

1 Assent

IRA. M. SIMMONS

Acting Governor

7<sup>th</sup> November, 1973

## ST. LUCIA

No. 13 of 1973

AN ACT to provide for the collection compilation and analysis of certain statistical information including the taking of statistical information including the taking of census and the publication of that information for matters relating thereto.

[ 7<sup>th</sup> November, 1973 ]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Lucia, and by the authority of the same as follows:-

1. This Act may be cited as the Statistics Act 1973.

Short Title

2. In this Act unless the context otherwise requires – "local authority" means the body as declared under section 5 of the Castries Corporation act 1967 and any body constituted pursuant to sections 4 and 5 of the Local Authority Ordinance Chapter 237;

"person" where it is used in relation to a person furnishing or required to furnish particulars or information under this Act includes all or any of the individuals constituting a firm or the person having control or management of a partnership business, and, in the case of company or corporation, association or body or society of persons, includes any director – manager or secretary of the company or corporation or head (by whatever name called) of the association or body of persons or society;

"Statistics" means information in connection with or incidental to any census or all or any of the matters specified in the First Schedule to this Act;

"Statistician" means the person appointed under section 3 to have charge of the Statistical office as established by the Act;

"Undertaking " means any undertaking by way of a trade or business whether or not the trade or business is carried on for profit.

3. (1) For the purposes of this Act there shall be a central Statistical office management of which shall be discharged by the Statistical office.

- a. to take any census in this Island;
- b. to collect, compile, analyze, abstract and publish statistical information relation to the social, agricultural, mining commercial, industrial, and general activities and conditions of the inhabitants of this Island:

( c) to collaborate with departments of Government and with local authorities in the collection, compilation, analysis and publication of statistical records of administrations and departments; and

- d. generally to organize a CO-ordinate scheme of social and economic statistics relating to this Island.

4. The Statistician may delegate in writing his powers and functions under this Act.

Delegation of functions.

5. The Cabinet may by order direct that a census all be take for this Island or any part thereof, of any class of inhabitants thereof and any such order may prescribe-

Power to direct that a population census be taken

- a. the date or dates on or between which such census is to be taken;
- b. the information to be obtained in such census

6 . (1) Subject to the provisions of this Act, the Statistician may, and on the direction of the Cabinet shall collect, whether in conjunction with any census or not, statistics relating to all or any of the matters set out in the First Schedule to this Act either in the Island generally or in any part thereof.

Collection and compilation of statistics

(2) The Statistician shall cause the statistics collected under this Act to be compiled, tabulated and analyzed and, subject to the provisions of this Act, may cause such statistics or abstracts thereof to be published, with or without comments thereon, in such a manner as he may determine.

7- (1) It shall be lawful for the Statistician or any person acting on his behalf to require any person -

(a) to furnish, in such form and manner and within such time as may be specified by any notice in writing, such periodical or other information, estimates or returns, concerning such of the matters set out in the First Schedule to this Act as may be so specified; and

(b) to supply him with particulars either by interviewing such person personally or by leaving at the last known address or by posting under registrated cover to the last known address of such person a form having thereon a notice requiring such form to be competed and returned in the manner and within the time specified in the notice.

Any such notice under this subsection shall state that it is served in exercise of the powers conferred by this subsection.

(2) Any person having the custody or charge of any public record or documents or of the records or documents of any local authority, corporation, person, partnership, firm, company, society or association from which in the opinion of the Statistician, information in respect of the matter in relation to which the collection of statistics is required can be obtained or which would aid in the completion or correction of such statistics, shall, notwithstanding the provisions of any other law enjoining secrecy, grant to the Statistician or any offer acting on his behalf, access to such records or documents for the purpose of obtaining therefrom such information.

(3) The Statistician may, by advertisement in the *Gazette* and in such newspapers as may appear to him to be sufficient for notifying the person concerned, publish a list of any classes or descriptions of businesses or calling in relation to which particulars or information will be required for the purpose of any statistical enquiry under this Act and upon such publication it shall be the duty of every person carrying on a business or calling of any such class or description as aforesaid, who has not received a notice under subsection (1) of this section to inform the Statistician or any person specified in the advertisement within such period, being not less than twenty-eight days after the date of publication if he is carrying on such a business or calling as specified, and to give the Statistician such particulars or information of the business or calling as may be so specified.

8. The Statistician, or any person acting on his behalf may, after giving such notice as may be prescribed, upon production of his authorization, for any purpose -

(a) connected with the collection of statistics other than the taking of census;

(b) connected with the taking of a census ;

Restriction on publication.

enter at such times as may be prescribed any dwelling house or any premises where persons are employed or any premises where it appears to him likely that persons are employed; and in either such case may make such enquiries as may be necessary for the performance of his duties.

9. Except for the purposes of a prosecution under this Act

(a) no individual return, or part thereof, made for the purposes of this Act,

(b) no answer given to any question put for the purposes of this Act,

(c) no report, abstract, or other document, containing particulars comprised in any such return or answer so arranged as to enable identification of such particulars with any person, undertaking or business.

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Act, unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of any undertaking, or business, from the owner for the time being of the undertaking or business:

Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract, or other document, without such consent where the particulars in such report, abstract or other document, enable identification merely by reason of the fact that the particulars relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, so, however, that in no case shall

such particulars enable identification of the cost of production, the capital employed, or profits arising in any such undertaking or business.

10. Any person being a person employed in the execution of any duty under this Act, who -

- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon or affect the market value of any share, interest, 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 communicated 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 of information.

Shall be guilty of a misdemeanor and shall be liable on conviction thereof to imprisonment for a term of not exceeding two years or to a fine not exceeding five hundred 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 a misdemeanor and shall be liable on conviction thereof to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

11. Any person who -

- (a) hinders or obstructs the Statistician or any person duly authorized in the execution of any power conferred under this Act.
- (b) refuses or neglects to fill up and supply the particulars requires 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 to supply the information required in accordance with subsection (3) of section seven of this Act,
- (c) knowingly makes in any schedule, form or other document filled up or supplied pursuant to this Act, or in any answer to any question asked him under the authority of this Act, 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 writes or makes on any schedule, form or other document issued for the purposes of this Act and furnished to the Statistician, any indecent, obscene, blasphemous or insulting remarks, drawing or other matter,

Shall be guilty of an offence under this Act.

12. Subject to the provisions of this Act every person who is guilty of an offence under this Act for which penalty is specially provided shall be liable on conviction thereof by a court of summary jurisdiction to a fine not exceeding two hundred dollars for each such offence and in default of payment to imprisonment for a period not exceeding six months, and if the offence is continued after the conviction, then a further fine not exceeded ten dollars each for each day on which the offence is continued after conviction.

13. Cabinet may make regulations for the purpose of carrying out the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing may make regulations prescribing-

- (a) particulars and information to be furnished concerning the matter in respect to which statements may be collected under this Act.
- (b) the manner and form in which and the times and places at which, such particulars and information shall be furnished;
- (c) the manner in which notice shall be given to persons on whose premises entry is desired;
- (d) the times at which entry may be effected on premises.

14. - (1) Subject to the provisions of subsection (2) of this section every person employed in the execution of any duty under this Act shall before entering on his duties take an oath or affirmation in the form in the Second Schedule to this Act and such oath or affirmation shall be administered by the Statistician.

(2) The Statistician shall before entering on his functions or duties under this Act take an oath or make an affirmation in the form in the Second Schedule to this Act and such oath or affirmation shall be administered by a Justice of the Peace.

15. Cabinet may from time to time by order published in the Gazette revoke or amend the First Schedule to this Act or substitute a new schedule therefor.

16. The Statistics Ordinance Chapter 184 is hereby repealed.

Passed in the House of Assembly this 26<sup>th</sup> day of October, 1973.

W. ST. CLAIR DANIEL

Speaker