STATUTORY INSTRUMENTS

1988 No. 595 (N.I. 3)

The Statistics of Trade and Employment (Northern Ireland) Order 1988

- - - - - - *23rd March 1988*

Modifications etc. (not altering text)

C1 Order: functions transferred from Department of Enterprise, Trade and Investment to Department of Finance and Personnel (1.4.2011) by Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011 (S.R. 2011/56), arts. 1(2), **3** (with art. 5(2))

Title and commencement

1.—(1) This Order may be cited as the Statistics of Trade and Employment (Northern Ireland) Order 1988.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) Subject to paragraph (5), the Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"census" means a census under this Order;

"computer" means an electronic device for storing, processing or retrieving information;

[[F1]"the Department" means the Department of Finance and Personnel;**]**

"Government department" means a Northern Ireland department or a department of the Government of the United Kingdom;

"plant" includes any machinery, equipment or appliance;

"prescribed" means prescribed by order made by the Department;

"public body" means a body established under a statutory provision;

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

"undertaking" means—

(a) any undertaking by way of trade or business, whether or not the trade or business is carried on for profit; and

(b) any other undertaking providing employment in respect of which Class 1 contributions are payable under the Social Security (Northern Ireland) Act 1975.

(3) For the purposes of this Order, where an undertaking is wholly or partly carried on by means of branches situated at several premises, a Northern Ireland department may agree with the persons carrying on the undertaking that for the purposes of all or any of the provisions of this Order a separate undertaking shall be deemed to be carried on at all or any of the branches by the branch manager or such other person as may be specified in the agreement, and any such agreement may contain such supplemental provisions as may be expedient for giving effect thereto and shall continue in force for such term and shall be subject to such provisions as to variation and revocation as may be specified in the agreement.

(4) References in this Order to articles shall be construed as including references to substances, plant, vehicles, vessels and animals, and as including references to water, gas and electricity.

(5) In its application to the service of documents under this Order section 24 of the Interpretation Act (Northern Ireland) 1954 shall have effect with the omission of the word " registering " in subsection (1).

F1 Art. 2(2): definition of "the Department" substituted (1.4.2011) by Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011 (S.R. 2011/56), arts. 1(2), **4** (with art. 5(2))

Census of production, distribution and services

3.—(1) For the purpose of providing at intervals general surveys of the state of trade and business, the Department shall—

(a) in each year take a census of production;

(b) in any prescribed year take a census of distribution and other services.

(2) Any year prescribed by an order under paragraph (1)(b) shall be a calendar year beginning not less than twelve months after the date on which the order comes into operation.

(3) A census may either—

(a) be taken so as to cover all undertakings in the field of production or distribution or other services (as the case may be), or

(b) be confined to such classes or descriptions of those undertakings as may be prescribed.

(4) Subject to paragraph (5), any person carrying on an undertaking may be required to furnish returns for the purposes of a census.

(5) The Department may by order provide for exempting from the obligation to furnish returns under paragraph (4), either wholly or to the prescribed extent, and either unconditionally or subject to the prescribed conditions, any persons or any prescribed class or description of persons.

(6) The matters about which a person may be required to furnish returns for the purposes of a census shall be the matters set out in the Schedule.

(7) In taking a census the Department shall, subject to paragraph (8), require returns to be furnished with respect to the calendar year next preceding the date of the census.

(8) The Department may make arrangements for allowing a person for whom it would be inconvenient to furnish returns with respect to the calendar year referred to in paragraph (7), to furnish returns with respect to some other period of twelve months.

Returns for the purposes of census

4.—(1) The Department may, subject to the provisions of this Order, prepare and issue such forms and instructions as it deems necessary for the taking of a census; but nothing in this Order shall be construed as preventing the use, in connection with any such census, of any form or instruction issued by any department of the Government of the United Kingdom under any Act of the Parliament of the United Kingdom containing provisions similar to the provisions of this Order.

(2) A person shall not be required to furnish returns for the purposes of a census except in pursuance of a notice in writing from the Department requiring him to do so; and the Department shall issue, with the notice, the forms which that person is required to complete.

(3) A person required to furnish returns for the purposes of a census shall, on or before such day, being not less than two months after the service of the said notice, as may be specified therein, comply with that requirement in such manner as may be so specified.

(4) If the Department publishes, by advertisement in the Belfast Gazette and in such newspapers as may appear to the Department to be sufficient for notifying the persons concerned, a list of any classes or descriptions of undertakings in relation to which returns will be required by the Department for the purposes of a particular census, it shall be the duty of every person carrying on an undertaking of any such class or description as aforesaid who has not received a notice under paragraph (2) to inform such person as may be specified in the advertisement, within such period, being not less than twenty-one days after the date of the advertisement, as may be specified therein, that he is carrying on such an undertaking as aforesaid and to give to that person such prescribed particulars of the undertaking as may be so specified.

Power of Northern Ireland departments to obtain information

5.—(1) For the purpose of obtaining the information necessary for the appreciation of economic trends and the provision of a statistical service for industry and for the discharge by Government departments of their functions, any Northern Ireland department may, by notice in writing served on any person carrying on an undertaking, require that person to furnish, in such form and manner and within such time as may be specified in the notice, such periodical or other estimates or returns about such of the matters set out in the Schedule as may be so specified.

(2) A notice under paragraph (1) shall state that it is served under this Article and the main purpose for which the estimates or returns are required.

Advisory committee

6.—(1 [F2] The Head of the Department shall appoint a committee to advise Northern Ireland departments in relation to—

(a) the exercise by such departments of their functions under this Order; and

(b [F2] such other matters as may be referred to it by the Department.

(2) The committee shall consist of a chairman and not less than six other members.

(3 [F2] Before appointing the committee the Head of the Department shall consult with such bodies or persons as appear to him to be appropriate.

(4 [F2] The members of the committee shall hold office for such period and subject to such conditions as the Head of the Department may determine.

(5) The committee shall meet at least once a year.

(6) The quorum and, subject to paragraph (5), the arrangements for meetings of the committee shall be such as the committee may determine.

(7 [F2] The Department may pay to members of the committee such travelling and other expenses as the Department[F3]. . . may determine.

(8) Before requiring any returns or estimates to be furnished under this Order a Northern Ireland deparment shall consult the committee as to—

(a) the matters about which, the extent to which, and the form in which, persons carrying on undertakings are to be required to furnish estimates or returns;

(b) the purposes for which the returns or estimates furnished in pursuance of the requirement are to be used; and

(c) the extent (if any) to which such returns or estimates are to be disclosed.

F2 functions transf. by SR 2001/229
F3 SR 2001/229

Disclosure of information

7.—(1) No individual estimate or return, and no information relating to an individual undertaking, obtained by a Northern Ireland department under the foregoing provisions of this Order or under the Statistics of Trade Act (Northern Ireland) 1949 shall, without the previous consent in writing of the person carrying on the undertaking which is the subject of the estimate, return or information, be disclosed by any person except—

(a) in accordance with directions given by the Head of that Northern Ireland department—

(i) to another Government department for the purpose of the exercise by that department of its functions;

(ii) to a Community institution in pursuance of a Community obligation;

(iii) to a public body for the purpose of the exercise by that body of its functions;

(iv) to a consultant appointed by a Government department or by a public body for the purpose of enabling that consultant to advise, or report to, that Government department or public body on any matter related to the exercise by that department or body of its functions;

[[F4](v) to any person who provides, or is employed in the provision of, services to that Northern Ireland department;**]**

(b) for the purposes of any proceedings for an offence under this Order or any report of those proceedings.

(2) If any information to be obtained for the purposes of a census is also obtainable under any other statutory provision which restricts the disclosure of information obtained thereunder, and the Department is of opinion that similar restrictions should be applied to any information to be obtained for the purposes of the census, the Department shall by order provide for the application without modifications or with such adaptations or modifications as it thinks fit, of those restrictions to the information to be so obtained, or any part thereof, in addition to the restrictions imposed by this Article.

(3) Without prejudice to the provisions of paragraph (2), if it appears to the Department that—

(a) the nature of the information to be obtained for the purposes of a census; or

(b) the nature of the undertakings to be covered by a census,

would make it desirable to impose restrictions on the disclosure of information obtained by means of the census additional to the restrictions imposed by this Article, the Department may by order prohibit the disclosure of information relating to particular undertakings obtained by means of the