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THE STATISTICS LAW (2 OF 1970)

(1996 Revision)

Consolidated with Law 12 of 1988.

Revised under the authority of the Law Revision Law (19 of 1975)

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Law 2 of 1970-24th March, 1970

Law 12 of 1988-9th September, 1988.

Consolidated and revised this 26th day of March, 1996.

THE STATISTICS LAW

(1996 Revision)

ARRANGEMENT OF SECTIONS

1. Short Title
 2. Definitions
 3. Duties of Statistician
 4. Power to direct taking of census
 5. Duties of Statistician to carry out census
 6. Census regulations
 7. Other statistics
 8. Compilation, etc., of statistics
 9. Oaths
 10. Forms, etc.
 11. Supply of information required in forms
 12. Leaving notice at home
 13. Leaving notice at office, etc.
 14. Supply of information to Statistician, etc.
 15. Right of entry
 16. Access to public records
 17. Restriction on publication of returns
 18. Major offences
 19. Miscellaneous offences
 20. Penalties
 21. Regulations
- Schedule: Forms

STATISTICS LAW

(1996 Revision)

1. The Law may be cited as the Statistics Law (1996 Revision).

Short Title

2. In this Law—

Definitions

“Governor” means the Governor in Council;

“Department” means the Department of Finance and Development;

“Statistician” means the officer of the Unit appointed by the Governor to be responsible from time to time for the gathering and collation of statistics: and

“Unit” means the Statistics Unit of the Department.

3. The duties of the Statistician are—

Duties of Statistician

- (a) to collect, compile, analyse, abstract and publish statistical information relative to the commercial, industrial, social, economic and central activities and condition of the people;
- (b) to collaborate with all departments of Government in the collection, compilation and publication of statistical records of Administration;
- (c) to take any census of the Islands; and
- (d) generally to organise a co-ordinated scheme of social and economic statistics and intelligence pertaining to the Islands, in accordance with this Law.

4. The Governor *may*, at any time, direct that a census shall be taken for the Islands or any part thereof and any such direction may prescribe—

Power to direct taking of census

- (a) the date on which such census shall be taken;
- (b) the person by whom and with respect to whom the returns for such census are to be made; and
- (c) the particulars to be stated in the returns.

5. The Statistician shall make such arrangements and do all such things as are necessary for the taking of a census in accordance with this Law and the regulations, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection and collation of the said forms.

Duty of Statistician to carry out census

Statistics Law (1996 Revision)

Census regulations

6. To enable a direction under section 4 to be Carried into effect, the Governor may make regulations-

- (a) providing for the division of the Islands into districts for the purpose of such census and for the appointment of persons to act in those districts in connection with such a census;
- (b) requiring any person appointed under this section to perform such duties in connection with the taking of such census as may be prescribed;
- (c) requiring the executive officer of public, charitable and other corporations and institutions to make returns with the respect to such census;
- (d) requiring information to be given to the persons to whom the returns are to be made; and
- (e) making provision with respect to any other matters as regards which it may be necessary to make provision for the purpose of carrying into effect this Law.

Other statistics

7. With the approval of the Governor, the Statistician shall collect, whether in conjunction with the census or not, statistics relating to all or any of the following matters-

- (a) population and housing thereof;
- (b) immigration and emigration;
- (c) vital occurrences and morbidity;
- (d) social and educational matters;
- (e) imports and exports;
- (f) trade and commerce;
- (g) industry and merchandising;
- (h) land tenure, occupation and condition of land, and the produce thereof;
- (i) primary and secondary production;
- (j) wages, hours and conditions of labour and cost-of-living index;
- (k) employment, unemployment and pay rolls;
- (l) industrial disturbances and disputes;
- (m) injuries, accidents and compensation;
- (n) wholesale and retail prices;
- (o) stocks of manufactured and unmanufactured goods;
- (p) transport and communication by land, water and air;
- (q) transfers, mortgages and leases of land;
- (r) fire, marine, life, accident and other insurance and assurance;
- (s) incomes and earning; and
- (t) such other matters as may be prescribed:

Statistics Law (1996 Revision)

- Provided that no information shall be required to be given under this section by or on behalf of any company exempted under section 182 of the Companies Law (1995 Revision), or any trust exempted under section 70(1) of the Trusts Law (1996 Revision). 1995 Revision
1996 Revision
8. (1) The Statistician shall cause the statistics and other particulars collected pursuant to this Law to be compiled and tabulated, and shall cause such statistics and particulars, or abstracts thereof, or extracts therefrom, with or without observations thereon, to be published as the Governor shall direct. Compilation, etc., of statistics
- (2) No report, summary of statistics or other publication under this Law shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which a return or answer was made or given for the purposes of this Law, contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.
9. Every person employed in the execution of any duty under this Law or the regulations shall, before entering on his duties, make and subscribe before a Justice of the Peace an oath or affirmation in Form 1 or 2 in the Schedule. Oaths
10. Particulars collected under this Law, either at a census or at any other time shall be obtained in such manner as may be prescribed, and it is the duty of the Statistician, subject to the directions of the Governor, to prepare the schedules, forms or other documents required for the purpose. Forms, etc.
11. Every person from whom forms may lawfully be required pursuant to this Law or the regulations, shall to the best of his knowledge, when required to do so by the Statistician, fill up and supply, in accordance with the instructions contained in, accompanying or having reference to any schedule, form or other document, the particulars specified in that schedule, form or other document. Supply of information
required in forms
12. The leaving by any person employed in the execution of a duty under this Law or regulations at any house or part of a house of any schedule, form or other document purporting to be issued under this Law or the regulations and having thereon a notice requiring that it be filled up and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the household, shall, as against the occupant, be sufficient requirement so to fill up and sign the schedule, form or other document, though the occupant is not named in the notice or personally served therewith. Leaving notice at home

Statistics Law (1996 Revision)

Leaving notice at office, etc.

13. The leaving by any person employed in the execution of a duty under this Law or the regulations at the office or other place of business of any person, partnership, firm, association, institution or body corporate, or the delivery of a registered letter to any person, partnership, firm, association, institute, or body corporate, or his or its agent of any schedule, form or other document purporting to be issued under this Law or the regulations and having thereon a notice requiring that it be filled up and signed with in a stated time, shall, as against the partnership, firm, institution, association the members thereof and each of them, or the body corporate, be a sufficient requirement so to fill up and sign the schedule, form or other document, and, if so required in the notice, to post the schedule, form or other document, within a stated time to the Statistician.

Supply of information to Statistician, etc.

14. Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician or any person authorised in that behalf-

- (a) by any regulation; or
- (b) in writing by the Statistician

where the information sought is required for the purpose of any statistics authorised by this Law to be collected.

Right of entry

15. Where the Governor has, under section 7, approved the collection of statistics relating to any matter, the Statistician or any person authorised in that behalf-

- (a) by the regulations; or
- (b) in writing by the Statistician,

for the purpose of making any enquiries or observations necessary for obtaining such statistics, may at all reasonable times and provided that he is in possession of a prescribed identity card enter-

- (i) where the matter in respect of which the Governor has approved the taking of statistics is a census under section 5, any premises where persons are employed and any dwelling house; or
- (ii) where the matter in respect of which the Governor has approved the taking of statistics is not a census under section 5, any premises where persons are employed except a dwelling house.

16. Where the Governor has, under section 7, approved the collection of statistics relating to any matter, any person who has the custody or charge of any Government, parochial, municipal or other public records or documents or any individual, corporation, partnership, firm, association or institution from which, in the opinion of the Statistician, information sought in respect of the matter in relation to which the Governor has approved of the collection of statistics can be obtained or which would aid in the completion or correction of such statistics, shall grant to the Statistician or any person authorised in that behalf-

Access to Public records

- (a) by the regulations; or
- (b) in writing by the Statistician,

access thereto for the obtaining of such information therefrom.

17. (1) No individual return, nor part thereof made, and no answer to any question put for the purposes of this Law or the regulations, shall be published:

Restriction on publication of returns

Provided that this shall not apply-

- (a) in a case where the consent in writing of the person to whom, or the owner for the time being of the property, business or undertaking to which such return or answer related has been previously obtained; or
- (b) in the case of and for the purpose of a prosecution under this Law or the regulations.

(2) No information derived from any Government, parochial, municipal or other public records or documents relating to any individual, corporation, partnership, firm, association or institute shall be published in such form as to enable any person to identify such information as relating to any individual, corporation, partnership, firm, association or institute, except-

- (a) in the case of information relating to an individual, partnership or firm, with the consent in writing of such individual or of all the partners of such firm, as the case may be; and
- (b) in the case of information relating to a corporation or an unincorporated association or institution after the passing by the directors or other governing body (by whatever name known) of such corporation or unincorporated association or institution, or if there is no such governing body by the members of such corporation or unincorporated association or institution, of a resolution approving of the publication of such information:

Provided that this prohibition shall not apply in the case of and for the purpose of a prosecution under this Law or under the regulations.

Statistics Law (1996 Revision)

(3) In this section-

“publish” includes to communicate by any manner whatever, orally or in writing, or to reveal in any manner whatever, and whether to a court of law or any other tribunal, or to any person employed in the Unit upon duties connected with this Law.

Major offences

18. (1) Whoever, being a person employed for any purposes of this Law or the regulation-

- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon or affect the market value of any product, article or chose in action and, before such information is made public in accordance this Law, directly or indirectly uses such information for personal gain;
- (b) without lawful authority, publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment; or
- (c) knowingly compiles for issue any false statistics or information, is guilty of an offence and liable-
 - (i) on conviction on indictment to a fine of one thousand dollars and to imprisonment for three years; or
 - (ii) on summary conviction, to a fine of four hundred dollars and imprisonment for one year.

(2) Whoever, being in possession of any information which to his knowledge has been disclosed in contravention of this Law, who publishes or communicates such information to any person not authorised to receive the same is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for three years.

Miscellaneous offences

19. Whoever-

- (a) hinders or obstructs the Statistician or any person duly authorised in the execution of any power conferred under this Law or the regulations;
- (b) refuses or neglects to fill up or supply the particulars required in any schedule, form or other document lawfully left with or sent to him, or who refuses or neglects to answer any question or enquiry addressed to him under the authority of this Law or the regulations;

- (c) without lawful authority, destroy, defaces or mutilates any schedule, form or other document containing particulars collected under this Law or the regulations, or who writes or marks on any schedule, form or other document issued for the purpose of this Law or the regulations any irrelevant matter; or
- (d) accepts the office of enumerator or agent or similar appointment under this Law or the regulations and afterwards, without lawful excuse, refuses or neglects to perform any duty required by this Law or the regulations to be done or performed by him or any duty assigned to him by the Statistician or other superior officer, is guilty of an offence.

20. Whoever is guilty of any offence against this Law or regulations for which no special punishment is provided, is liable on summary conviction to a fine of two hundred dollars and, in default, to imprisonment for six months and, in the case of continuing offence, to further fine of six dollars for each day the offence continues after conviction.

Penalties

21. The Governor may make regulations generally for giving effect to this Law, and without prejudice to such general power may make regulations-

Regulations

- (a) Requiring particulars and information to be supplied at prescribed times by persons in prescribed areas for prescribed periods;
- (b) Requiring particulars and information to be supplied as to the addresses and occupations of persons;
- (c) Prescribing what schedules, returns and information are to be verified by oath and the form of the oath taken;
- (d) Prescribing the rates of remuneration and allowances to be paid to persons employed under this Law or regulations;
- (e) Prescribing a tariff to be paid to the Department for the collection of statistics to be supplied under this Law, and for any special investigation carried out by the Unit; and
- (f) Prescribing all things required to be prescribed by this Law.

SCHEDULE

(Section 9)

Form 1

Form of Oath

1. I, _____ of _____ solemnly swear that I will faithfully and honestly fulfil my duties as _____ in conformity with the requirements of the Statistics Law (1996 Revision) and all orders, regulations and instructions issued in pursuance thereof, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

Form 2

Form of Affirmation

2. I, _____ of _____ solemnly and sincerely affirm and declare that I will faithfully and honestly fulfil my duties as in conformity with the requirements of the Statistics Law (1996 Revision) and all orders, regulations and instructions issued in pursuance thereof, and that I will not without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

Publication in consolidated and revise form authorised by the Governor in Council this 26th day of March, 1996.

Mona N. Banks-Jackson
Clerk of Executive Council