

THE STATISTICS ACT
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SCHEDULES

THE STATISTICS ACT

[20th May, 1949.]

1. This Act may be cited as the Statistics Act.

2. In this Act -

"Director-General" means the Director-General of the Institute appointed under section 3C,

"financial year" means the twelve month period ending the 31st day of March in any year;

"functions" include powers and duties;

"the Institute" means the Statistical Institute of Jamaica established under section 2A

"member" means a member of the Institute appointed pursuant to the Second Schedule;

"public agency" means -

(a) any Ministry, Department or other agency of Government;

(b) any statutory body or authority, and

(c) any company registered under the Companies Act, being a company in which the Government or an agency of Government, whether by the holding of shares or by other financial contribution or by representation on the governing body, is in a Position to influence the policy of the company.

2A. - (1) There is hereby established a body to be called the Statistical Institute of Jamaica which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

(2) The provisions of the Second Schedule shall have effect with respect to the constitution of the Institute and otherwise with respect thereto.

3. - (1) The functions of the Institute shall be-

(a) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, social, economic and general activities and condition of the people;

(b) to collaborate with public agencies in the collection, compilation and publication of statistical information including statistical information derived from the activities of such agencies;

(c) to take any census in Jamaica; and

(d) generally to promote and develop integrated social and economic statistics pertaining to Jamaica and to co-ordinate programmes for the integration of such statistics,

in accordance with the provisions of this Act.

(2) For the Purpose of discharging its functions the Institute may, subject to the provisions of this Act, do anything and enter into any transaction which, in the opinion of the Institute, is necessary to ensure the performance of its functions, and, without prejudice to the generality of the foregoing, may -

- (a) collect from any public agency, body corporate, partnership, firm, association or any person -
 - (i) information required in any census to be undertaken by the Institute;
 - (ii) statistics relating to all or any of the matters specified in section 7;
- (b) with the approval of the Minister, collect information relating to any matter, other than those referred to in paragraph (a) (i), so, however, that information collected pursuant to this provision shall be furnished on a voluntary basis and accordingly the provisions of section 19 shall not apply in respect of a refusal or neglect to furnish such information;
- (c) with the approval of the Minister, enter into any arrangement -
 - (i) with any public agency to provide such in the collection, compilation, analysis and abstraction of- data with respect to any programme conducted by such agency whether such services are in respect of programmes conducted solely by such agency or conducted by such agency together with any other organization whether regional or international, or in respect of programmes controlled by the government;
 - (ii) subject to section 3A, with any public agency, body corporate or other enterprise for the exchange of information collected jointly with such government agency, body corporate or other enterprise, as the case may be, or collected solely by the Institute on behalf of such government agency, body corporate or other enterprise.

3A.- (1) An arrangement under section 3 (2) (c) (ii) shall provide that the person in respect of whom or in respect of whose activities any report or information is sought shall be informed, by a notice to that effect, that the information will be exchanged between the Institute and the public agency, body corporate or other enterprise, as the case may be.

(2) The arrangement aforesaid shall not apply where a person gives notice in writing to the Institute that he objects to the exchange of the information between the Institute and the public agency, body corporate or other enterprise, as the case may be.

(3) An exchange of information pursuant to the arrangement aforesaid may, subject to subsections (1) and (2), include replies to original inquiries and supplementary inquiries and supplementary information provided by a person - to the Institute or to the Institute -a and public agency , body corporate or other enterprise jointly collecting the information.

3B.- (1) The Minister may, after consultation with the Director-General, give to the Institute such directions of a general character as to the policy to be followed by the Institute in the

discharge of its functions as appear to the Minister to be necessary in the public interest; and the Institute shall give effect to such directions.

(2) The Institute shall furnish to the Minister, subject to section 17, such information as he may require with respect to the activities of the Institute, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

3C.- (1) There shall be a Director-General of the Institute who shall be appointed by the Minister.

(2) The Director-General shall be in charge of the day-to-day management and operation of the Institute.

(3) The Institute may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Secretary and such other officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act:

Provided that -

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister

(4) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office with the Institute and any officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

(5) In subsection (3) the "prescribed rate" means a rate of fifteen thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

3D. The Institute may, with the approval of the Minister -

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or not; or
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring or disability or death benefits relating to officers and servants of the Institute and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such officers or servants.

3E. The funds and resources of the Institute shall consist of -

- (a) such sums as may from time to time be appropriated by Parliament for the purposes of the Institute; and

- (b) all other moneys and other property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.

3F. - (1) The Institute shall establish and maintain a Deposit Account and a General Reserve Fund.

(2) The income of the Institute shall be paid into the Deposit Account from which, at the end of each financial year, surpluses shall be transferred to the General Reserve Fund.

(3) Subject to subsection (4), no withdrawal shall be made from the General Reserve Fund without the prior written approval of the Minister.

(4) Wherever the sums standing to the credit of the General Reserve Fund exceed an amount to be determined by the Minister, such excess shall be paid into the Consolidated Fund.

3G. - (1) The Institute shall keep accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall accord with established accounting principles.

(2) The accounts of the Institute shall be audited by auditors to be appointed annually by the Institute with the approval of the Minister.

3H. - (1) The Institute shall within four months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, cause to be made and transmit to the Minister a report dealing generally with the activities of the Institute during the preceding financial year.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the auditor's report thereon, to be laid on the Table of the House of Representatives and of the Senate.

(3) The Institute shall, before a date specified by the Minister, submit to the Minister for his approval estimates of revenue and expenditure for the ensuing financial year.

3I. No customs duty or other similar impost shall be Payable upon any article imported into Jamaica, or taken out of bond in Jamaica, by the Institute and shown to the satisfaction of the Commissioner of Customs and Excise to be required for the use of the Institute in the performance of its functions under this Act.

3J. - (1) The income of the Institute shall be exempt from income tax.

(2) The Institute shall be exempt from stamp duty on all instruments executed by it or on its behalf.

(3) There shall be exempt from taxation under the Transfer Tax Act any transfer by the Institute of property belonging to it or of any right or interest created in, over or otherwise with respect to any such property.

4. The Minister may by order direct that a census shall be Taken for Jamaica or for any part thereof and any order under this section may prescribe -

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

5. It shall be the duty of the Institute to make, such arrangements and do all such things as are necessary for the taking of a census in accordance with the provisions of this Act and of any regulations, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms, when filled up.

6. For the purpose of enabling any order directing a census to be taken to be carried into effect, the Minister may make regulations -

- (a) providing for the division of Jamaica into districts for the purposes of such census and for the appointment of persons to act in those districts in connection with such census;
- (b) requiring any persons appointed under the provisions of this section to perform such duties in connection with the taking of such census as may be prescribed;
- (c) requiring the chief officers of public or charitable institutions or of any other institutions prescribed by the regulations to make returns with respect to the inmates thereof;
- (d) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made;
- (e) making provision with respect to any other matters as regards which it is necessary to make provision for the purpose of carrying into effect the provisions of the order.

7. With the approval of the Minister, the Institute shall collect, whether in conjunction with any 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; 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) banking and finance;
- (r) transfers, mortgages and leases of land;
- (s) fire, marine, life, accident or other insurance,
- (t) incomes and earnings;
- (u) local government;
- (v) such other matters as may be prescribed.

8. (1) The Institute shall cause the statistics and other particulars collected pursuant to this Act 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 -

(2) Except for the purpose of communicating information in accordance with any conditions of an arrangement made under section 3 (2) (c), (ii), no report, summary of statistics or other publication under this Act 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 Act 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 Act or under any regulation, before entering on his duties, shall make and subscribe before a Justice an oath in the form set out in the First Schedule.

10. Particulars to be collected under this Act. either at a census or at any other time, shall be obtained in such manner as may be prescribed, and it shall be the duty of the Institute to prepare the schedules, forms or other documents required for the purpose.

11. Every person from whom particulars may lawfully be required pursuant to this Act or any regulation shall, to the best of his knowledge, when required to do so by the Institute, fill up and supply, in accordance with the instructions contained in or accompanying or having reference to any schedule, form or other document, the particulars specified in that schedule, form or other document.

12. The leaving by any person employed in the execution of a duty under this Act or under any regulation at any house or part of a house of any schedule, form or other document purporting to be issued under this Act or under any regulation 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 family, shall, as against the occupant, be a 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.

13. The leaving by any person employed in the execution of a duty under this Act or under any regulation at the office or other place of business of any person, partnership, firm, association or body corporate, or the delivery by registered letter to any person, partnership, firm, association or body corporate, or his or its agent, of any schedule, form or other document purporting to be issued under this Act or under any regulation and - having- thereon a notice--requiring that it be filled- up and signed within a _stated time, shall, as against the person, partnership, firm or 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 Institute.

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

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

where the information sought is required for the purposes of any statistics authorized by this Act to be collected.

15. Where the Minister has approved under section 7 of any statistics authorized by this Act to be collected. Institute or any person authorized in that behalf –

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

for the purpose of making any enquiries or observations necessary for obtaining such statistics, may at all reasonable times enter -

- (i) where the matter in respect of which the Minister 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 Minister 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 Minister has approved under section 7 of 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 records or documents of any corporation or any person, partnership, firm or association, from which, in the opinion of the Institute information sought in respect of the matter in relation to which the Minister 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 Institute or any person authorized in that behalf -

- (a) by any regulation; or
- (b) in writing by the Institute, access thereto for the obtaining of such information therefrom.

17. (1) No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of this Act or of any regulation, shall be published: Provided that the above prohibition shall not apply -

- (a) in a case where the consent in writing of the person to whom, or of the owner for the time being of the property, business or undertaking to which such return or answer relates has been previously obtained; or
- (b) in a case of and for the purposes of a prosecution under this Act or under any regulation; or
- (c) for the purpose of communicating information in accordance with any conditions of an arrangement made under section 3 (2) (c).

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

- a) in the case of information relating to an individual or a 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, after the passing by the directors or other governing body (by whatever name known) of such corporation or unincorporated association, or if there be no such governing body, by the members of such corporation or unincorporated association, of a resolution approving of the publication of such information;
- c) in a case of and for the purposes of a prosecution under this Act or under any regulation; or
- d) for the purpose of communicating information in accordance with any conditions of an arrangement made under section 3 (2) (c).

(3) For the purposes of this section the term "publish" includes to communicate in any manner whatever, orally or in writing, or to reveal in any manner whatever, and whether to a court of law or to any other tribunal, or to any person whatever, other than a person employed in the Institute.

(4) Nothing in this section shall be construed as precluding publication of

- a. any information available to the public under any other enactment;
- b. any information relating to any hospital, mental institution, welfare institution or other similar noncommercial institution, if the particulars are arranged in such a manner that it is not possible to relate such particulars to any individual patient, inmate or other person in the care of such institution

- c. the names and addresses of individual establishments firms or businesses that are within specific ranges of numbers of employees or persons engaged or constituting the work force; and
- d. information relating to any public carrier or public utility.

18. - (1) Any person, being a person employed for any Major of the purposes of this Act or of any regulation, who

- a) by virtue of such employment becomes possessed of any information which might exert an influence upon or effect the market value of any product or article and, before such information is made public in accordance with the provisions of this Act, 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;
- c) knowingly compiles for issue any false statistics or information, shall be guilty of an offence against this Act and shall –
 - i. on conviction before a Circuit Court, be liable to imprisonment with hard labour for a period not exceeding three years or to a fine not exceeding three thousand dollars or to both such imprisonment and fine;
 - ii. on summary conviction before a Resident Magistrate, be liable to imprisonment with hard labour for a period not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall be guilty of an offence against this Act and shall

- a) on conviction before a Circuit Court, be liable to imprisonment with hard labour for a period not exceeding three years or to a fine not exceeding three thousand dollars or to both such imprisonment and fine;
- b) on summary conviction before a Resident Magistrate, be liable to imprisonment with hard labour for a period not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

(3) For the purpose of this section any person employed for any of the purposes of this Act or of any regulation includes:

- a) any public officer authorized by the Minister for such periods as he may determine to carry out any duty, power or function of the Institute; and

- b) any person retained under contract to perform special services for the Institute pursuant to this Act.

19. Any person who-

- a) hinders or obstructs any person duly authorized in the execution of any power conferred under this Act or under any regulation or refuses or neglects to comply with any directive of the Institute;
- b) refuses or neglects to fill up and 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 Act or of any regulation;
- c) knowingly makes in any schedule, form or other document filled up or supplied pursuant to this Act or any regulation, or in any answer to any question asked him under the authority of this Act or any regulation, any statement which is untrue in any material particular;
- d) without lawful authority, destroys, defaces, or mutilates any schedule, form or other document containing particulars collected under this Act or under any regulation, or who writes or makes on any schedule, form or other document issued for the purposes of this Act or of any regulation and furnished to the Institute, any indecent, obscene, blasphemous or insulting remarks, drawing or other matter;
- e) accepts the office of enumerator or agent or similar appointment under this Act or under any regulation and afterwards, without sufficient excuse from sickness or other unavoidable cause, refuses or neglects to perform any duty required by this Act or any regulation to be done or performed by him or any duty assigned to him by the Institute,

shall be guilty of an offence against this Act.

20. Any person guilty of an offence against this Act or any regulation made thereunder for which no special punishment is provided shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding one thousand dollars, and in default of payment to imprisonment with hard labour for a period not exceeding six months, and in the case of a continuing offence to a further fine not exceeding one hundred dollars for each day on which the offence continues after conviction.

21. The Minister may make regulations generally for giving effect to the provisions of this Act, and without prejudice to such general power may make regulations -

- a) requiring particulars and information to be furnished at prescribed times by persons in prescribed areas for prescribed periods;
- b) requiring particulars and information to be furnished 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 oath to be taken:
- d) prescribing a tariff of fees to be paid to the Institute for the collection of statistics to be supplied under this Act, and for any special information or report supplied, or special investigation carried out, by the Institute;
- e) prescribing, where provision is not otherwise made therefor, all things required to be prescribed by this Act.

FIRST SCHEDULE

(Section 9)

Form of Oath

I....., solemnly swear that I will faithfully and honestly fulfill my duties as in conformity with the requirements of the Statistics Act, and of 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.

SECOND SCHEDULE

(Section 2A (2))

1.- (1) The Institute shall consist of the Director-General and such additional members not being less than three nor more than nine as the Minister may, by instrument in writing, appoint.

(2) The Minister shall appoint one of the additional members of the Institute to be Chairman of the Institute.

2.- (1) The term of office of any member, other than the Director General, shall be such period not exceeding three years as the Minister may direct in the instrument appointing the member.

(2) Any member shall be eligible for reappointment.

3. The Minister may, in the case of the absence or inability to act of any member, appoint any person to act temporarily in the place of such member.

4. Any member, other than the Director-General, may at any time resign his office by instrument in writing addressed to the Director General who shall forthwith cause it to be forwarded to the Minister and upon the date of the receipt by the Minister of such instrument the member shall cease to hold office.

5. The Minister may terminate the appointment of any person as Director-General or member if such person -

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse, to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interests of the Institute.

6. The appointment, removal or resignation of any member shall be notified in the Gazette.

Second Schedule, contd.

7. The Minister may, on the application of any member, grant leave of absence to such member.

8. (1) The seal of the Institute shall be kept in the custody of the Director-General or of any officer of the Institute authorized by the Institute in that behalf, and shall be affixed to instruments pursuant to a resolution of the Institute in the presence of the Director-General or any member authorized to act in that behalf, and the Secretary thereof.

(2) The seal of the Institute shall be authenticated by the signature of the Secretary.

(3) All documents other than those required by law to be under seal, made by, and all decisions of, the Institute may be signified under the hand of the Director-General or any other member or officer of the Institute authorized to act in that behalf.

9.- (1) The Institute shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Institute may determine.

(2) The Chairman may at any time call a special meeting of the Institute, and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members.

(3) The Chairman shall preside at meetings of the Institute, and if the Chairman is absent from a meeting the members present shall elect one of their number to preside at the meeting.

(4) The quorum of the Institute shall be three.

(5) The decisions of the Institute shall be by a majority of votes and in addition to an original vote the Chairman or other member presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Subject to the provisions of this Schedule the Institute may regulate its own proceedings.

10. A member who is directly or indirectly interested in any matter which is being dealt with by the Institute -

a) shall disclose the nature of his interest at a meeting of the Institute; and

b) shall not take part in any deliberation or decision of the Institute with respect to that matter.

11. The office of member, other than Director-General, shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

12. No act done or proceeding taken under this Act shall be questioned on the ground -

- a) of the existence of any vacancy in the membership of, or any defect in the constitution of, the Institute; or
- b) of any omission, defect or irregularity not affecting the merits of the case.

13.--(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done bona fide in the execution or intended execution of this Act.

(2) Where any member is exempt from liability by reason only of the provisions of this section the Institute shall be liable to the extent that it would be if that member were a servant or agent of the Institute.

14. There shall be paid to the Chairman and the other members such remuneration (whether by way of salaries or travelling or other allowances) as the Minister may determine.