Statistics Legislation Steering Group (“the Group”) was set up to review the arrangements for statistical regulation and the production of statistics by Statistics Jersey and other public authorities. Following this review, the Group was requested to propose amendments to the 2018 Law which were subject to public consultation between October and December 2021. The draft Law implements the Group’s proposals, addressing four key areas, including:
 - the governance of Statistics Jersey;
 - the role of a new Statistics Council;
 - the identification and protection of Jersey’s tier 1 statistics; and
 - coordination of Jersey’s Statistical System (JSS).
3. In addition, the draft Law includes a small number of amendments to improve the effectiveness of provisions governing Jersey’s censuses. The 2021 Census was the first to be conducted under the 2018 Law and the period since the Census has provided an opportunity to review and to consider enhancements in this Part of the Law.

Summary of Amendments

Governance of Statistics Jersey

4. The draft Law would introduce significant changes to the governance of Statistics Jersey. It would:
 - establish the Chief Statistician as a corporation sole, responsible for performing all the key statistical functions under the 2018 Law;
 - set up Statistics Jersey as the Office of the Chief Statistician under Law with the role of supporting the Chief Statistician in the performance of their functions;
 - guarantee the professional independence of the Chief Statistician and of those working for them;
 - provide the Chief Statistician with an unfettered right to comment on any aspect of statistics including their funding, use, accuracy, reliability, adequacy, erroneous interpretation and misuse;
 - provide a process to secure adequate funding for Statistics Jersey which is commensurate with its responsibilities under the Law; and
 - ensure that the Chief Statistician is accountable for the good governance of Statistics Jersey.

The Statistics Council

5. The draft Law would establish the Statistics Council in place of the Statistics Users' Group. It would:
- establish a Statistics Council to oversee Jersey's Statistical System by:
 - advising public authorities on the production, use, quality, relevance and integrity of the statistics they produce that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey; and
 - advising generally in relation to tier 1 statistics;
 - empower the Statistics Council to raise and to publish concerns in relation to the production, quality, relevance and integrity of key statistics produced by public authorities;
 - ensure that the Statistics Council acts as a forum for the public and statistics users to interact with the Chief Statistician, Statistics Jersey and other producers of statistics in public authorities on the quality, relevance and integrity of tier 1 statistics;
 - provide the Statistics Council with the power to report annually to the States Assembly; and
 - require the Chief Minister to provide adequate funding for the Statistics Council.

Tier 1 Statistics

6. The draft Law would protect Jersey's most important statistics, which would be termed "tier 1 statistics." It would:
- bring the definition of Jersey's key, tier 1 statistics in line with international standards;
 - permit all public authorities to produce tier 1 statistics;
 - protect Jersey's most important statistical publications;
 - provide the Chief Statistician with responsibility for producing a Code of Practice and for assessing compliance with it;
 - enable the Chief Minister or Chief Statistician to authorise reviews of tier 1 statistics, including by independent external experts; and
 - provide the Statistics Council with powers to request that the Chief Statistician or Chief Minister undertake reviews of particular tier 1 statistics.

The Jersey Statistical System

7. The draft Law would strengthen and formalise Jersey's existing decentralised statistical system. It would:
- formalise the establishment of the JSS comprising the producers of statistics across public authorities;
 - provide the Chief Statistician with the powers to establish a committee of producers of statistics across public authorities (the Statistics Producers Group); and
 - provide the Chief Statistician with professional leadership of statisticians and analysts across public authorities, including responsibility for their career and professional development.

Section 2: Background and Consultation

Background

8. The Statistics Legislation Steering Group was [established](#) in February 2021 to oversee the development of new policy and legislation to improve the JSS. The Group was chaired by Deputy Morel and included representatives from the Statistics Users' Group (SUG) and Statistics Jersey. The full membership of the Group, the guiding principles of its work and the approach it has taken in developing new policy and legislation can be found in its terms of reference.¹ The Group met 12 times between March 2021 and March 2023 to consider evidence, and to draw up and refine its proposals.
9. During its review, the Group considered a large body of evidence including key guidance documents issued by international organisations (in particular the United Nations), statistical legislation and systems in other jurisdictions, and current practice and legislation in Jersey. The key documents produced by the UN which the Group relied upon are the United Nations Generic Law on Official Statistics (GLOS), the United Nations Fundamental Principles of Official Statistics (FPOS), the UN Handbook on Management and Organisation of National Statistical Systems (UN Handbook) and the United Nations Guidance on Modernising Statistical Legislation (UNECE Guidance). A summary of the different statistical systems which the Group considered, including small jurisdictions of comparable complexity and size to Jersey, can be found at **Appendix 2**.
10. Having evaluated this evidence, the Group determined that amendments were required to bring Jersey's statistical legislation into line with international best practice standards and to maintain the public's trust and confidence in the Island's statistical system in the long term. These proposals were published on 25 October 2021 in '[Vision Paper: A new legislative framework for statistics in Jersey](#)' alongside an [accompanying paper](#), setting out the options considered and background rationale for its conclusions.

Consultation Process and Feedback

11. A full public consultation on the Vision Paper took place between 25 October and 6 December 2021. Public feedback was invited on all aspects of the proposals either by post or via email to a dedicated email address. Specific feedback was also requested on the following matters:
 - "Should the Chief Statistician be appointed to the role permanently, like the Chief of Police, or be appointed for a fixed term, like the Children's Commissioner who can serve no longer than 8 years?"
 - "The UN define the main users of official statistics as the general public, the media, researchers and students, businesses, public authorities, non-governmental organisations, international organisations and authorities of other countries who receive or access official statistics.
 - i. should any of these types of users be excluded from participating in the Statistics Council?
 - ii. if so, should people who used to undertake these activities in the past (for example, former journalists or Assembly Members) be able to participate in the Council?"

¹ The Group's terms of reference were approved by the then Chief Minister under Ministerial Decision MD-C-2021-0041 and published on 12 May 2021. This can be found online at: [Statistics Legislation Steering Group \(gov.je\)](#)

12. In total, 14 responses were received – all were provided via email. There were 3 responses to the consultation from organisations and 11 responses were provided by private individuals.
13. The questions posed in the consultation were answered in full by 6 respondents. Partial responses to the questions were provided by a further 2 respondents. Detailed responses across several of the Vision Paper’s proposals were provided by 4 respondents, while particular issues were raised by a further 2 respondents.
14. The general feedback provided was consolidated and summarised alongside the Group’s responses in the [Consultation Feedback Report](#), which was published by the Chief Minister on 27 October 2022. Responses received were also published in the report. The feedback was detailed in nature, broadly consistent and largely supportive of the Group’s proposals. One organisation would have welcomed longer to respond.
15. As well as being represented on the Group by its Chair, the SUG has been engaged throughout the development of the draft Law. This includes being invited to comment on advance drafts of the Law (in October 2022, July 2023 and January 2024 respectively). The SUG also received four special briefings on the project in July 2021, November 2022, July 2023 and February 2024.

Section 3: The draft Law

16. Article 1 of the draft Law establishes that the draft Law would amend the 2018 Law. Article 2 of the draft Law amends the current interpretation provisions under Article 1 of the 2018 Law to provide consistency with the changes set out below.
17. Amongst others, the draft Law introduces a definition for the Jersey Statistical System (JSS). The JSS is defined under new Article 7M(1) as, “The public authorities producing statistics that describe, on a representative basis, the economic, demographic, social and environmental; situation in Jersey.” Public authorities are those bodies as defined under Article 1 of the [Freedom of Information \(Jersey\) Law 2011](#).

Article 1 of the Freedom of Information (Jersey) Law 2011

“public authority” means –

- (a) the States Assembly including the States Greffe;
- (b) a Minister;
- (c) a committee or other body established by a resolution of the States or by, or in accordance with, standing orders of the States Assembly;
- (d) an administration of the States;
- (e) a Department referred to in Article 1 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965;
- (f) the States of Jersey Police Force;
- (g) a parish;
- (h) to the extent not included in paragraph (a) to (g) above, any body (whether incorporated or unincorporated) –
 - (i) which is in receipt of funding at least half of which is from the States in one or more years,
 - (ii) which carries out statutory functions,

- (iii) which is appointed, or whose officers are appointed, by a Minister,
- (iv) which appears to the States to exercise functions of a public nature, or
- (v) which provides any service under a contract made with any public authority described in paragraphs (a) to (g), the provision of such service being a function of that authority;

18. Jersey currently has a decentralised statistical system, as key statistics (though not currently tier 1 statistics) are produced by several public authorities. The Group did not consider that legislation should impose a change on current practice in this area. Instead, the legislation should, as far as possible, promote better coordination across the existing decentralised statistical system and enable the sharing of knowledge and skills to improve the quality of all statistics which are produced by public authorities.
19. The UNECE Guidance states that the producers of key, official statistics constitute the “National Statistical System” (NSS). It is for this reason that the Group considered that the Jersey Statistical System should be defined as consisting of those public authorities holding responsibility for producing key statistical publications.

UNECE Guidance

“80. The NSS is a legal and institutional framework within which different stakeholders execute their rights and obligations. The purpose of the statistical law is to provide clear criteria as to who could belong to the NSS. Having clear borders of the NSS is a precondition for good governance of statistical production and for the functioning of the common elements of statistical legislation proposed in this guidance. Lithuania describes its procedures and criteria for the identification of other producers of official statistics in a case example. The NSSs are country specific and their governance differs a great deal, as discussed in chapter 7. Nevertheless, typically an NSS consists of an NSO [National Statistical Office] and other institutions that produce official statistics. The different advisory, consultative or governing authorities with a particular role to facilitate statistical production are usually not part of the NSS.

81. The statistical law should include provisions on who in principle can be part of the NSS, what criteria are required for becoming a producer of official statistics and who decides on the inclusion of institutions in the NSS. Finland and the United Kingdom provided case examples of their practices with the criteria and procedures for identifying official statistics and their producers. A listing of members of the NSS should be avoided in the law, as this only increases inflexibility and the need to revise the legislation frequently. Such a list should be maintained elsewhere, for instance as part of the statistical programme. Clarity is needed to ensure that the producers of official statistics do consider themselves part of the NSS and fulfil the rights and responsibilities stipulated in the legal framework. Forming the NSS of professionally independent entities only that have the production of statistics as their main task, provides the basis for a consistent and well-functioning NSS in which the exchange of individual data among producers of official statistics could be possible.”²

² UNECE Guidance, paragraphs 80-81, pp.20-21.

Part 2 – Governance of the Office of the Chief Statistician

20. Article 3 of the draft Law substitutes a new Part 2 into the 2018 Law to underpin the role of the Chief Statistician and the governance of their office.

Re-establishment of status and role of Chief Statistician – New Article 2

21. New Article 2 of the 2018 Law would establish the Chief Statistician as a corporation sole. This would provide the office with legal personality distinct from the person holding the role. This would enable the office to, for example, hold property and enter contracts, and ensures that obligations and liabilities, both statutory and contractual, continue notwithstanding any change in office holder. Current examples of corporation soles under Jersey legislation include the offices of the Chief of the States of Jersey Police, the Commissioner for Children and Young People and the Charity Commissioner.
22. The Statistics Legislation Steering Group considered four options as to how to provide for the governance of Statistics Jersey and the Chief Statistician under legislation. In this context, the term governance model is used to refer to the way in which a public entity has been or could be established under Jersey Law. The four governance models considered are summarised in the table, below.

Option Number	Model of Governance	Examples under Jersey Law
1	The current model	Statistics Jersey and the Chief Statistician, Official Analyst
2	Corporation sole	Chief of the States of Jersey Police, Charity Commissioner, Children’s Commissioner
3	Non-ministerial departments	The Law Officers’ Department, Viscounts Department
4	Body corporate	Jersey Care Commission, Data Protection Authority, Gambling Commission

23. It should be noted that under all four of the options it was considered that, in practice, the corporate functions of Statistics Jersey, such as Human Resources, Information Technology and Estates Management as well as Finance, would continue to be carried out by the Government. This is to reduce overhead costs and help provide value for money, as per the current arrangements for the Jersey Care Commission and the Charity Commissioner.
24. The Group determined that the corporation sole would be the most suitable governance model. It accords with the UNECE Guidance because this governance model would allow the Chief Statistician to provide professional leadership to producers of statistics across the JSS. These provisions define the responsibilities and powers of the Chief Statistician in line with legislation for other corporation soles in Jersey, and in statistical legislation in, for example, Australia.
25. New Article 2(2) of the 2018 Law provides the Chief Statistician with the role of head of the statistical profession working in the JSS. This would allow statisticians and analysts to raise professional queries about professional statistical standards and methodologies with the Chief Statistician, including compliance with the Code of Practice (the “Code”). It would also allow the Chief Statistician to coordinate their career and professional

development, ensuring that appropriate professional training and opportunities are available across public authorities. The Chief Statistician also has responsibilities to uphold the professional independence of producers of tier 1 statistics across all public authorities.

Appointment, dismissal and suspension of the Chief Statistician – New Schedule 1

26. The recruitment, appointment, suspension and dismissal of the Chief Statistician are governed by specific provisions under Schedule 1 to the draft Law. The Chief Minister would hold responsibility for appointing the Chief Statistician. The Group determined that the Chief Minister should retain ministerial responsibility for matters in relation to the Chief Statistician because they do not have a particular ministerial portfolio. If, for example, the Minister for Treasury and Resources were to hold these responsibilities, the Group considered that there could be a risk that the production of economic statistics may be prioritised over other subject areas.
27. The Group considered that it is appropriate for the Chief Minister to exercise ultimate authority over the recruitment and dismissal of the Chief Statistician. It is consistent for Government ministers to make appointments of this nature, as is the case with decisions over the recruitment and dismissal of various other statutory office holders. Under paragraph 1 of Schedule 1 to the draft Law, the Chief Minister must appoint a suitably qualified individual to the role of Chief Statistician and, before making the appointment, they must consult with the Statistics Council. The appointment process must be overseen by the Jersey Appointments Commission to ensure that the appointment process is fair, efficient and conducted in accordance with best practice principles and procedures.
28. Under paragraph 1(3) of Schedule 1, the maximum term length for an individual to serve as Chief Statistician is 9 years. This is consistent with the Jersey Appointments Commission's Guidelines³ for the tenure of appointees to senior States offices. Aside from these additional statutory arrangements and protections, in practice the Chief Statistician would be employed by the States' Employment Board (SEB), ensuring access to public service pension and salary arrangements.
29. Paragraph 2(1) of the Schedule protects the Chief Statistician's position by providing that they may only be dismissed from office on three grounds, including:
 - incapacity by physical or mental illness;
 - failing to discharge the functions of the office without reasonable excuse; or
 - behaving in a way that is not compatible with their continuing in office.
30. Paragraph 2(2) of Schedule 1 provides that the Chief Statistician may only be dismissed following the conclusion of a robust process to investigate any allegations made against them. The Chief Statistician must be provided with the opportunity to respond to any allegations raised and their response must be taken into account during the investigation. The Statistics Council must be notified as soon as practicable if it is decided to dismiss the Chief Statistician. This provides significant protection to the office holder's position, in addition to contractual protections in employment law, which is necessary for independent office holders who perform public functions.
31. Under paragraph 2(3) of Schedule 1, the Chief Statistician may be suspended while an investigation into their conduct is taking place. The Statistics Council must be notified if

³Jersey Appointments Commission Guidelines p.8, online at:
<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/P%20JAC%20recruiting%20guidelines%202020160517%20MN.pdf>

the Chief Minister decides to suspend the Chief Statistician. There is provision to appoint an acting Chief Statistician should the office become vacant under paragraph 4.

Responsibilities and independence of the Chief Statistician – New Article 3

32. New Article 3(1) of the 2018 Law retains the broad responsibilities of Statistics Jersey which are currently set out under Article 2(2) of the 2018 Law. However, these responsibilities now rest with the Chief Statistician. New Article 5 is clear that Statistics Jersey would, in Law, become the Office of the Chief Statistician and that its role is to support the Chief Statistician to fulfil their statutory functions. This is consistent with the Chief Statistician becoming a corporation sole.
33. New Article 3(2) confirms the specific responsibilities of the Chief Statistician and updates those which are currently provided under Article 3(1) of the 2018 Law, in line with the changes that the draft Law would introduce. The functions of the Chief Statistician and Statistics Jersey are largely the same under new Article 3(2) as they are under Article 2(3) of the 2018 Law currently. However, the draft Law is clear that ultimate responsibility for performing these key statistical functions rests with the Chief Statistician. New Article 3(2)(1) provides a key addition to the 2018 Law, enabling the Chief Statistician to make public comment on any aspect of statistics, including their funding, use, accuracy, reliability, adequacy, erroneous interpretation and misuse. In practice, the fact that the office is a corporation sole will provide them with additional confidence in their powers to make public comment on statistics, in line with their professional judgment.
34. New Article 3(2)(n) will support current practice by enabling Statistics Jersey to provide statistical services to outside organisations. For example, Statistics Jersey currently undertakes the annual telecoms survey on behalf of the Jersey Competition Regulatory Authority. New Article 3(2)(o) ensures that the Chief Statistician maintains close contact with the Statistics Council and with the principal users of statistics. This is necessary as it is important that key statistics meet the needs of users, which include businesses, charities, individuals and government.
35. New Article 3(3) expands on the role of the Chief Statistician as head of the statistical profession across the JSS, providing them with specific responsibility for:
 - “ensuring that statisticians and analysts employed by a public authority uphold high professional statistical standards;
 - as far as resources allow, co-ordinating professional development across the statistical profession working with the Jersey Statistical System and ensuring that appropriate professional training is available; and
 - taking steps to uphold the professional independence of the Jersey Statistical System.”

Independence and Funding for the Office of the Chief Statistician and tier 1 statistics – New Article 4

36. The draft Law strengthens the independence of the Chief Statistician further by providing, under new Article 4(1), that neither they nor a member of their team may be directed on how the Chief Statistician’s functions are to be carried out. New Article 4(2) would place a corresponding duty on the States Assembly to respect, uphold and defend the professional independence of the Chief Statistician and of Statistics Jersey.⁴ These provisions accord with international best practice standards which are clear that the Chief Statistician must

⁴ See paragraph 2(2) of the Schedule to the Commissioner for Children and Young people Law 2019 for a similar provision

have professional independence. The concept of professional independence is defined by the United Nations Economic Commission (UNECE) in its ‘Guidance on Modernising Statistical Legislation’ (UNECE Guidance) – see below.

“Professional independence, meaning that producers of official statistics shall decide, independently and free from any pressures or interference from political or other external sources, on the development, production, dissemination and communication of statistics, including the selection of data sources, concepts, definitions, methods and classifications to be used, and the timing and content of all forms of dissemination and communication. Producers of official statistics, in their respective areas of competence, may comment publicly on statistical issues and any misuse of official statistics.”⁵

37. The Chief Minister must provide the Chief Statistician with the resources they require to discharge their functions economically, effectively and efficiently, under new Article 4(3). In effect, it provides that the Chief Minister will make an assessment of the funding (and other resources) which the Chief Statistician requires to carry out their work economically, effectively and efficiently, on the advice of the Chief Statistician – see below.
38. New Article 4(4) of 2018 Law in effect provides that, as part of this assessment of the Chief Statistician’s funding requirements and before any bid for funding is submitted for consideration by the Council of Ministers as part of the Government Plan process, the Chief Minister must consult the Chief Statistician. Under Article 20 of the draft Law, the Chief Statistician will be added under Schedule 6 to the [Public Finances \(Jersey\) Law 2019](#) (the “2019 Law”). The effect of this change is to ensure that Article 10 of the 2019 Law applies to the Chief Statistician so that the Government Plan must set out the amount which the Chief Minister determines is required by the Chief Statistician to discharge their functions. The Council of Ministers may issue a statement indicating its disagreement with the Chief Minister’s submission, but the submission must still go forward into the Government Plan which is submitted by the Council of Ministers to the States Assembly. The Assembly would ultimately determine whether to approve or to amend the level of funding for the Chief Statistician which the Chief Minister has proposed under the Government Plan. Governance of the public finances of the Office of the Chief Statistician will sit within the Accountable Officer structure provided by the 2019 Law.
39. Funding for the Office of the Official Analyst is provided under an identical statutory regime – see Article 7(1) and (2) of the [Official Analyst \(Jersey\) Law 2022](#). It is intended that this funding mechanism will be extended to other independent bodies in future, including the Jersey Public Services Ombudsperson.

Article 10 of the [Public Finances \(Jersey\) Law 2019](#)

10 Proposed appropriations for non-Ministerial States bodies or other bodies

- (1) A government plan lodged by the Council of Ministers must set out, as the proposed amount referred to in Article 9(2)(g) to be appropriated in relation to the operations of a non-Ministerial States body or body listed in Schedule 6 for the next financial year, the amount that is submitted to the Council of Ministers by –
- (a) the chairman of the States’ Public Accounts Committee, in the case of the office of the Comptroller and Auditor General;

⁵ UNECE, Guidance on Modernising Statistical Legislation, p.38

- (b) the chairman of the States' Privileges and Procedures Committee, in the case of the States Greffe;
 - (c) the non-Ministerial States body, in the case of any other non-Ministerial States body; and
 - (d) the Minister responsible for ensuring the proper resourcing of the body under the enactment that establishes the body, in the case of a body listed in Schedule 6.
- (2) The Council of Ministers may include, in the government plan, a statement indicating whether or not the Council supports any of the submitted amounts referred to in paragraph (1).
 - (3) For the avoidance of doubt, the amounts set out in the government plan under this Article may be the subject of an amendment under Article 13.

40. In addition, new Article 4(5) places a duty on the States Assembly to hold the Chief Minister to account for the funding of key tier 1 statistics which are produced by other public authorities rather than Statistics Jersey. The Chief Statistician holds responsibility for alerting the Assembly to whether they believe tier 1 statistics are being adequately resourced in their annual report under new Article 6(5)(c) of the 2018 Law. The Assembly may then use this information to keep the funding of tier 1 statistics under continuing review and, where necessary, challenge.

Office of the Chief Statistician – New Article 5

41. New Article 5(1) and (2) provide that, under the 2018 Law, Statistics Jersey will be identified as the Office of the Chief Statistician (the OCS) and hold the primary role of supporting the Chief Statistician to fulfil their statutory responsibilities and functions. In practice, the Office of the Chief Statistician will continue to be referred to as Statistics Jersey, albeit that as a legal entity it will become the Office of the Chief Statistician. This is common across legislation and practice in Jersey. For example, in Law the Jersey Care Commission is the Health and Social Care Commission.
42. Statistics Jersey staff would continue to be employed by the States Employment Board – this will facilitate movement of statisticians and analysts between Statistics Jersey and other statistical/analyst teams elsewhere in government for career and professional development and enable them to access standard government benefits including pension benefits. New Article 5(3) provides that Statistics Jersey staff would, however, work solely under the direction of the Chief Statistician. Similar statutory arrangements are in place in respect of staff working for the Office of the Children's Commissioner and the Office of the Charity Commissioner to strengthen the professional independence of those staff.
43. New Article 5(4) maintains the existing provision under Article 2(9) of the 2018 Law which requires OCS staff to sign a declaration that they will not disclose information that they have knowledge from their work. This is strengthened by the offence under Article 16(6) of the 2018 Law which carries a sanction of up to 2 years imprisonment and a fine. These are important safeguards as Statistics Jersey staff will continue to handle sensitive information for the purposes of compiling key statistical reports.

Accounts, audit and reports – New Articles 6, 7 and 7A

44. As the Chief Statistician would become legally independent, they must produce and publish separate annual accounts. Under new Article 6(1)(c), the accounts must be prepared in

accordance with the standards for the annual accounts of the States of Jersey as set out in the Public Finances Manual.

45. New Article 6(2) provides that, while the Chief Statistician must appoint auditors who are approved by the Comptroller & Auditor General, there is no requirement for a separate audit of the OCS's accounts to take place if they have been included in and audited as part of the States of Jersey's accounts. This provision is subject to change and may be amended by Regulations under new Article 7B following the Government's consideration of consultation on the recommendations in the Comptroller & Auditor General's July 2023 Mid-Term Reflections report ([R.120/2023](#)) relating to the audit of arm's length entities.
46. The 2018 Law does not impose a duty on either the Chief Statistician or Statistics Jersey to produce an annual report. This is not consistent with the statutory position of most entities which have been established by the States Assembly and nor is it consistent with principles of good governance. It is for these reasons that the Comptroller and Auditor General recommended that a requirement to produce an annual report should be imposed on Statistics Jersey in her report of August 2020.⁶ This is addressed under new Article 6(3), which requires the Chief Statistician to produce an annual report for each financial year. Under new Article 6(4)(c), the specific requirements for the contents of the Chief Statistician's annual report would be set out under a new part of the Public Finances Manual, which will include guidance on the contents of annual reports for other States entities.
47. New Article 7(2) requires the Chief Statistician to produce a forwards-looking 4-year plan for the output of Statistics Jersey and a wider 4-year strategy for the JSS, following the publication of every new government's Common Strategic Policy. The UNECE Guidance notes the importance of statistical programmes in the effective strategic and operational management of a national statistical system – the JSS in this context. The Chief Statistician would be required to prepare the plan and strategy as they would have ultimate responsibility for coordinating the whole JSS which will include all public authorities which produce tier 1 statistics.
48. The annual report, 4-year plan and 4-year strategy must be provided to the Chief Minister and presented to the States Assembly as soon as practicable. In preparing the annual report, 4-year plan for Statistics Jersey and 4-year strategy for the JSS and prior to presenting them to the Chief Minister, the Chief Statistician must seek input from the Statistics Council. The Council may suggest amendments to the report, plan and strategy to the Chief Statistician before the Chief Statistician present them to the Chief Minister. It is important for the Statistics Council to provide input to the development of the 4-year plan and strategy to ensure that they satisfy existing and emerging user needs. Under new Article 7(6), the Chief Minister may also make comments on the report, plan and strategy and present them to the Assembly alongside them.

UNECE Guidance

“Statistical programmes, including a multi-year statistical programme and an annual statistical programme, shall be established as key instruments for effective strategic and operational management and coordination of activities in the National Statistical System.

National statistical office shall be responsible for preparing the statistical programmes, in close consultation with users of statistics, respondents and administrative data providers.

⁶ Office of the Comptroller and Auditor General, Annual Reporting: August 2020, Recommendation 6, p.23

Other producers of official statistics shall be involved in the process and provide the national statistical office with the necessary inputs.”⁷

“A multi-year statistical programme shall be established for the National Statistical System to define the strategic development of official statistics of [country name], aiming at satisfying existing and emerging user needs.

A multi-year statistical programme shall provide a vision and priorities for the development of the National Statistical System for the next [select: five or other number] years and establish the required deliveries and development actions, weighing them against the necessary resources.”⁸

49. New Article 7A provides a mechanism by which the Chief Minister may commission the Chief Statistician to undertake statistical reports outside of Statistics Jersey’s usual work programme without compromising the independence of the Chief Statistician. This is important in cases when the Government requires data on a particular issue to inform the development of key public policy. For example, if there is a global pandemic in the future, new Article 7A would enable the Government to commission the Chief Statistician to produce statistics on the prevalence of the disease and the effectiveness of the response to the pandemic, as Statistics Jersey was commissioned to do for the COVID-19 pandemic.
50. There are key safeguards built into this power so that the Chief Statistician may decline to undertake a report if:
- they have insufficient resources to carry out the work;
 - Statistics Jersey does not have the requisite expertise; or
 - it cannot be conducted in accordance with the Code of Practice.
51. If the Chief Statistician is unable to produce the report for any of these reasons, there is no requirement for them to produce the report. If the Chief Statistician could produce a report but lacks the resources to do so, under new Article 7A(3), they must request additional resources from the Chief Minister and set out the reasons why they require those resources to conduct the report. In the interests of transparency, new Article 7A(4) provides that the Chief Statistician must set out the details of any request to undertake work by the Chief Minister and the outcome of those requests in their annual report.

Part 2A – The Statistics Council

New Articles 7C to 7F and Schedule 2

52. The draft Law would establish the Statistics Council in place of the current SUG. Under Article 5(1) of the Law the SUG “is independent of government and has the primary function of overseeing the quality, relevance and integrity of statistics compiled by or on behalf of a public authority.” New Article 7E(1) provides that the Statistics Council will also be independent of the Chief Minister and similarly that it “has the primary function of overseeing the Jersey Statistical System by:

⁷ United Nations Economic Commission for Europe, Guidance on Modernising Statistical Legislation (ECE/CES/STAT/2018/3), 2018, paragraphs 72-74, p.42-43

⁸ Ibid p.43

- (a) advising public authorities on the production, use, quality, relevance and integrity of the statistics they produce that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey; and
- (b) advising generally in relation to tier 1 statistics.”

53. The UNECE Guidance is clear that statistical legislation should require a Statistical Advisory Council – see below. The Statistics Council would perform the role of a Statistical Advisory Council by gathering and presenting the views of the public and statistics users and helping to protect the professional independence of the Chief Statistician and the JSS. This is set out under new Article 7E(2)(c) to (e).

UNECE Guidance

“44. Most statistical offices have well established mechanisms for user representation, for instance a Statistical Advisory Council to advise the office in the programming of statistical work. In addition, other consultations may be carried out related to the planning of statistical work or to gather feedback on user satisfaction. In principle, the Statistical Advisory Council has a dual advisory role both towards the NSS and the government and other users. A strong Statistical Advisory Council ensures that the views of users are taken into account when setting priorities in the statistical programme. The supervision provided by the Statistical Advisory Council is important to reduce dependence from political bodies, e.g. the parliament or ministers to which the NSO reports.

45. Statistical legislation should require having a Statistical Advisory Council composed of users of statistics with advisory competences, as appropriate in the national jurisdiction. Such a body would act as a custodian of the principles of official statistics, ensure the relevance of official statistics and promote transparency and accountability of the NSS. The law may also recognize the possibility to set up other advisory bodies with members from within and outside of the NSS in support of strategic and methodological activities in official statistics.

46. The tasks of the Statistical Advisory Council should be roughly defined in the law, so that the members of the Statistical Advisory Council are aware of their important task to represent users of statistics broadly. For instance, the Statistical Advisory Council should provide its opinion on the programmes and their implementation that represent users’ views. This opinion should be taken into account when the final decision is taken by the responsible body to approve the statistical programme.”⁹

54. In addition, the Statistics Council’s role will be enhanced by taking on further specific responsibilities under the draft Law, including:
- advising the Chief Minister on the appointment of the Chief Statistician and being informed of their suspension or dismissal as soon as is appropriate (Schedule 1);
 - advising the Chief Statistician on their annual report, the plan for Statistics Jersey and the strategy for the JSS (Article 7(4));
 - presenting recommendations to the Chief Statistician, the Chief Minister and the States Assembly on statistics produced by the JSS as the Council sees fit (Article 7E(2)(a));

⁹ Ibid, paragraphs 44-46, p.14.

- raising concerns and issuing public comment on any statistics which are produced by public authorities and which describe on a representative basis the economic, demographic, social and environmental phenomena of Jersey (Article 7E(2)(a));
 - advising the States Assembly where it has concerns in relation to the funding, resources or independence of the Office of the Chief Statistician or the JSS (Article 7F(3)(a));
 - advising the Chief Statistician on the contents of and any revisions to the Code of Practice (Article 7I(2));
 - advising the Chief Statistician and Chief Minister when the Council believes that independent expert reviews of tier 1 statistics are required (Article 7I(8) and (9));
 - nominating statistics to be tier 1 statistics and advising the Chief Statistician on the contents of the list of tier 1 statistics (Article 7J(1) and (2));
 - advising the Chief Statistician on the process for suspending statistical reports from the list of tier 1 statistics (Article 7J(6));
 - advising the Chief Statistician on the programme of and criteria for reviews of tier 1 statistics (Article 7J(9)); and
 - advising the Chief Minister on whether statistical reports should be removed from the list of tier 1 statistics (Article 7K(2)).
55. The constitution of the Statistics Council under new Article 7C and Schedule 2 would be almost identical to that of the SUG, including the process for appointing members, which will continue to be undertaken by the Chief Minister. For the avoidance of conflict of interest and to clearly evidence political independence, individuals who have served as States members within the preceding 4-year period would be ineligible for appointment. Otherwise, new Article 7C(2) provides that appointees “must as far as reasonably practicable reflect a range of users of statistics in Jersey, including the general public, the media, researchers, students, businesses, public authorities and non-governmental organisations.” The Chief Statistician must attend formal meetings in an advisory capacity, but they are not required to perform secretarial duties – as required by the 2018 Law currently – nor to attend informal meetings.
56. New provisions under Schedule 2 would provide safeguards against improper dismissal of Council members, so that members may only be dismissed on one of three grounds. One of these grounds includes a failure to comply with the Rules of Conduct of the Statistics Council which, under Article 7D, the Chief Minister must devise in consultation with the Council. Expected general conduct requirements of the Rules of Conduct are likely to cover the use of public funds, use of official resources and official information, political activity and employment and appointments. The [Cabinet Office, Code of Conduct for Board Members of Public Bodies](#) provides an example of a standard code of conduct which could be adapted for these purposes. Notwithstanding the introduction of the Rules of Conduct, it is envisaged that members of the Statistics Council will serve under similar terms and conditions as members of the SUG.
57. New Article 7E(5) requires the Chief Minister to provide adequate resources to the Statistics Council to enable it to inform its statutory functions. In practice, this funding is likely to remain in line with the funding provided to the SUG. New Article 7F requires the Statistics Council to produce an annual report that the Chief Minister must present to the Assembly. The report would account for the funding it has received and must cover issues including the Council’s activities and its recommendations. Under new Article 7F(3), the Statistics Council may also use its annual report to note concerns it has in relation to the

funding of the JSS and to note any occasions on which the Chief Statistician or Chief Minister has refused to carry out a review of tier 1 statistics at the Council's request.

Part 2B – Tier 1 Statistics

Criteria to be tier 1 statistics – Article 7G

58. The draft Law introduces the concept of tier 1 statistics under the 2018 Law, replacing the term “official statistics.” Currently, under Article 1 of the 2018 Law, official statistics are defined, “as those statistics listed in the publication schedule.” The publication schedule is defined under the same Article as, “all the publications produced by Statistics Jersey and published by the [Statistics Users’] Group in any year as meeting the standards set out in Article 11 and being compliant with the Code [of Practice].”
59. The current legal definition of official statistics does not accord with the definition of official statistics under the GLOS and nor is it consistent with the UNECE Guidance. The key paragraphs from the UNECE Guidance in relation to official statistics are produced below.

UNECE Guidance

“72. In general, official statistics are statistical outputs produced by NSOs or other designated governmental bodies. However, it is also possible that not all statistics produced by the NSO are official, for instance experimental statistics. It may be possible in some countries that certain official statistics can be produced by non-governmental organizations under specific regulations. Usually, official statistics describe the economy, demography, environment, social and cultural situations in a particular country, and are produced within the scope of the statistical programme which guides the work of the NSS. Surprisingly, many countries do not have clear criteria for official statistics or a clear indication of whether the statistics published are official statistics or not.

73. In principle, the term “official statistics” bears a quality label in so far as official statistics are developed, produced and disseminated in accordance with internationally agreed statistical standards and recommendations, the Fundamental Principles of Official Statistics and the European Statistics Code of Practice

74. It is challenging to define criteria for identifying which statistics are official statistics. As it is again country specific, in some countries there has to be a legal base, other than the statistical programme, for the production of official statistics. Instead of listing all official statistics in the law, the legal framework should rather define the criteria for identifying official statistics and for identifying producers of official statistics as well as the procedure for deciding on the status of statistics and producers.”¹⁰

60. Under the GLOS definition, official statistics must describe, “on a representative basis the economic, demographic, social and environmental phenomena of [Jersey].”¹¹ Under the 2018 Law definition, any statistics – regardless of what they might describe – which are produced by Statistics Jersey and which appear in the publication schedule are official statistics. The current definition precludes key statistics in areas such as healthcare and

¹⁰ Ibid, paragraphs 72-74, p.19.

¹¹ Article 1.2 of the Generic Law on Official Statistics

education, which are produced by public authorities other than Statistics Jersey, from being regarded as official statistics.

61. The Statistics Legislation Steering Group concluded that any public authority, as defined by Article 1 of the 2011 Law, should be capable of producing key statistics. The important factor is the nature of and importance of the statistics rather than the authority that produces them. Those statistical reports that are essential to understand how well Jersey is performing would be afforded the greatest legal protections under the 2018 Law and be termed tier 1 statistics. New Article 7G(2) sets out the criteria against which this is assessed so that “to be tier 1 statistics, a statistical report –
- (a) must be produced by a public authority;
 - (b) must represent the economic, demographic, social or environmental situation in Jersey;
 - (c) must –
 - (i) be essential to critical decision-making,
 - (ii) be of high public interest,
 - (iii) meet expectations of impartiality and statistical quality,
 - (iv) require long-term data continuity,
 - (v) allow international comparability; and
 - (d) must be developed, produced, disseminated and communicated in compliance with the standards set out in Article 7H and to comply with the Code.”
62. The Group decided to introduce the concept of tier 1 statistics in place of official statistics having considered the legal and practical steps taken by other jurisdictions to protect key statistics. In particular, it examined approaches taken by New Zealand, the United Kingdom and the European Union. The Group favoured the approach taken by New Zealand both in its designation of key statistics as tier 1 statistics and in its further definition of the nature of tier 1 statistics. In doing so it adopted Statistics New Zealand’s criteria for tier 1 statistics, embedding them into the draft Law, as set out under new Article 7G(2)(c).
63. Certain statistics will be regarded as important only for a short period of time. For example, statistics on Covid-19 vaccination rates have been important between 2020 and 2022 to inform key public policy decisions but these will not retain such significance in the medium to long-term. Other statistics, however, will retain significance for the long-term and their production must be safeguarded into the future. For example, the Retail Prices Index (RPI) which measures inflation in Jersey. The test under new Article 7G(2)(c) differentiates these types of statistics while the designation of “tier 1 statistics” makes it clear and obvious which statistical outputs are Jersey’s most important and have been produced to the highest standard.
64. This terminology would also allow further tiers of statistics to be produced in the future. These would not be protected by Law to the same extent but the 2018 Law would not prevent this from taking place in practice.

Standards, Code of Practice and extraordinary reviews of tier 1 statistics – Articles 7H and 7I

65. New Article 7H replicates current Article 11 of the 2018 Law and continues to apply the same standards to the way that tier 1 statistics must be produced and presented. In addition, tier 1 statistics must be produced in compliance with the Code of Practice. Under new Article 7I(1) the Chief Statistician will become responsible for producing the Code and for making any necessary revisions to it. Under the 2018 Law as currently drafted (although

not in practice) it is the SUG, and not the Chief Statistician, which publishes the Code. However, this does not comply with the UNECE Guidance which makes it clear that this should be the role of the Chief Statistician.¹² The Statistics Council must be consulted on the contents of the Code under new Article 7I(2).

66. The draft Law also clarifies the purpose of the Code. Under new Article 7I(3) “the Code must establish –
- (a) principles and practices underlying the development, production, dissemination and communication of tier 1 statistics;
 - (b) processes governing the release of tier 1 statistics; and
 - (c) rules relating to the granting of access to those statistics before their general release.”
67. Under new Article 7G(2)(d), all tier 1 statistics must comply with the Code. In addition, producers of statistics other than tier 1 statistics must have due regard to the Code and comply with it as far as it is practicable to do so (Article 7I(10)). This is a significant enhancement of the present position as there is no statutory duty on public authorities (other than Statistics Jersey) to comply with the Code. The Chief Statistician would be responsible for monitoring compliance with the Code, under new Article 7I(4), as they have the knowledge and experience to do so.
68. New Article 7I(5) to (7) provides for the process when the Chief Statistician finds that a statistical report does not adhere to the Code, requiring the Chief Statistician to issue a report to the head of the public authority or minister that is responsible for producing the statistical report. The report must be published by the Chief Statistician and provided to the Statistics Council. The public authority is required to take all reasonable steps to comply with the Chief Statistician’s report.
69. New Article 7I(8) and (9) provide a mechanism for the Statistics Council to request reviews of tier 1 statistics (“extraordinary reviews”). Where the Statistics Council requests an extraordinary review (ordinary reviews are provided for under new Article 7J(8)) of a tier 1 statistical report from the Chief Statistician and they refuse to undertake one, the Council may request that the Chief Minister commission a review. In making a decision to fund an extraordinary review of tier 1 statistics (i.e. a review outside the programme of ordinary reviews), the Chief Statistician and Chief Minister must have regard to the resources available to carry out such reviews, under new Article 7K(4). Where both the Chief Statistician and the Chief Minister refuse the Statistics Council’s request to undertake or commission an extraordinary review, the Council may reference this in its annual report under new Article 7F(3)(b).
70. The Statistics Legislation Steering Group considered that this is an effective mechanism to allow for external scrutiny of tier 1 statistics in a proportionate way. The Group considered whether the Law should establish a body to regulate statistics. It found that very few countries have a statistical regulator – only the UK and Malta have been identified. In addition, international guidance does not state that a statistical regulator is appropriate or necessary. Given the relatively small scale of Jersey’s Statistical System by international standards, the Group considered that the costs of introducing a regulator far outweighed any benefits which might accrue for statistics users.

Assessment, suspension, and ordinary reviews – Articles 7J

71. The 2018 Law is currently silent on the procedure for determining which of Statistics Jersey’s publications are to be included in the publication schedule as compliant with the Code of Practice i.e. there is no statutory process for assessing official statistics. The draft

¹² UNECE Guidance, paragraph 109, pp.27-28.

Law would introduce a robust procedure for assessing whether to add statistical reports to the list of tier 1 statistics, for systematically reviewing whether statistics should remain on the list of tier 1 statistics and for removing them from the list of tier 1 statistics.

72. Under new Article 7J(1), anyone may nominate a statistical report for consideration by the Chief Statistician to be included on the list of tier 1 statistics. This includes members of the public as well as States members and the Statistics Council. Under new Article 7J(3), the decision to designate a statistical report as a tier 1 statistic is the sole responsibility of the Chief Statistician, having determined whether the statistical report satisfies the criteria set out under new Article 7G. This is in line with the UNECE Guidance which states that, “the Chief Statistician should have full authority to decide on the content of the draft multi-year and annual statistical programmes.”¹³
73. Therefore, following nomination, the Chief Statistician must assess each statistical report as to whether they describe the key phenomena of Jersey and for compliance with the Code of Practice. In addition, the Chief Statistician would be required to determine whether the statistics meet the principles of tier 1 statistics and, thus, whether the report is of sufficient importance for its production to be funded by the States Assembly and protected under the Law. As part of the assessment process, the Chief Statistician must consult the Statistics Council under new Article 7J(2).
74. While the UNECE Guidance maintains that the Chief Statistician must have ultimate control over the contents of the list of tier 1 statistics, providing the Chief Statistician with complete authority in this regard has its challenges in practice. The need to uphold the professional independence of the Chief Statistician must be balanced with the principles of democratic accountability, which dictate that it would not be appropriate for an unelected official to hold the responsibility for determining the government’s entire statistical output and that this power is untrammelled, even by elected ministers. To provide the Chief Statistician with unrestrained powers to determine what are and are not tier 1 statistics may be as problematic as it would be to provide the power, unrestrained, to ministers. For this reason, where a statistical report is published by a public authority other than Statistics Jersey, under new Article 7J(3)(b)(ii), the minister with responsibility for the authority must agree for that statistical report to be added to the list of tier 1 statistics.
75. Where the relevant minister or – in the case of non-ministerial bodies or arm’s length bodies – the head of the relevant body agrees for the statistics to be assessed, the Chief Statistician must notify them of the outcome of the assessment. If the statistical report satisfies the criteria under Article 7G then the Chief Statistician must then add the report to the list of tier 1 statistics. Under Article 3(2)(e), the Chief Statistician would hold responsibility for publishing and maintaining the list of tier 1 statistics. In addition, the Chief Statistician must provide the list of tier 1 statistics to the Chief Minister who must publish it (and any revisions to it) as a report to the States Assembly – see Article 7(J)(5). The Chief Statistician would also be responsible for publishing a release calendar which gives the publication dates of statistical reports, under new Article 3(2)(f). Under new Article 3(2)(g), the Chief Statistician must ensure that the list of tier 1 statistics and the release calendar are readily accessible to statistics users.
76. Under new Article 7J(8), the Chief Statistician would be under a duty to instigate a routine programme of reviews of tier 1 statistics (“ordinary reviews”) and to establish criteria against which these reviews will be carried out. Under new Article 7J(9), the Statistics Council must be consulted on this programme of reviews and the criteria for the reviews. Reviews would be carried out by Statistics Jersey staff, by peer review using Jersey statistical/analytical subject experts, or through peer review by international experts in the statistical subject matter.

¹³ Ibid, paragraph 53, p.16.

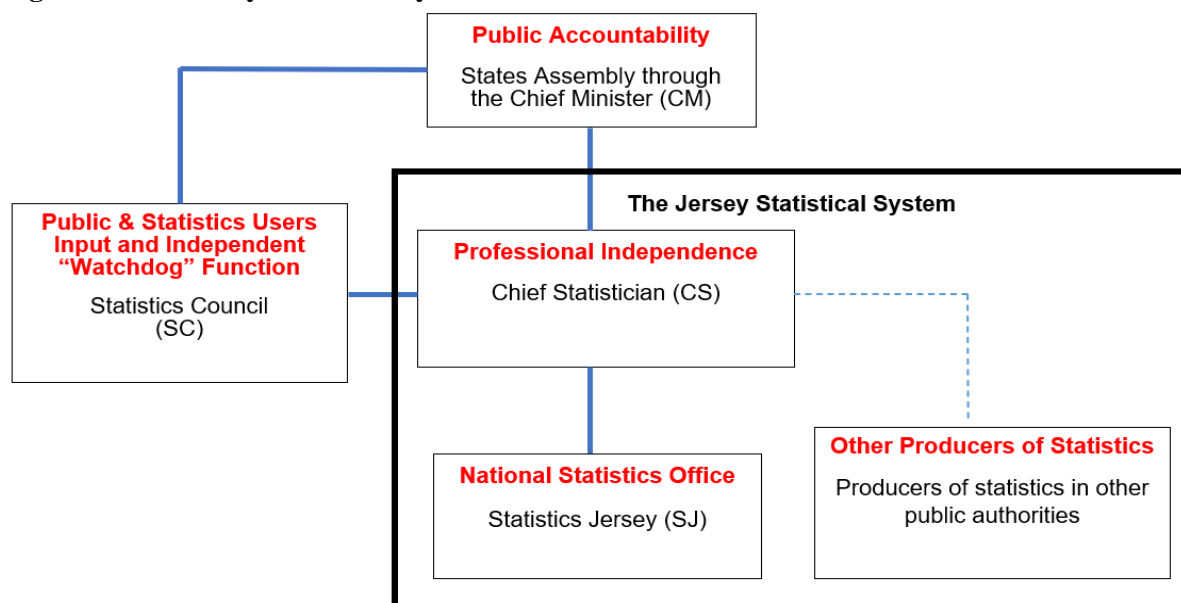
77. Where, following a review of a tier 1 statistical report, the Chief Statistician considers that the report no longer accords with the Code of Practice, they must suspend the publication from the list of tier 1 statistics. The suspension lasts until the Chief Statistician considers that the report has been brought back into compliance with the Code – see new Article 7J(7). This suspension power ensures that tier 1 statistics must always be produced in line with the Code, but it does not allow the Chief Statistician to remove the statistical report from the list of tier 1 statistics on this basis permanently – the power to remove reports from the list rests with the States Assembly under new Article 7K.
78. New Article 7J(6) requires the Chief Statistician to develop and publish a scheme for suspending tier 1 statistics, which the Statistics Council must be consulted upon. The scheme may be updated periodically, and it will set out details including how the Chief Statistician will impose suspensions, how they will review suspensions and how they will record suspensions on the list of tier 1 statistics. As set out above, where the Chief Statistician finds that a report does not comply with the Code, they must issue a report and the public authority responsible for producing the statistics are required to take reasonable steps to comply with the report.

Protection of tier 1 statistics – Articles 7K and 7L

79. Tier 1 statistics would be provided with significant statutory protection by ensuring that they may not be easily downgraded and removed from the list of tier 1 statistics permanently. New Article 7K provides that a statistical report may only be removed from the list of tier 1 statistics because it no longer satisfies the criteria under new Article 7G, and to do so, a rigorous process must be followed. This ultimately would require the approval of the Chief Statistician and the Statistics Council followed by the Chief Minister lodging a proposition requesting the States Assembly’s approval to remove statistical reports from the list of tier 1 statistics.
80. New Article 7L(1)(d) and (2) provide that statisticians and analysts across all public authorities who produce tier 1 statistics must always act with professional independence and the States Assembly must respect and uphold this independence. This is designed to uphold public trust and confidence in the quality and veracity of Jersey’s most important statistics which are widely and regularly relied upon in the making of key decisions affecting the Island’s future.
81. Further protections for tier 1 statistics are provided under new Article 7L(1)(b) which requires all producers of tier 1 statistics to prioritise their production over other statistical reports. This is in addition to the duty on the Assembly to hold the Chief Minister to account for the funding of tier 1 statistics under new Article 4(5). Producers of tier 1 statistics must support and cooperate with the conduct of all ordinary and extraordinary reviews of statistics, providing the Chief Statistician with the power to examine tier 1 statistics effectively. Tier 1 statistics must be published in accordance with the release calendar which is ultimately produced by the Chief Statistician with input provided by the Statistics Producers’ Group.

The Statistics Producers’ Group – Article 7M

82. The draft Law is designed to strengthen and to formalise Jersey’s existing decentralised statistical system in which both the “national statistical office” – Statistics Jersey – and other public authorities hold responsibilities for producing statistics. For this decentralised model to function effectively, it is important that that there is coordination and quality management across the JSS and that the Chief Statistician is empowered to lead and is provided with the necessary funding to manage this decentralised system – see Figure 1, below.

Figure 1: The Jersey Statistical System

83. As set out above, the JSS consists of producers of key statistics across all public authorities, which is defined under new Article 7M(1). New Article 7M(3) empowers the Chief Statistician to establish a Statistics Producers' Group (SPG) to provide coordination across the JSS. This would also be a forum which could be used to share information on professional practice and to increase standards of statistical production across all public authorities. The UNECE Guidance advises that a committee of this nature should be established with a particular focus on preparing the statistical work programme.

UNECE Guidance

“51. Legislation should provide for a clear coordination mandate for the NSO, as far as appropriate within the policy settings of the public sector of the relevant jurisdiction, by defining the tasks and authority of the NSO and the Chief Statistician in the coordination of statistical activities of the NSS. This role of the NSO could be further facilitated by establishing a Coordination Committee of statistical production in the law. This committee would be composed of Heads of producers of official statistics to provide a platform for joint work.”¹⁴

“67. Whether or not the NSO has an autonomous standing, it would be useful to have a Coordination Committee of Producers included in the statistical law to ensure the coordination of work in the NSS. The body could prepare the annual statistical work programme, the multi-annual programme, report on the implementation of the programmes, monitor and advance statistical activities, carry out quality assurance and promote the use of common standards across the NSS, channel training and discuss development needs.”¹⁵

¹⁴ Ibid, paragraph 52, p.16.

¹⁵ Ibid, paragraph 67, p. 18.

84. In line with UN guidance, new Article 7M(4) provides that the Chief Statistician must invite the producers of tier 1 statistics to join the SPG and may invite representatives of the producers of non-tier 1 statistics who the Chief Statistician believes it would be appropriate to invite to join the SPG. Members of the committee may include, for example, those leading the production of statistics in the departments for Children, Young People, Education and Skills and Health and Community Services. Statistics Jersey/the Office of the Chief Statistician would hold responsibility for organising the committee.
85. Under new Article 7M(6), the SPG has the following functions:
- (a) “to co-ordinate the production and release of tier 1 statistics;
 - (b) to assist the Chief Statistician –
 - (i) to devise and revise release calendars, and
 - (ii) in ensuring that tier 1 statistics are produced in accordance with release calendars;
 - (c) to support the production of the strategy for JSS over the term of the common strategic policy under Article 7(2)(a); and
 - (d) to provide a forum in which the producers of statistics can discuss continuous improvement of the quality of tier 1 statistics.”
86. The SPG provides a forum to involve statistics producers from across the JSS in discussions and programmes aimed at improving professional practice across all public authorities. The New Zealand Statistics Act 1975 enables the Chief Statistician to set up committees to further provisions of the law or for general educational purposes. The intention is to enable Jersey’s Chief Statistician to perform similar functions but in a more structured way under the Law.

Article 10 New Zealand Statistics Act 1975

10 Meetings of statisticians and users of statistics

- (1) The Statistician shall, at least every 5 years, convene a meeting of users of official statistics to review user needs for such statistics.
- (2) The Statistician may also hold other meetings, and set up committees, of statisticians, suppliers or users of statistics, and other interested parties, either to further the provisions of this Act or for general educational purposes, at his own initiative or on sufficient request.

87. The SPG would be a key tool to enable the Chief Statistician to manage the JSS effectively. The Chief Statistician will not hold the same direct authority over statisticians and analysts working in other public authorities, outside Statistics Jersey. This is necessary in a decentralised statistical system because those producers of statistics in other public authorities must work in accordance with the remit which is set by senior managers and ministers for the authority in which they work. For example, the Chief Statistician cannot and, arguably, should not be able to control the allocation of a particular government department’s spending on the production of statistics relative to its spending on front line services.
88. Where, in a decentralised statistical system, it is important that the Chief Statistician can have real authority is over the professional practice of statisticians working across all public authorities. As set out above, this is established under new Article 2(2) of the 2018 Law which provides the Chief Statistician with the role of head of the statistical profession

working in the JSS. The right of the Chief Statistician to speak freely in public regarding the erroneous interpretation and misuse of statistics under new Article 3(2)(1) is a power which would bolster this professional leadership role. For example, if the Chief Statistician has concerns about statistics which have been produced by another public authority, they may raise this with the most senior officers in that authority, ministers and/or the public as they see fit.

Minor Amendments to Provisions Governing Census, Collection of Data and Transitional Arrangements – Parts 3 and 4

89. Article 8 of the 2018 Law would be amended to clarify that it is only where the Chief Statistician considers that the data is insufficient that a sample survey or traditional census can be carried out. This change would make it clear that it is a matter of professional judgment for the Chief Statistician to determine whether more data is required to compile the information in Schedule 3 to the 2018 Law, and, thus, a census is required to obtain that information. New Article 8(9) provides a new caveat so that the Chief Minister must consult the Chief Statistician before lodging Regulations to amend Schedule 3. This will ensure that the Chief Statistician takes the lead on deciding the information collected in a census.
90. Article 9 of the 2018 Law would also be amended so that the Chief Minister's power to make an Order for the purposes of administering a census may not be exercised without consulting the Chief Statistician. This, again, is to emphasise that the Chief Statistician should take the lead in setting out how a census should be carried out. This caveat would not prevent the Chief Minister from approving an Order that the Chief Statistician disagrees with, but it would ensure they have been consulted and may present any concerns they may have to the Chief Minister before an Order is made.
91. Amendments to Schedule 3 to the 2018 Law (provided under Article 19 of the draft Law) which sets out the information required by a census, have been designed to strengthen these provisions, following learning from the 2021 Census. The definition of a "household" under Article 1(1) is suitable in many parts of the 2018 Law. However, the use of this definition of household under Schedule 3 to the 2018 Law is potentially problematic because, in Schedule 3, the references to household refer to a location and not a group of people. Schedule 3 has, therefore, been amended to clarify that, in most cases in the Schedule, "household" now refers to the address at which an individual, group of individuals or family is residing.
92. The draft Law would amend Article 16 of the 2018 Law to improve the functioning of the Chief Statistician's duties and powers in relation to the disclosure of information to:
 - enable the Chief Statistician to share information with the police where they are investigating offences under the 2018 Law, including offences relating to a census;
 - enable the Chief Statistician to publish or disclose information in accordance with the Chief Statistician's duties and responsibilities under the 2018 Law; and
 - introduce a limit (which is standard in many jurisdictions, including the UK) to enable information collected in connection with a census to be disclosed after 100 years.
93. Article 17 of the draft Law introduces transitional arrangements to:

- provide continuity so that the incumbent Chief Statistician will remain in office under the same terms on which they were originally appointed when the draft Law comes into force;
- set up a process for establishing the inaugural list of tier 1 statistics which will include statistics produced by Statistics Jersey which satisfy the criteria for tier 1 statistics under Article 7G.

Section 4: Financial and Staffing Implications

94. The draft Law largely maintains the same requirements placed on Statistics Jersey as are currently in place under the 2018 Law, including its core function of producing statistical reports. However, there are three areas in which the draft Law would introduce requirements on the Chief Statistician that carry resource implications, including:
- producing a separate annual report and accounts detailing the performance and functions of the Chief Statistician;
 - producing the strategy for the JSS and formal co-ordination of the JSS, including secretarial functions for the SPG; and
 - conducting the ordinary programme of reviews and occasional extraordinary reviews of tier 1 statistics.
95. To meet these requirements, the Office of the Chief Statistician will require:
- 1.5 Full Time Equivalent (FTE) administrators at Civil Service Grade 6 level;
 - 0.5 FTE Assistant Statistician at Civil Service Grade 9 level; and
 - resource for short-term contracts for statistical experts to carry out reviews.
96. The costs of these requirements are set out in Table 1, below:

Table 1: Financial costs to implement the draft Law

Description	2024 ¹⁶ £	2025 £	2026 £	2027 £	Total £
Recurring Costs (staff costs)	51,200	102,600	102,600	102,600	359,000
Recurring Costs (non-staff costs)	23,100	41,300	41,300	41,300	147,000
Investment Total	74,300	143,900	143,900	143,900	506,000

97. The Council of Ministers considered this funding request as part of the Government Plan process for 2024. It agreed to meet this funding requirement via reprioritisation or carry forwards within existing departmental budgets.
98. The introduction of a Statistics Council in place of the Statistics Users' Group does not have any additional resource implications. Up to £94,000 of the Cabinet Office budget is committed to funding the SUG per year and this funding will continue to be available for

¹⁶ 2024 costs are for half a year only as, by the time the draft Law is approved, there will be delays in recruiting staff / conducting reviews.

the Council. It is not envisaged that the draft Law will place an additional call on resources for the Council as compared with the present work of the SUG.

99. The draft Law carries no resource implications for other public authorities per se. This is because, while the draft Law will ensure that any public authority may produce tier 1 statistics, no authority may be required to produce tier 1 statistics unless the relevant minister or, if none, the head of that authority consents to doing so (under new Article 7J(3)(b)(ii)).

Section 5: Human Rights

100. The notes on the human rights aspects of the draft Law in **Appendix 1** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

Section 6: Impact on Children's Rights

101. A Children's Rights Impact Assessment (CRIA) has not been prepared in relation to this proposition as a CRIA is not required, in accordance with Schedule 2 to the Children (Convention Rights) (Jersey) Law 2022. However, a Children's Rights Impact Assessment (CRIA) screening form has been prepared and is available to read on the States Assembly website.

APPENDIX 1 TO REPORT

**Human Rights Notes on the Draft Statistics and Census (Jersey)
Amendment Law 202-**

These Notes have been prepared in respect of the draft Statistics and Census (Jersey) Amendment Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law amends the Statistics and Census (Jersey) Law 2018 (the “**2018 Law**”). The 2018 Law already provides a statutory basis for the processing of information to produce official statistics, including through the conduct of a census. Its provisions cover, among other things, the powers and duties of persons and bodies involved in producing and publishing statistics in Jersey. The 2018 Law engages the right to respect for private life in Article 8 of the ECHR, which provides –

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 8 of the ECHR is engaged by provisions in the existing 2018 Law enabling the collection of data for a census (Article 8), the power to require information from undertakings (Article 14), exemptions from the restriction on disclosure of information obtained under the Law (Article 16), and the right of access onto land and premises (Article 21).

Pursuant to the existing Schedule to the 2018 Law, the information that may be collected at a census will include the address of the resident, information as to the household (such as property type and numbers of bedrooms), and information about residents (such as name, sex or gender, date of birth and marital status). Article 8(7) of the 2018 Law then provides that a person requested to give any particulars or information for the purposes of a census must comply with that request. Article 18 of the 2018 Law provides that, among other things, a person who wilfully refuses or without lawful excuse fails to furnish the particulars or information required for the purposes of a census is guilty of an offence.

Article 8(1) of the ECHR has been held by the European Court of Human Rights to protect rights in relation to the processing of personal data, such as names and addresses, as part of the protection of an individual’s private life. It has been held that an obligation to provide data for a compulsory public census amounts to an interference with the Article 8(1) ECHR right and the processing of personal information collected for statistical purposes may also interfere with that right.

An interference with the Article 8(1) ECHR right must be justified under Article 8(2) of the ECHR, meaning it must be: in accordance with the law; pursue one of the legitimate aims set out

in Article 8(2) ECHR; and be necessary in a democratic society (i.e. proportionate to a legitimate aim).

As set out in detail in the human rights notes published in the Projet for what became the 2018 Law (P.106/2017) Such interference with Article 8 ECHR rights as arises from the 2018 Law is ‘in accordance with the law’. Powers to conduct a census or require information from undertakings are necessary for many social and economic policy reasons. The collection of this information enables government planning and the efficient allocation of resources. These objectives fall within the ‘economic well-being’ or ‘protection of health’ objectives within Article 8(2) ECHR. It is proportionate to these aims to enable this information to be collected administratively or, to the extent necessary, through mandating participation in a survey or traditional census as permitted by the 2018 Law, to ensure that the population and businesses are properly represented in the statistics produced. It is relevant when considering the question of proportionality to consider the safeguards which mitigate the risk that the processing of this information will interfere with the right to private life. The 2018 Law contains several relevant safeguards, including limits on the scope of information that can be collected at a census¹⁷ and on the uses to which information collected under the 2018 Law can be put. The processing of information collected by the Chief Statistician and his officers is also regulated under the Data Protection (Jersey) Law 2018.

Nature of the amendments made by the draft Law

The focus of the draft Law is on developing the governance arrangements for the compilation and delivery of statistics in Jersey under the 2018 Law. The draft Law will establish the Chief Statistician as a corporation sole, independent of Government and responsible for performing all the key statistical functions under the 2018 Law. The Chief Statistician will be supported in that role by the Office of the Chief Statistician (“OCS”). Among the amendments to the 2018 Law are several intended to protect the professional independence of the Chief Statistician and those working for the OCS.

Several provisions of the draft Law will provide additional protection for the integrity of Jersey’s most important statistics, termed “tier 1 statistics.” Among other things, these changes provide the Chief Statistician with responsibility for producing a Code of Practice on the compilation of such statistics and assessing compliance with the Code, including by engaging independent experts.

The draft Law makes only minor amendments to the provisions of the 2018 Law that engage the rights in Article 8 of the ECHR referenced above. The purpose of many of these amendments is to reflect changes in the governance arrangements described above or to reflect that the existing Schedule to the 2018 Law will be renumbered as Schedule 3 following the addition of new schedules.

Articles 5 and 6 of the draft Law make minor changes to Articles 8 and 9 of the 2018 Law concerning the collection of census data. In addition to reflecting changes in governance, the new Articles 8(1) and (2) of the 2018 Law, substituted by Article 5(a) of the draft Law, will make it clearer that the Chief Statistician must take a census to gather the data relating to the population of Jersey set out in Schedule 3 at intervals that the Chief Statistician considers appropriate. The new Article 8(2) will also clarify that for the purpose of conducting such a census it will be the Chief Statistician that must, as often as the Chief Statistician considers appropriate (supported by OCS), analyse and link data collected for administrative purposes already in the possession of the OCS or readily obtainable by it.

Pursuant to Article 8(3) as it will be amended by Article 5 of the draft Law, it will be clear that it is where the Chief Statistician considers that more data is required for the purposes of a census

¹⁷ The scope of the information that may be collected for a census is clearly set out in the Schedule to the Law and may only be amended by Regulations made by the States under Article 8(8) of the 2012 Law.

that a sample survey or traditional census may be conducted. The date for any traditional census can still only be set by an Act of the States pursuant to Article 8(4) of the 2018 Law. Article 5(d) and 6(c) of the draft Law amend Article 8(8) and 9 of the 2018 Law so that where the Minister proposes that Regulations should be made to amend the particulars to be collected at a census, or that an Order should be made concerning the arrangements for the conduct of a census, then the Chief Statistician must be consulted before the proposition is lodged or an Order is made.

The amendments made by the draft Law therefore maintain the existing safeguards on the powers to collect and process information for the purposes of producing official statistics and in some respects enhance them by ensuring that relevant decisions are made by the independent Chief Statistician or following consultation with that office. The amendments are therefore compliant with Article 8 of the ECHR.

APPENDIX 2 TO REPORT

Summary of Jurisdictions Considered

Country	Name of NSO	Legal Basis	Ministerial responsibility etc.	No. of other producers of statistics identified	Release Calendar
Australia	Australian Bureau of Statistics	Australian Bureau of Statistics Act 1975 Census and Statistics Act 1905	Australian Statistician reports to the Treasurer on administrative issues only	At least 7	ABS publishes an advance release calendar every week
Bahamas	Department of Statistics	Statistics Act 1973	DoS reports to Ministry of Finance	7	Advance release calendar – not clear how far in advance it goes
Barbados	Barbados Statistics Service	Statistics Act 1958	BSS reports to Ministry of Economic Affairs and Development	2 Identified	No advance release calendar
Canada	Statistics Canada	Statistics Act 1918 Statistics Act 1971	Stats Can reports to Minister of Industry	Marginal compared to Stats Can. 2 identified	Stats Can publishes a release calendar one year in advance
Estonia	Statistics Estonia	Official Statistics Act 2010	Statistics Estonia reports to the Ministry of Finance	Bank of Estonia and state agencies authorised by law may conduct official statistical surveys	A Publication timetable with precise dates of releases is posted on the website
France	INSEE	There is no Statistics Act Decree no. 47-834 of 1947 established INSEE Various decrees to establish other functions	INSEE reports to the Economy Ministry	Over 28 other bodies identified who produce official statistics	Release calendar online (no info on how far in advance it goes)
Iceland	Statistics Iceland	Statistics Iceland and official statistics Act 2008	Statistics Iceland is professionally independent 'under the aegis of the Prime Minister'	3 identified	By 1 October Statistics Iceland publishes a release calendar for 15 months

Country	Name of NSO	Legal Basis	Ministerial responsibility etc.	No. of other producers of statistics identified	Release Calendar
Malta	National Statistics Office	Malta Statistics Authority Act 2000	The NSO reports to the Minister of Finance through the Malta Statistics Authority Board	2 identified	3 months ahead release calendar
Netherlands	Statistics Netherlands	Act of 2003 (amended 2004) governing Statistics Netherlands	Autonomous agency, Minister of Economic Affairs responsible for legislation and budget etc	Highly centralised system	Annually and weekly
New Zealand	Stats NZ	Statistics Act 1975	Reports to Minister of Statistics	Statistics produced by departments for health, education, welfare, crime, and justice	Six-month release calendar update on three-month rolling cycle
Norway	Statistics Norway	Statistics Act of 1989	Reports to Minister of Finance	Statistics Norway produces 85-90 percent of official statistics	Release calendar that reaches over 12 months ahead
Portugal	Statistics Portugal	General Foundation of the National Statistical System 2008	Reports to Minister of the Presidency	Appears to be some ministries – but not listed, plus Central Bank	Annual dissemination plan. Weekly confirmation of day of publication one week ahead
Singapore	Department of Statistics	Statistics Act 2010	Department of Statistics reports to the Ministry of Trade and Industry	There appear to be many statistics produced by Gazetted Research and Statistics Units (RSUs) and Non-gazetted RSUs	An advance quarter-ahead release calendar for major statistical series (mostly monthly and quarterly) is published on the website
Tonga	Statistics Department	Statistics Act 2015	Reports to the Prime Minister	No other bodies identified	No release calendar
UK	Office for National Statistics	There is no Statistics Act UK Statistics Authority set up	Reports to UK Statistics Authority and then to Public Administration and Constitutional	Over 60 producers of official statistics, which together	ONS publishes a year-ahead release calendar on behalf of the Government

Country	Name of NSO	Legal Basis	Ministerial responsibility etc.	No. of other producers of statistics identified	Release Calendar
		under the Statistics and Registration Services Act 2007	Affairs (Select) Committee (PACAC) To Cabinet Office Minister for Parliamentary or law matters	constitute the Government Statistical Service (GSS)	Statistics Service
USA	Office of Management and Budget	There is no Statistics Act Office of Management and Budget statistical authority is in the Paperwork Reduction Act. Each Agency will have its own legal basis.	Chief Statistician reports to Administrator of the Office of Information and Regulatory Affairs	10 principal statistical agencies, plus others	Release calendar published in September for following year for 36 principal Federal economic indicators. There is no similar calendar for social statistics

EXPLANATORY NOTE

This Law, if passed, will make substantial changes to the statistics provisions in the [Statistics and Census \(Jersey\) Law 2018](#) (the “2018 Law”).

Article 1 provides that the 2018 Law is being amended by Articles 2 to 19.

Article 2 amends Article 1 to remove some definitions of terms that no longer appear in the 2018 Law, modify other definitions and add terms that are newly required, relating primarily to the new bodies established by this Law.

Article 3 substitutes a new Part 2 of the 2018 Law on the duties of the Chief Statistician and governance of the Office of the Chief Statistician, also known as the OCS. It encompasses new Articles 2 to 7B.

Article 2 establishes the Chief Statistician as a corporation sole and provides for the appointment and terms of service of the Chief Statistician to be set out in what is now Schedule 1. The Chief Statistician is also head of the statistical profession in Jersey, working with the Jersey Statistical System (“JSS”), meaning the public authorities that produce statistics describing, on a representative basis, the economic, demographic, social and environmental situation in Jersey.

Article 3 provides for the responsibilities and functions of the Chief Statistician. The independence and funding of the Chief Statistician are covered in Article 4.

Article 5 constitutes the OCS. The primary role of the OCS is to support the Chief Statistician to fulfil the given responsibilities and functions, and anyone working for the OCS does so under the full operational control of the Chief Statistician. The Chief Statistician and staff of the OCS are States’ employees who are required to sign a declaration affirming that they will fulfil their duties.

Article 6 imposes duties on the Chief Statistician regarding the keeping of records and accounts, including the appointment of auditors if the annual accounts are not included in the accounts of the States for a financial year. The Chief Statistician must also produce an annual report.

Article 7 requires the Chief Statistician to present the annual report, and to prepare and present a strategy for the JSS and a plan for the output of the OCS, which the Chief Minister must present to the States after taking account any amendments proposed by the Statistics Council.

Article 7A sets out the circumstances in which the Chief Statistician must comply with a request from the Chief Minister to prepare other reports.

Article 7B provides that the Law may be amended by Regulations made by the States in respect of the accounts, audit, report, plan or strategy.

Article 4 inserts a new Part 2A into the 2018 Law about a new body known as the Statistics Council, which is covered in new Articles 7C to 7F.

Article 7C establishes the Statistics Council made up of a Chair and between 6 and 10 other individuals appointed by the Chief Minister. The individuals must, as far as reasonably practicable, reflect a range of users of statistics in Jersey, including the public, the media, researchers, students, businesses, public authorities and non-governmental organisations. The Article also contains further provisions about how the Statistics Council operates at meetings and with respect to its membership in what is now Schedule 2 to the 2018 Law.

Article 7D requires the Chief Minister to consult on, prepare and publish Rules of Conduct that members of the Statistics Council must comply with.

Article 7E covers the independence and functions of the Statistics Council. It is a body independent of the Chief Minister and its primary function is to advise public authorities on the production, use, quality, relevance and integrity of the statistics they produce that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey as

well as advising generally on “tier 1 statistics” (see Part 2B below). The Chief Minister is under a duty to provide the Statistics Council with adequate resources to carry out its statutory functions. Article 7F requires the Statistics Council to produce an annual report on its performance over the preceding financial year. The report goes to the Chief Minister for presentation to the States.

Article 4 also inserts a new Part 2B into the 2018 Law about tier 1 statistics, which are covered in new Articles 7G to 7M.

The criteria for statistics to be tier 1 statistics are set out in Article 7G and consist of statistical reports produced by public authorities on economic, demographic, social or environmental matters in Jersey that meet certain additional requirements detailed in the Article.

Article 7H sets out the standards that tier 1 statistics must comply with.

Article 7I requires the Chief Statistician to produce and publish a Code of Practice for tier 1 statistics in consultation with the Statistics Council and the JSS. The Chief Statistician must monitor compliance with the Code and produce a report in the event of non-compliance. The Statistics Council may request the Chief Statistician to instigate an extraordinary review of any tier 1 statistics if it considers that a statistical report does not comply with the Code.

Article 7J provides for any person or body to require the Chief Statistician to determine whether a statistical report produced by a public authority (including the OCS) meets the criteria set out in Article 7G. The Chief Statistician must develop and publish a scheme for suspending statistical reports from the list of tier 1 statistics and in doing so must consult the Statistics Council. The Chief Statistician must send updated lists of tier 1 statistics to the Chief Minister for presentation to the States as a report. There is also power for the Chief Statistician to suspend a statistical report from the list of tier 1 statistics until it complies with the Code and to instigate a programme of reviews for tier 1 statistics, consulting the Statistics Council on that programme.

Article 7K provides for permanent removal of a statistical report from the list of tier 1 statistics if the States support a proposition of the Chief Minister after the Chief Minister has obtained advice from the Chief Statistician and the Statistics Council that the report no longer satisfies Article 7G. In addition, the Chief Statistician and the Chief Minister, having had regard to the resources available, may instigate extraordinary reviews of any tier 1 statistics at any time and outside the programme of reviews under Article 7J(8).

Article 7L requires producers of statistics to prioritise the production of tier 1 statistics over other statistical reports, to publish them in accordance with a release schedule and co-operate with all reports and reviews. They are also required to act with professional independence, and their independence must be upheld by the States.

Article 7M is about the JSS and the Statistics Producers’ Group (“SPG”). It provides for the Chief Statistician to report on the performance of the JSS and to establish an SPG. If the SPG has been established the Chief Statistician must invite a representative of every public authority responsible for producing tier 1 statistics to join the SPG and may invite representatives of other public authorities to join it. The SPG co-ordinates the production and release of tier 1 statistics, assists the Chief Statistician in relation to tier 1 statistics and release calendars, supports the production of the strategy for the JSS and provides a forum for producers to focus on improvement of the quality of tier 1 statistics.

Article 5 makes minor changes to Article 8 about collecting census data, consequential on the changes above, in particular to renumber the Schedule about censuses to be Schedule 3. Provision is also added for the Chief Statistician to be consulted before Regulations about the census are lodged. *Article 6* also makes a consequential change to Article 9, which is connected with censuses, and for the Chief Statistician to be consulted before Orders are made in connection with a census.

Article 7 deletes a reference to “statistical standards” in the heading to Part 4 of the Law and *Article 8* deletes Article 11 about statistical standards, this provision having been replaced by new provisions detailed above.

Article 9 replaces references in Article 12 (types of data and methods of collection) from “Statistics Jersey” to “the Chief Statistician” and *Article 10* makes similar changes to Article 13 (compilation, analysis and publication of statistics).

Article 11 makes minor changes to Article 14 (power to require particulars and information from undertakings). *Article 12* makes a minor change to Article 15 (invitation to provide information etc. on a voluntary basis).

Article 13 makes minor changes to Article 16 which covers restrictions on disclosure of particulars or information and *Article 14* changes a reference in Article 17 (protection of documents and information) from “Statistics Jersey” to “the Chief Statistician”.

Article 15 makes minor changes to several Articles to update a cross-reference relating to employees.

Article 16 inserts a new Article 21 consisting of a standard provision limiting the liability of the Chief Statistician, the staff of the OCS, other producers of tier 1 statistics and the Statistics Council except in the case of bad faith or a breach of the [Human Rights \(Jersey\) Law 2000](#).

Article 17 amends the transitional provisions in Article 22 to cover changes made by this Law.

Article 18 inserts the new Schedules 1 and 2 referred to above and renumbers the existing Schedule as Schedule 3.

Article 19 makes minor amendments to Schedule 3 where the definition “household” was not producing the intended result.

Article 20 adds an entry in Schedule 6 to the [Public Finances \(Jersey\) Law 2019](#) to refer to the Chief Statistician so that the resources of the OCS are required to be set out in the government plan.

Article 21 contains consequential amendments to other enactments.

Article 22 is the citation provision and provides for the draft Law to come into force 7 days after it is registered.



Jersey

DRAFT STATISTICS AND CENSUS (JERSEY) AMENDMENT LAW 202-

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Jersey

DRAFT STATISTICS AND CENSUS (JERSEY) AMENDMENT LAW 202-

A **LAW** to amend the [Statistics and Census \(Jersey\) Law 2018](#) and for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 [Statistics and Census \(Jersey\) Law 2018](#) amended

Articles 2 to 19 of this Law amend the [Statistics and Census \(Jersey\) Law 2018](#).

2 **Article 1 (interpretation) amended**

In Article 1 –

- (a) after the definition “anonymised microdata” there is inserted –
 “ “Appointment Procedures Law” means the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#);”;
- (b) for the definition “Chief Statistician” there is substituted –
 “ “Chief Statistician” means the person appointed under Schedule 1;”;
- (c) in the definition “Code” for “published under Article 5(4)(a)” there is substituted “produced and published under Article 7I(1)”;
- (d) after the definition “Code” there is inserted –
 “ “common strategic policy” means the common strategic policy referred to in Article 18(2)(e) of the [States of Jersey Law 2005](#);”;
- (e) the definitions “Group” and “official statistics” are deleted;
- (f) after the definition “household” there is inserted –
 “ “Jersey Statistical System” or “JSS” has the meaning assigned by Article 7M(1);

“Jersey Appointments Commission” means the Commission established under Article 17 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);”;

- (g) after the definition “Minister” there is inserted –
 - “ “Office of the Chief Statistician” or “OCS” has the meaning assigned by Article 5(1);”;
- (h) the definition “publication schedule” is deleted and in its place there is inserted –
 - “ “publish” in relation to an obligation of the Chief Statistician to publish, means publish in a manner determined by the Chief Statistician;”;
- (i) after the definition “Regulations” there is inserted –
 - “ “release calendar” means a list issued by the Chief Statistician stating when various statistical reports are to be published;”;
- (j) the definition “States Employment Board” is deleted and in its place there is inserted –
 - “ “statistical profession” means the statisticians and analysts who produce statistics in the course of their work;”;
- (k) the definition “statistical standards” is deleted and in its place there is substituted –
 - “ “Statistics Council” means the body appointed under Article 7C(1);
 - “tier 1 statistics” has the meaning assigned by Article 7G;”;
- (l) the definition “Statistics Jersey” is deleted.

3 Part 2 (powers and duties) substituted

For Part 2 there is substituted –

“PART 2

DUTIES OF CHIEF STATISTICIAN AND GOVERNANCE OF OCS

2 Status and role of Chief Statistician

- (1) The Chief Statistician is a corporation sole having perpetual succession and may –
 - (a) enter into agreements for any purpose of the office;
 - (b) acquire, hold and dispose of movable or immovable property;
 - (c) sue and be sued in civil proceedings;
 - (d) if charged with an offence, defend criminal proceedings;
 - (e) determine and charge reasonable sums for anything done or provided by the Chief Statistician in the discharge of, or in connection with, the functions of the office; and
 - (f) do anything reasonably necessary, expedient for or incidental to the Chief Statistician’s functions.

- (2) The Chief Statistician holds and vacates office in accordance with Schedule 1 and the terms and conditions of the appointment and heads the statistical profession working with the Jersey Statistical System.
- (3) Schedule 1 makes further provision in respect of the terms of service of the Chief Statistician and may be amended by Regulations made by the States to make different provision in that respect.

3 Responsibilities and functions of Chief Statistician

- (1) The Chief Statistician is responsible for the collection and processing of data for statistical or research purposes in accordance with this Law with the aim of –
 - (a) providing statistical reports of interest to, and which assist with decision-making by, public authorities, other undertakings and individuals (including the public);
 - (b) assisting those responsible for public policy development and the delivery of public services; and
 - (c) co-ordinating as effectively as possible, and facilitating the use of, information produced from data and avoiding unnecessary duplication of requests for information.
- (2) The Chief Statistician is also responsible for –
 - (a) the OCS, all aspects of statistics produced by the OCS and the administration of this Law;
 - (b) the policies and priorities of the OCS;
 - (c) advising the Statistics Council on the quality, relevance and integrity of tier 1 statistics;
 - (d) determining under Article 7J(1) whether the criteria to be tier 1 statistics in Article 7G are met;
 - (e) publishing and keeping up to date the list of tier 1 statistics and sending it to the Minister as required by Article 7J(5);
 - (f) publishing release calendars;
 - (g) ensuring that both the list and release calendars are readily accessible to statistics users;
 - (h) the statistical methodology and statistical standards set by the OCS and ensuring that the requirements of Article 7I and the Code are met;
 - (i) the way in which data are collected, processed, documented and stored by the OCS;
 - (j) the content of statistical releases and publications issued by the OCS;
 - (k) the form, timing and methods of dissemination of statistics compiled by the OCS;
 - (l) publicly commenting as the Chief Statistician thinks fit on any aspects of statistics, including –
 - (i) their funding, use, accuracy, reliability, adequacy, erroneous interpretation and misuse, and
 - (ii) in relation to statistics produced by public authorities, other bodies or individuals;

- (m) discontinuing or starting a statistical report;
 - (n) deciding whether to provide statistical services, including conducting surveys and research, and compiling data and reports, for any person, organisation or public authority, wherever based;
 - (o) maintaining close and regular contact with the Statistics Council and with the principal users and suppliers of statistics; and
 - (p) ensuring that a census of the population is taken under Article 8.
- (3) As head of the statistical profession working with the Jersey Statistical System, the Chief Statistician is responsible for –
- (a) ensuring that statisticians and analysts employed by a public authority uphold high professional statistical standards;
 - (b) as far as resources allow, co-ordinating professional development across the statistical profession working with the Jersey Statistical System and ensuring that appropriate professional training is available; and
 - (c) upholding the independence of the Jersey Statistical System.
- (4) Without limiting any other provision of this Law, the Chief Statistician has the following functions –
- (a) to collect, compile, analyse, extract and disseminate data for statistical purposes in accordance with this Law;
 - (b) to develop statistical methodology for the statistical profession working with the Jersey Statistical System and standardise definitions, classifications, terms, procedures and concepts for use in statistical activities;
 - (c) to advise public authorities on the gathering, compiling, analysis and use of statistics, the production of statistical reports and whether they comply with the Code, and in the case of tier 1 statistics, whether they comply with Article 7H;
 - (d) to consider the statistical or research potential of the records maintained by public authorities and, in conjunction with those authorities, to realise this potential so far as resources permit;
 - (e) to conduct and report on censuses of the population of Jersey in accordance with this Law.
- (5) The Chief Statistician may delegate a function under this Law to an officer of the OCS, but the delegation does not –
- (a) affect the responsibility of the Chief Statistician for the discharge of the functions; or
 - (b) prevent the discharge of the functions by the Chief Statistician personally.

4 Independence and funding of Chief Statistician

- (1) The Chief Statistician, or a person discharging or performing the functions of the Chief Statistician, must not be directed on how any of the Chief Statistician's functions are to be carried out.
- (2) The States must respect, uphold and defend the independence of the Chief Statistician.

- (3) The Minister must make an annual assessment of the funding required to ensure that the Chief Statistician is provided with the financial and administrative resources, and other support, including staff, services, equipment and accommodation, necessary to enable the Chief Statistician to discharge the functions of the office economically, effectively and efficiently.
- (4) The Minister must consult the Chief Statistician before submitting an amount in respect of the Chief Statistician to the Council of Ministers under Article 10(1)(d) of the [Public Finances \(Jersey\) Law 2019](#).
- (5) The States must hold the Minister to account that the production of tier 1 statistics is adequately resourced.

5 Office of Chief Statistician

- (1) There is constituted the Office of the Chief Statistician or the “OCS”.
- (2) The primary role of the OCS is to support the Chief Statistician to fulfil the given responsibilities and functions, and anyone working for the OCS does so under the full operational control of the Chief Statistician.
- (3) The staff of the OCS are States’ employees within the meaning of Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) and any States’ employee provided to the Chief Statistician under Article 4(3) who performs a function under the Chief Statistician’s direction is treated as a member of staff of the OCS.
- (4) The Chief Statistician and every person employed or engaged to work for the OCS must, before assuming those duties, sign a declaration to fulfil the duties faithfully and honestly as required under this Law and not, without due authority, to disclose or make known any matter or thing that comes to the person’s knowledge by reason of that employment or engagement.

6 Accounts, audit and annual report

- (1) The Chief Statistician must ensure that –
 - (a) proper accounts and proper records in relation to the accounts are kept;
 - (b) accounts are prepared in respect of each financial year (“annual accounts”); and
 - (c) the annual accounts are prepared using the accounting standards by which the accounts of the States are to be prepared, and which are included in the Public Finances Manual.
- (2) If the annual accounts are not included in the accounts of the States for a financial year, the Chief Statistician must appoint auditors approved by the Comptroller and Auditor General (as defined in Article 1 of the [Comptroller and Auditor General \(Jersey\) Law 2014](#)) to audit the annual accounts.
- (3) The Chief Statistician must produce a report on the exercise and performance of the functions of the Chief Statistician and the OCS in relation to each financial year (an “annual report”).
- (4) The annual report must –
 - (a) include the annual accounts;
 - (b) state whether, in the view of the Chief Statistician, the production of tier 1 statistics is adequately resourced; and

- (c) comply with the Public Finances Manual as it applies to the annual reports of public bodies listed in Schedule 6 to that Law.
- (5) In this Article “Public Finance Manual” means the Public Finances Manual issued under Article 31 of the [Public Finances \(Jersey\) Law 2019](#).

7 Presentation of annual report, strategy for the JSS and output plan for the OCS

- (1) The Chief Statistician must present the annual report to the Minister as soon as practicable after the end of the financial year to which it relates.
- (2) The Chief Statistician must prepare and present to the Minister as soon as practicable after each new Common Strategic Policy (“CSP”) has been approved by the States –
 - (a) a strategy for the Jersey Statistical System, taking into account both the data required to support the CSP over Ministers’ term of office and the wider needs of users of statistics in Jersey; and
 - (b) a plan for the output of the OCS (the “output plan”) covering the term of the CSP.
- (3) Both the strategy and the output plan may be updated by the Chief Statistician at any time.
- (4) Before presenting the annual report, strategy or output plan to the Minister, the Chief Statistician must consult the Statistics Council.
- (5) The Minister must present a copy of the report, strategy and output plan to the States as soon as practicable after receiving them.
- (6) The Minister may make written comments on the report, strategy and output plan and submit them alongside the copy presented to the States.

7A Other reports

- (1) The Minister may request the Chief Statistician to prepare a report on an aspect of the responsibilities and functions of the Chief Statistician, the OCS or the Jersey Statistical System, including the work undertaken in discharge of those responsibilities and functions.
- (2) The Chief Statistician must produce the report in line with the Code if the Chief Statistician –
 - (a) has the expertise to do so; and
 - (b) has been provided with sufficient resources to do so.
- (3) If the Chief Statistician does not have sufficient resources to comply with paragraph (2) the Chief Statistician must request additional resources from the Minister and the reasons for the request.
- (4) The Chief Statistician must detail requests to prepare a report under this Article and the outcome of each request in the annual report produced under Article 6(3).

7B Power to amend Articles 6, 7 and 7A

The States may by Regulations amend this Law in respect of the accounts, audit, report, plan or strategy.”.

4 Parts 2A and 2B inserted

After Part 2 there is inserted –

“PART 2A**STATISTICS COUNCIL****7C Establishment and meetings of Statistics Council**

- (1) There is established a body known as the Statistics Council, consisting of a Chair and no fewer than 6 and no more than 10 other individuals appointed by the Minister.
- (2) The individuals must, as far as reasonably practicable, reflect a range of users of statistics in Jersey, including the public, the media, researchers, students, businesses, public authorities and non-governmental organisations.
- (3) The Chair presides over all meetings of the Statistics Council but in the absence of the Chair another member may preside.
- (4) The Chief Statistician must attend each meeting of the Statistics Council at which it takes decisions in relation to any of its statutory functions (a “formal meeting”), but in an advisory capacity only.
- (5) The Statistics Council must hold formal meetings at least 3 times each calendar year.
- (6) Subject to this Article, Article 7D and the Rules of Conduct issued under it, the Statistics Council may determine its own procedure, including when and how frequently it meets.
- (7) The Statistics Council may meet informally without the Chief Statistician being present, but it must not make any decisions that are required to be made at a formal meeting.
- (8) The Statistics Council must publish in a manner agreed by the Council the minutes of its formal meetings, including a record of decisions taken in relation to its statutory functions, as soon as reasonably practicable after the meeting in question has taken place.
- (9) Schedule 2 makes further provision with respect to the membership of the Statistics Council and may be amended by Regulations made by the States to make different provision in that respect.

7D Rules of Conduct of Statistics Council

- (1) The Minister must prepare Rules of Conduct for members of the Statistics Council and present the Rules to the States as a report.
- (2) In preparing the Rules the Minister must consult the Statistics Council and may consult any other person or body the Minister considers appropriate.

- (3) Members of the Statistics Council must comply with the Rules of Conduct.

7E Independence and functions of Statistics Council

- (1) The Statistics Council is independent of the Minister and has the primary function of overseeing the Jersey Statistical System by –
- (a) advising public authorities on the production, use, quality, relevance and integrity of the statistics produced by the authorities that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey; and
 - (b) advising any person or body in relation to tier 1 statistics.
- (2) The particular functions of the Statistics Council are –
- (a) to review, comment on and make recommendations to the Minister, the States and the Chief Statistician about the statistics on which it advises with respect to the matters set out in paragraph (3);
 - (b) to promote the standards for tier 1 statistics set out in Article 7H;
 - (c) to gather and present the views of statistics users;
 - (d) to respect, uphold and defend the independence of the Chief Statistician and the Jersey Statistical System; and
 - (e) to provide a neutral forum for statistics users to interact with the Chief Statistician, the OCS and other producers of statistics in public authorities on the production, use, quality, relevance and integrity of tier 1 statistics.
- (3) The matters are –
- (a) the quality, relevance, and integrity of the statistics mentioned in paragraph (1)(a), including the extent to which those statistics are appropriate to the purposes for which they are used;
 - (b) the range of statistics provided;
 - (c) the demands placed upon providers of information, whether it be provided on a voluntary or compulsory basis;
 - (d) the confidentiality of information concerning individuals and businesses;
 - (e) the methodology by which those statistics are compiled and their resultant accuracy and reliability;
 - (f) the independence of the compilation and dissemination process from political or other inappropriate influence;
 - (g) the form and procedure through which statistical information is disseminated; and
 - (h) the output and quality of statistics of the Chief Statistician, other producers of tier 1 statistics and the Jersey Statistical System.
- (4) The Statistics Council may also –
- (a) give views and make recommendations to the Minister on the appointment of the Chief Statistician under paragraph 1(2) of Schedule 1;
 - (b) consider any suspension or dismissal of the Chief Statistician;

- (c) comment on the annual report, plan for the output of the OCS and strategy for the JSS;
 - (d) advise the Chief Statistician on –
 - (i) the contents of the Code,
 - (ii) the list of tier 1 statistics,
 - (iii) the suspension of a statistical report from the list of tier 1 statistics, and
 - (iv) the criteria for reviews of tier 1 statistics;
 - (e) advise on the removal of a statistical report from the list of tier 1 statistics; and
 - (f) request the instigation of reviews under Article 7I(8) or (9).
- (5) The Minister must provide the Statistics Council with adequate resources to carry out its functions.

7F Annual report of Statistics Council

- (1) The Statistics Council must produce an annual report on its performance over the preceding financial year.
- (2) The report must –
 - (a) include a review of the work undertaken and the functions discharged by the Statistics Council during that year; and
 - (b) set out why the work undertaken in that year is in the public interest.
- (3) The Statistics Council may also use its annual report –
 - (a) to report any concerns that it has in relation to the funding, resources and independence of the Chief Statistician and the Jersey Statistical System; and
 - (b) to reference a refusal of both the Chief Statistician and the Minister to instigate an extraordinary review of a statistical report listed as tier 1 statistics under Article 7K.
- (4) The Chair of the Statistics Council must present the report to the Minister as soon as practicable after the end of the financial year to which it relates.
- (5) The Minister must present a copy of the report to the States as soon as is practicable after receiving it.
- (6) The Minister may, by Order, amend the requirements set out in paragraph (2).

PART 2B

TIER 1 STATISTICS

7G Criteria to be tier 1 statistics

- (1) Tier 1 statistics are statistical reports that satisfy the criteria set out in this Article and appear on the list of tier 1 statistics.
- (2) To be tier 1 statistics, a statistical report –
 - (a) must be produced by a public authority;

- (b) must represent the economic, demographic, social or environmental situation in Jersey;
- (c) must –
 - (i) be essential to critical decision-making,
 - (ii) be of high public interest,
 - (iii) meet expectations of impartiality and statistical quality,
 - (iv) require long-term data continuity,
 - (v) allow international comparability; and
- (d) must be developed, produced, disseminated and communicated to meet the standards set out in Article 7H and to comply with the Code.

7H Standards for tier 1 statistics

Tier 1 statistics must be –

- (a) relevant, accurate, and reliable;
- (b) objective and comprehensive;
- (c) compiled, reported and documented in a scientific and transparent manner;
- (d) disseminated impartially and in a timely manner;
- (e) readily accessible to all who wish to access them;
- (f) in accordance with appropriate national and international standards and classifications; and
- (g) clearly and objectively displayed (whether by means of text, graphics or other method).

7I Code of Practice and compliance

- (1) The Chief Statistician must produce and publish –
 - (a) a Code of Practice for tier 1 statistics in Jersey; and
 - (b) any revisions of that Code.
- (2) In producing or amending the Code the Chief Statistician must consult the Statistics Council and the Jersey Statistical System.
- (3) The Code must establish –
 - (a) principles and practices underlying the development, production, dissemination and communication of tier 1 statistics;
 - (b) processes governing the release of tier 1 statistics; and
 - (c) rules relating to the granting of access to those statistics before their general release.
- (4) The Chief Statistician must monitor compliance with the Code.
- (5) If the Chief Statistician considers that any tier 1 statistics do not comply with the Code, the Chief Statistician must produce a report setting out –
 - (a) the ways in which they do not comply; and
 - (b) the steps that the producer of the statistics must take to bring them into compliance with the Code.

- (6) The Chief Statistician must send the report to the head of the public authority that produced the statistics, the Statistics Council and the Minister, and must publish the report.
- (7) The public authority must take all reasonable steps to comply with the requirements of the report within any reasonable time period required by the Chief Statistician.
- (8) The Statistics Council may request the Chief Statistician to instigate an extraordinary review of any tier 1 statistics under Article 7K if it considers that a statistical report relating to those statistics does not comply with the Code.
- (9) If the Chief Statistician declines to undertake the review the Council may request the Minister to instigate the review.
- (10) Producers of statistics other than tier 1 statistics must have due regard to the Code and comply with it as far as it is practicable to do so.

7J Determination, suspension and review of tier 1 statistics

- (1) The Chief Statistician, at the request of any person or body, must determine whether a statistical report that has been produced by a public authority (including the OCS) meets the criteria set out in Article 7G.
- (2) In making the determination the Chief Statistician must consult the Statistics Council.
- (3) The Chief Statistician must add the statistical report to the list of tier 1 statistics if –
 - (a) the Chief Statistician determines that the report satisfies Article 7G; and
 - (b) either –
 - (i) the report is produced by the OCS, or
 - (ii) the Minister responsible for the authority producing the report or if none, the head of that authority, consents to the addition.
- (4) Following a determination under paragraph (1) in respect of a statistical report produced by a public authority other than the OCS, the Chief Statistician must notify the Minister responsible for the public authority, or if none the head of the authority, along with the Statistics Council, of the outcome of the determination.
- (5) The Chief Statistician must send to the Minister the list of tier 1 statistics and any amendments to it and the Minister must present the list, and any amendments to it to the States as a report.
- (6) The Chief Statistician must develop and publish a scheme for suspending statistical reports from the list of tier 1 statistics and in doing so must consult the Statistics Council.
- (7) If a report is produced under Article 7I(5) the Chief Statistician may suspend a statistical report from the list of tier 1 statistics until the Chief Statistician considers that the statistical report complies with the Code.
- (8) The Chief Statistician must instigate a programme of reviews of tier 1 statistics and establish and publish the criteria against which the reviews will be carried out.

- (9) The Chief Statistician must consult the Statistics Council on the programme of reviews and the criteria for the reviews (and any changes to them) before publishing the criteria.

7K Removal from list of tier 1 statistics and extraordinary reviews

- (1) A statistical report may be permanently removed from the list of tier 1 statistics only after approval by the States following a proposition lodged by the Minister declaring that the statistical report no longer satisfies the criteria set out in Article 7G.
- (2) Before lodging the proposition, the Minister must obtain advice from the Chief Statistician and the Statistics Council and be satisfied by that advice that the report should be permanently removed.
- (3) The proposition must set out which criteria are no longer satisfied and provide evidence of this in the accompanying report.
- (4) The Chief Statistician or the Minister, having had regard to the resources available, may instigate an extraordinary review of tier 1 statistics at any time and outside the programme of reviews under Article 7J(8).

7L Duties and independence of producers of tier 1 statistics

- (1) Producers of statistics must –
 - (a) prioritise the production of statistical reports that are tier 1 statistics over other statistical reports;
 - (b) publish tier 1 statistics in accordance with a release calendar;
 - (c) co-operate with all reports and reviews under Article 7I(5), 7J(8) and 7K(4); and
 - (d) act independently in the development, production, dissemination and communication of statistics.
- (2) The States must respect, uphold and defend the independence of producers of tier 1 statistics.

7M Jersey Statistical System and Statistics Producers' Group

- (1) The public authorities producing statistics that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey are known as the Jersey Statistical System or “JSS”.
- (2) The Chief Statistician may report on the performance of the JSS.
- (3) The Chief Statistician may establish a Statistics Producers' Group (the “SPG”), and determine when it will meet.
- (4) If a SPG has been established the Chief Statistician must invite a representative of every public authority responsible for producing tier 1 statistics to join the SPG and may invite representatives of other public authorities to join it.
- (5) The Chief Statistician must provide secretarial and clerical assistance to the SPG.
- (6) The SPG has the following functions –

- (a) to co-ordinate the production and release of tier 1 statistics;
- (b) to assist the Chief Statistician –
 - (i) to devise and revise release calendars, and
 - (ii) in ensuring that tier 1 statistics are produced in accordance with release calendars;
- (c) to support the production of the strategy for JSS over the term of the common strategic policy under Article 7(2)(a); and
- (d) to provide a forum in which the producers of statistics can discuss continuous improvement of the quality of tier 1 statistics.”.

5 Article 8 (collection of data for census) amended

In Article 8 –

- (a) For paragraphs (1) and (2) there is substituted –
 - “(1) The Chief Statistician must take a census to gather the data relating to the population of Jersey required by Schedule 3 at whatever interval the Chief Statistician considers appropriate.
 - (2) For the purposes of a census, the Chief Statistician must, as often as the Chief Statistician considers appropriate, analyse and link data collected for administrative purposes already in the possession of the OCS or readily obtainable by it.”;
- (b) in paragraph (3) for “where such data is insufficient for the purposes of paragraph (1)” there is substituted “if the Chief Statistician considers that more data is required for the purposes of paragraph (1)”;
- (c) in paragraphs (8) for “the Schedule” there is substituted “Schedule 3”;
- (d) after paragraph (8) there is inserted –
 - “(9) Before lodging a proposition containing the Regulations in draft, the Minister must consult the Chief Statistician as to the content of the draft Regulations.”.

6 Article 9 (Orders with respect to census) amended

In Article 9 –

- (a) the existing text is renumbered as paragraph (1);
- (b) in paragraph (1)(c) for “under Article 2” there is substituted “to work for the OCS”;
- (c) after paragraph (1) there is inserted –
 - “(2) Before making an Order the Minister must consult the Chief Statistician as to the proposed content of the Order.”.

7 Part 4 heading amended

In the sub-heading to Part 4 “STATISTICAL STANDARDS AND” is deleted.

8 Article 11 (statistical standards for official statistics) deleted

Article 11 is deleted.

9 Article 12 (type of data and methods of collection) amended

In Article 12(1), (2) and (3) (wherever occurring) for “Statistics Jersey” there is substituted “the Chief Statistician”.

10 Article 13 (compilation, analysis and publication of statistics)

In Article 13(1) for “Statistics Jersey” there is substituted “the Chief Statistician”.

11 Article 14 (power to require particulars and information from undertakings) amended

In Article 14 –

- (a) in paragraph (1) for “For the purposes only of obtaining data for statistical purposes” there is substituted “For any purpose that would enable the performance of a statistical or research function,”;
- (b) for paragraph (4)(b) there is substituted –
 - “(b) by an officer of the OCS to another officer of the OCS in the performance of their functions,”;
- (c) in paragraph (6) in the definition “officer” for “Article 2(8)” there is substituted “to work for the OCS”.

12 Article 15 (invitation to provide information etc. on a voluntary basis) amended

In Article 15(1) for “individual or body” there is substituted “individual, body or public authority”.

13 Article 16 (restriction on disclosure of particulars or information) amended

In Article 16 –

- (a) in paragraph (1) after “statistical” there is inserted “or research”;
- (b) in paragraph (3)(c) after “purposes of” there is inserted “investigating an offence under this Law,”;
- (c) after paragraph (3)(d) there is inserted –
 - “(e) that are necessary to enable or assist the Chief Statistician to exercise a function of the Chief Statistician.”;
- (d) in paragraph (7) there is inserted –
 - “(d) if the particulars or information is furnished for the purposes of a census, not less than 100 years after the date on which it was obtained by the Chief Statistician for the purposes of the census or, in the case of a traditional census, the date appointed under Article 8 for conducting the census.”;
- (e) after paragraph (7) there is inserted –
 - “(8) In this Article a reference to “this Law” includes the Census (Jersey) Law 1951.”.

14 Article 17 (protection of documents and information) amended

In Article 17(2)(c) for “Statistics Jersey” there is substituted “the Chief Statistician”.

15 Amendments relating to employees

In Articles 17(2), 19(1) and (2) and 21(1), (2) and (3) for “under Article 2” there is substituted “to work for the OCS”.

16 Article 21A inserted

After Article 21 there is inserted –

“21A Limitations of liability

- (1) The Chief Statistician, the staff of the OCS, other producers of tier 1 statistics and the Statistics Council are not liable in damages for an act done in the discharge, or purported discharge, of any of their functions under this Law.
- (2) Paragraph (1) does not apply –
 - (a) if the act was done in bad faith; or
 - (b) to prevent an award of damages made in respect of an act if it was unlawful under Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).”.

17 Article 22 (transitional provisions and savings) amended

In Article 22 –

- (a) for paragraph 1 there is substituted –
 - “(1) A person employed by, or engaged to work for, Statistics Jersey in whatever capacity before the commencement of the Statistics and Census (Jersey) Amendment Law 202- is, on its commencement, treated as having been employed or engaged to work for the OCS in that same capacity from the date of their employment or engagement.”;
 - (b) paragraphs (2) and (3) are deleted;
 - (c) in paragraph (4) –
 - (i) for “this Law” there is substituted “the Statistics and Census (Jersey) Amendment Law 202-”,
 - (ii) for “Article 5(4)(a)” there is substituted “Article 7I(1)”;
 - (d) after paragraph (4) there is inserted –
 - “(5) The first list of tier 1 statistics on the commencement of the Statistics and Census (Jersey) Amendment Law 202- consists of statistics that –
 - (a) are produced by the OCS; and
 - (b) the Chief Statistician considers satisfy the criteria to be tier 1 statistics under Article 7G.
 - (6) The Chief Statistician must give the Statistics Council not less than 6 weeks to advise on the list.
 - (7) The list comes into effect once the Minister has presented it to the States as a report.

- (8) A Chief Statistician in post on the commencement of the Statistics and Census (Jersey) Amendment Law 202- is treated as validly appointed under this Law for an unlimited term of appointment.”.

18 Schedule renumbered and Schedules inserted

The Schedule is renumbered as Schedule 3 and immediately before it there is inserted the Schedules set out in the Schedule to this Law.

19 Schedule 3 (information required by census) amended

- (1) This Article amends Schedule 3.
- (2) In paragraph 1(1) –
 - (a) in the definition “local visitor” for “in a household or communal establishment that is not his or her usual address” there is substituted “at an address other than the resident’s usual address”;
 - (b) after the definition “midnight” there is inserted –
 - “ “private address” means a separate residential unit regardless of whether it shares a postal address with another residential unit;”.
- (3) In paragraph 2(1) for “household or communal establishment” there is substituted “address”.
- (4) For paragraph 2(2)(d) to the end of the sub-paragraph there is substituted –
 - “(d) previously resided at an address in Jersey,
 - is, for the purposes of the taking of the census, the address that was the resident’s usual address in Jersey before entering the communal establishment.”.
- (5) For paragraphs 2(3) and (4) there is substituted –
 - “(3) The usual address of a resident who is a minor and who, by reason of shared custody arrangements, resides at more than one address in Jersey is, for the purposes of the taking of the census, the address at which the minor spends most of the time.
 - (4) But if that minor divides time equally between more than one address, the usual address of the minor is, for the purposes of the taking of the census, the address at which the minor is present at midnight.”.
- (6) In the heading to paragraph 3 for “households” there is substituted “private addresses”.
- (7) In paragraph 3(1), in the introductory text, for “household” there is substituted “private address”.
- (8) In paragraph 3(1)(e) for “the household” there is substituted “that address”.
- (9) In paragraph 3(1)(f) and (g) for “in the household” there is substituted “at the address”.
- (10) In paragraph 4 –
 - (a) in sub-paragraph (1)(i) for “household” there is substituted “private address”;
 - (b) in sub-paragraph (1)(j) for “his or her relationship to the main householder” there is substituted “their relationship to every other member of the household”;

- (c) in sub-paragraph (3)(a) for “main employment” there is substituted “any employment”.

20 **Public Finances (Jersey) Law 2019** amended

In Schedule 6 to the [Public Finances \(Jersey\) Law 2019](#) after “Office of the Official Analyst” there is inserted “Chief Statistician”.

21 **Consequential amendments**

- (1) In the following provisions for “Statistics Jersey (within the meaning assigned by Article 2 of the [Statistics and Census \(Jersey\) Law 2018](#))” there is substituted “the Office of the Chief Statistician constituted under Article 5(1) of the [Statistics and Census \(Jersey\) Law 2018](#)” –
- (a) Article 135A(12B) of the [Income Tax \(Jersey\) Law 1961](#);
 - (b) the definition “Jersey Index of Earnings” in Article 1(1) of the [Social Security \(Jersey\) Law 1974](#);
 - (c) Article 15(7) of the [Financial Services Commission \(Jersey\) Law 1998](#);
 - (d) Article 60C of the [Employment \(Jersey\) Law 2003](#);
 - (e) the definition of “Jersey Retail Prices Index” in Article 1(1) of the [Rates \(Jersey\) Law 2005](#);
 - (f) Regulation 2(4)(a) and (b) of the [Income Support \(Special Payments\) \(Cold Weather Payments\) \(Jersey\) Regulations 2008](#);
 - (g) Article 21(9) of the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#);
 - (h) Article 47(5) of the [Gambling \(Jersey\) Law 2012](#);
 - (i) Regulations 2(1)(b) and 3(1)(b) of the [Long-Term Care \(States Contribution\) \(Jersey\) Regulations 2013](#);
 - (j) Paragraph 4(2)(a) and (b) of the Schedule to the [Social Security \(Bonus\) \(Jersey\) Law 2014](#).
- (2) In paragraph 1(1) of Schedule 1 to the [Social Security \(Jersey\) Law 1974](#), in the definition “RPI (Pensioners)” for “the States of Jersey Statistics Unit” there is substituted “the Office of the Chief Statistician constituted under Article 5(1) of the [Statistics and Census \(Jersey\) Law 2018](#)”.
- (3) In Article 44A(7)(b) of the [States of Jersey Law 2005](#) for “the Statistics Unit of the States of Jersey” there is substituted “the Office of the Chief Statistician constituted under Article 5(1) of the [Statistics and Census \(Jersey\) Law 2018](#)”.

22 **Citation and commencement**

This Law may be cited as the Statistics and Census (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.

SCHEDULE

(Article 18)

SCHEDULES 1 AND 2 INSERTED

“SCHEDULE 1

(Article 2(2) and (3))

CHIEF STATISTICIAN – APPOINTMENT

1 Appointment

- (1) The Minister must appoint as Chief Statistician a person who has the appropriate qualifications and experience to discharge the responsibilities and functions of the role.
- (2) Before making the appointment the Minister must consult the Statistics Council and the Jersey Appointments Commission.
- (3) The appointment is for the length of term of office that the Minister may determine, subject to the total of terms served not exceeding 9 years.
- (4) Article 2 of the Appointment Procedures Law applies to the appointment.

2 Dismissal

- (1) The Minister may dismiss the Chief Statistician only if the Chief Statistician –
 - (a) is incapacitated by physical or mental illness;
 - (b) fails without reasonable excuse to discharge the statutory functions of the office; or
 - (c) behaves in a way that is incompatible with continuing in office.
- (2) Before dismissing the Chief Statistician, the Minister must –
 - (a) give the Chief Statistician an opportunity to respond to any allegations giving rise to the decision to dismiss and must consider that response; and
 - (b) give notice of the intention to dismiss to the Statistics Council as soon as practicable.
- (3) The Minister may suspend the Chief Statistician while investigating whether the Chief Statistician should be dismissed.
- (4) The Minister must give as much notice of the forthcoming suspension to the Statistics Council as is practicable before the suspension is to take effect.
- (5) Article 3 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) (procedure for termination of appointments) applies to the dismissal of the Chief Statistician under sub-paragraph (1).

3 Termination of office

The Chief Statistician ceases to hold office –

- (a) if the Chief Statistician resigns by giving, in writing, the notice required under the terms and conditions of appointment;
- (b) if the Minister has dismissed the Chief Statistician under paragraph 2; or
- (c) after 9 years in post or, if shorter, the expiry of the term of office, if any, stated in the terms and conditions of appointment.

4 Acting appointment

- (1) If the Chief Statistician is unable to perform the duties of the office for any reason, the Minister may appoint an acting Chief Statistician.
- (2) Before making an appointment under this paragraph the Minister must notify the States under Article 2 of Appointment Procedures Law and give notice to the Statistics Council.

SCHEDULE 2

(Article 7C(9))

STATISTICS COUNCIL**1 Disqualification for membership**

- (1) An individual who is currently, or has been within the past 4 years, a Member of the States is disqualified for being a member of the Statistics Council.
- (2) If an individual is elected to the States during their term as a member of the Statistics Council the appointment to the Council is automatically terminated.

2 Appointment and dismissal

- (1) Members of the Statistics Council –
 - (a) hold office for a term of 3 years, and on expiry of their term are eligible for re-appointment, subject to serving a maximum of 3 terms;
 - (b) hold and vacate office in accordance with the terms and conditions of their appointment as determined by the Minister.
- (2) Before making an appointment the Minister must consult the Jersey Appointments Commission.
- (3) Article 2 of the Appointment Procedures Law applies to the appointment of Statistics Council members.
- (4) The Minister may terminate the appointment of a member of the Statistics Council (including the Chair) if the member –
 - (a) has been absent from 3 consecutive meetings of the Statistics Council without the permission of the Council;
 - (b) is unable to discharge the functions of office; or

- (c) breaches a part of the Rules of Conduct prepared and published under Article 7D.
- (5) Before terminating the appointment of a member of the Statistics Council other than the Chair the Minister must consult the Chair.
- (6) The Minister must report a termination of an appointment under this paragraph to the States.”.