

Lesotho Bureau of Statistics ACT 2001

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ACT NO.8 OF 2001

Lesotho Bureau of Statistics Act 2001

An Act to establish the Lesotho Bureau of Statistics in order to set up a system for national official statistics on economic, social, demographic, including human resources, and environmental areas in relation to the development needs of Lesotho; and official statistics for purposes of economic and social planning, research, public information and international cooperation, and for related matters.

Enacted by Parliament of Lesotho

Part I - PRELIMINARY

Short title and commencement

1. This Act may be cited as the Lesotho Bureau of Statistics Act 2001 and shall come into operation on the date of its publication in the Gazette.

Interpretation

2. In this Act unless the context otherwise requires -

- "authorized officer" means an officer of the Bureau authorized to perform any function under this Act;
- "Bureau" means the Lesotho Bureau of Statistics established by section 3;
- "Chairperson" means the person appointed as chairperson of the Council under section 6;
- "Council" means the National Statistical Council established under section 5;
- "Director" means the Director of the Bureau appointed under section 13;
- "lead agency or line Ministry" includes a Ministry, Department, or any other agency of government, local authority or agency of a local authority and generally, any other user or provider of statistics;
- "member" means a person appointed as a member of the council under section 6;
- "Minister" means the Minister responsible for statistics;
- "National Statistical System" includes all agencies in Lesotho whether Governmental, non-governmental, whether under enactment or otherwise for gathering statistical data directly through surveys or through administrative action;
- "official statistics" means quantitative, aggregates and representative information in connection with and incidental to, any census or general statistical survey or all or any of the matters listed in the Second Schedule;
- "person" includes artificial person;
- "undertaking" means any undertaking by way of trade, business or service whether or

not such trade, business or service is carried out for profit, and includes any undertaking of any local or public authority or statutory corporation or person.

PART II - ESTABLISHMENT OF THE BUREAU

Establishment

3. The existing Bureau of Statistics within the Government of Lesotho shall be deemed to be established under this Act, and it shall be responsible for all matters relating to official statistics, and shall also ensure that official statistics are produced in an objective, scientific and unbiased manner.

PART III - FUNCTIONS OF THE BUREAU

Functions of the Bureau

4. (1) Subject to this Act, the Bureau shall be the principal data collecting, processing, analyzing and disseminating agency responsible for co-ordinating, monitoring and supervising the National Statistical System, including matters specified in the First Schedule of this Act.

(2) The Bureau, in carrying out its functions under subsection (1), shall be responsible for the formulation of policies, strategies and programme activities for the development and supervision of the National Statistical System by -

(a) providing central statistical information services;

(b) establishing, harmonizing and standardizing definitions, classifications and statistical methods used in the production and dissemination of official statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistical information;

(c) promoting the production and dissemination of official statistics on the regional and small areas of relevance for the purposes of this Act, as well as providing guidance and training to other users and producers of statistics;

(d) promoting and developing statistical training in consultation with the National University of Lesotho and other relevant institutions;

(e) promoting cooperation, coordination and rationalization among users and providers of statistics at central and local levels so as to avoid duplication of effort and ensure optimal utilization of scarce resources;

(f) promoting and being the focal point of cooperation with statistics users and providers at national and international level; and

(g) conducting research in statistical methods and developing standards.

(3) Without prejudice to the effect general effect of subsections (1) and (2), the Bureau may, under this section, perform the following functions -

(a) review all initiatives to collect data at the national and local government levels and approve instruments developed for data collection including census frames, registers, sample designs and questionnaires;

(b) establish registers for households and undertakings;

(c) collect, compile, analyse and publish or otherwise disseminate economic, social, demographic and environmental statistics;

(d) conduct decennial population, housing and agricultural census and surveys as prioritised and planned;

(e) collect and publish routine administrative statistics;

(f) produce and publish a range of statistical information as may be prescribed in Regulations made under this Act;

(g) organise and maintain a central statistics library of statistical reports, publications, diskettes, compact disc-read only (CD-ROMs) and collection of foreign national and international statistics;

(h) build a statistical data bank that is regularly updated;

(I) guide and coordinate local government statistical services;

(j) establish regional offices to facilitate collection of information and other operations in the field of official statistics in accordance with the government policy of decentralisation; and

(k) do all things necessary or incidental or conducive to the objectives of the Bureau under this Act.

(4) The definitions, classifications and statistical methods referred to in subsection (2) (b) shall correspond to those applied internationally.

PART IV - NATIONAL STATISTICAL COUNCIL AND COMMITTEES OF THE BUREAU

Establishment of the Council

5. (1) There is established a National Statistical Council of the Bureau which shall advise the Minister on statistical policies and programmes.

(2) The council shall also advise the Bureau on statistical priorities, evaluate and monitor the work of the Bureau, and ensure that duplication of statistical work is avoided.

Composition of the Council

6. (1) The council shall consist of not more than 14 members. Such members, other than the Director, shall be appointed by the Minister, and made up of the following -

- (a) the Chairperson;
- (b) the Director who shall be the secretary of the council;
- (c) a representative from the Ministries set out in the Second Schedule who by nature of their work in their ministries are relevant for purposes of this Act;
- (d) not more than 2 members appointed from among major suppliers and users of official statistics;
- (e) a representative of the National University of Lesotho nominated by the University;
- (f) a representative of the Central Bank of Lesotho who shall be nominated by the Governor of the Bank.

(2) The Chairperson and the members referred to in subsection (1)(d), (e) and (f) shall be persons who qualify for appointment by virtue of their professional qualifications and experience in statistics and business-oriented management.

Tenure of office

7. A person appointed under section 6 shall hold office for a term of 3 years and shall be eligible for re-appointment.

Vacancy

8. (1) Subject to subsection (2), a member referred to in section 6 shall cease to be a member of the council if he-

- (a) resigns;
- (b) is removed from office by the Minister in consultation with the council-
 - (i) on grounds of inability to perform the functions of his office by reason of infirmity of body or mind; or
 - (ii) for any other just cause;
- (c) is convicted of an offence involving moral turpitude without the option of a fine;
- (d) is declared insolvent.
- (e) is withdrawn by the authority which nominated him.

(2) Subsection (1) shall not apply to a member referred to in section 6 (1) (b).

(3) Where a vacancy has occurred under this section, the Minister shall, subject to section 6, appoint a person to fill the vacancy for the remaining period.

Meetings of the Council

9. (1) The Council shall ordinarily meet at least once in every 3 months at place and time fixed by the Chairperson.

(2) The Chairperson may summon a special meeting of the Council on a written request by not less than 5 members of the Council, and in his absence the Director may summon such meeting.

(3) Five members of the Council shall form a quorum at any meeting of the Council.

(4) The Chairperson shall preside at all meetings and in the absence of the Chairperson a member elected by the members present from among their number shall preside.

(5) A question proposed at any meeting of the Council shall be determined by a simple majority of the members present and voting and, where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The Council may co-opt any person who is not a member to attend any of its meetings as an advisor and that person may speak at the meeting on any matter in relation to which that person's advice is sought but shall have any right to vote on any matter coming for decision before the meeting.

(7) Except as otherwise expressly stated in this Act, the Council shall regulate its own procedure.

(8) The Director shall record and keep or cause to be recorded and kept the minutes of every meeting of the Council.

(9) The minutes recorded under subsection (8) shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Director in the presence of the members.

(10) A copy of the minutes signed under subsection (9) shall, as soon as possible, be submitted to the Minister by the Director.

Remuneration

10. subject to the Public Service Act 19951, a member of the Council or a person co-opted-opted under section 9 (6) may be paid such allowance and traveling expenses incurred in the performance of his duties as the Minister may, after consultation with the Minister responsible for finance, determine.

Functions of the Council

11. (1) The functions of the Council shall be-

- (a) to advise and review statistical work plans as well as priority needs of the Bureau and users of statistics;
- (b) to ensure adequate coordination between producers and users of statistics;
- (c) to perform any other functions as may be assigned by the Minister.

(2) The Council may, subject to such conditions and restrictions as it may impose, delegate, in writing, any of its functions under subsection (1) to any of the committees of the Council established under section 12 (1) or the Director.

Committees

12. (1) The Council may establish expert advisory Committees in respect of-

- (a) Economic Statistics;
- (b) Demography and Social Statistics;
- (c) Agricultural Statistics and any other field as may be necessary.

(2) The Director may establish ad hoc specialist advisory committees in the fields of International Trade, National Accounts, Price Measurements, Service Statistics, Science and Technology Statistics, Environmental Statistics, Statistical Methodology and in any other field as and when the need arises.

(3) Members of the Advisory Committees shall be appointed by the Minister based on their expertise and shall advise the Director and discuss recommendations in different fields of official statistics.

(4) The Director may, from time to time, on conditions and periods determined by the Director establish committees consisting of the Director or any officer in the service of the Bureau designated by the Director, who shall be the Chairperson, and such number of other members as in the opinion of the Director is representative of persons or institutions with a direct interest in the compilation, preparation or making of any document referred to in this Act, to advise and assist the Director in the execution of the Director's duties regarding the compilation, preparation or making of such document.

(5) The Bureau of Statistics shall function as Secretariat for the committees that may be established under this section.

PART V - THE DIRECTOR AND OTHER STAFF

The Director

13. (1) There shall be a director and other staff of the Bureau of Statistics who shall be appointed by the Public Service Commission.

(2) The Director shall be the chief executive officer of the Bureau and shall be responsible for the day-to-day management of the Bureau, and he shall have the authority to collect statistical information in relation to the matters listed in the First Schedule.

(3) The Director shall be an ex-officio member of the Council.

(4) The Director shall liaise or coordinate with line Ministries in the production of official statistics to ensure that the Bureau fulfills the requirements of the provisions of this Act.

Authorized officers

14. The Public Service Commission may appoint officers on temporary terms or designate additional persons as authorized officers for the purpose of collecting specific statistical information under this Act on such terms and conditions as may be determined.

PART VI - COLLECTION OF STATISTICAL INFORMATION

Census

15 (1) The Minister may, on the recommendation of the Council, direct, by Notice in the Gazette, that a census be taken in Lesotho on any matter specified in the First Schedule of this Act, and such Notice may specify-

- (a) the dates on which or between which the census is to be taken; and
- (b) the information to be obtained in the census.

(2) No other authority of the government shall authorize a new survey or extension of an ongoing survey for the collection of statistics without prior consultation with the Minister.

Powers of the Minister

16. (1) The Minister may, in consultation with the Minister responsible for Foreign Affairs, enter into arrangements with the government of any State relating to any matter necessary or convenient for the purpose of effectively carrying out the provisions of this Act.

(2) Notwithstanding any other law, the Minister may enter into arrangements with any Lesotho government institutions or local authorities of any district relating to any matter necessary or convenient for the purpose of this Act, and relating in particular to all or any of the following matters-

- (a) the exercise or performance by any person in the employment of any government institution concerned, of any function entrusted to, or any power conferred on, or duty imposed upon, any officer of the Bureau under this Act;
- (b) the collection by such person of any statistics required for the purpose of carrying out any matters requiring to be carried out under this Act;
- (c) the furnishing of any statistics collected by the government institution concerned by way of a survey;
- (d) the granting of access to the Director or an authorized officer to documents of the government institution concerned; and
- (e) the withdrawal or retrieval of any information regarded by the Director as statistics, from the documents of the government institution concerned.

(3) Any person in the employment of a government institution and exercising any function entrusted to, or power conferred, or duty imposed upon the Director under this Act in pursuance of any arrangement, entered into under this section, shall, for the exercising of that function or the performance of that duty, be deemed to be a person acting under an assignment referred to in section 17 of this Act.

Assignment

17. (1) The Director may, in writing, assign any power conferred or duty imposed upon or function entrusted to him in terms of this Act, to any other officer of the Bureau, but shall not by any such assignment be divested of any such power, duty or function, and may at any time himself exercise any such power or function or perform any such duty.

(2) Whenever an officer exercises any power or function or performs any duty in terms of this Act, he shall, at the request of any person affected thereby, exhibit to such person the written assignment issued to him under subsection (1)

Power to obtain particulars

18. (1) Where any statistical information is being collected in accordance with this Act, the Director, an officer of the Bureau or any authorized officer may require a person to supply him with such particulars as may be prescribed, or in accordance with the instructions contained in, or accompanying a form, the particulars specified in that form, or such of those particulars as the Director may consider necessary or prescribe in relation to the collection of the information.

(2) A person, on being required to give information under subsection(1) shall, to the best of his knowledge and belief, complete any forms, make any returns, answer the questions and give all the necessary information, in the manner and within the time specified by the Director, an officer appointed under section 14 or an authorized officer.

(3) An officer appointed under section 14 or an authorized officer may require any person to supply him with particulars either by-

- (a) interviewing that person; or
- (b) sending by telephonic transfer or leaving it or posting to his last address, a form containing a notice requiring the form to be completed and returned in the manner and within the time specified in the notice.

(4) Where any particulars are, by any document issued by an authorized officer, required to be supplied by any person, it shall be presumed, until the contrary is proved, that the particulars may lawfully be required from that person in accordance with this Act.

(5) The power to obtain statistical information shall be vested in the Director and no other person shall obtain such information unless authorized, in writing, by the Director.

Power of entry and inspection

19. For the purposes of collecting statistical information under this Act, the Director or an authorized officer may, at all reasonable time and without a warrant, but upon production of written authorization or identification card, enter and inspect any land, building, vehicle, vessel or aircraft and make such inquiries and take such measurements as may be necessary for the collection of such information, and may take samples of any crops grown on any land for the purpose of collecting information on crop yields.

Confidentiality

20. (1) Subject to subsections (2) and (4), except for purposes of a prosecution under this Act-

- (a) no individual return or part of the return made for the purpose of this Act;
- (b) no answer given to any question put for the purpose of this Act;
- (c) no report, abstract or document, containing any particulars in such return or answer and so arranged as to tender possible identification of those particulars with any person, business or undertaking; and
- (d) no data set or part thereof stored in a computer or any other electronic media,

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Act except with the written consent of the person making the return or giving the answer, or, in the case of a business or undertaking, from the person having control, management or superintendent of the business or undertaking.

(2) Subsection (1) does not apply where the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerized data set for general access.

(3) Nothing in this section shall prevent or restrict the publication of any report, abstract

or document without the consent referred to in subsection (1) where the particulars contained in the report, abstract or document render identification possible merely by reason of the fact that they relate to an undertaking or business within its particular sphere of activities, if the particulars do not render possible identification of the costs or production of, or the capital employed or profits arising in the undertaking or business.

(4) The Director may release unit records on computer media, with identifiers removed, if-

(a) he is satisfied that unit records so released are to be used for genuine research purposes;

(b) he obtains from the recipient of the records a written undertaking that the records shall not be released to any other person without the written consent of the Director;

(c) he obtains from the recipient a written undertaking to make available a copy of the research findings to the bureau; or

(d) he is satisfied that the unit records cannot be identified as relating to any particular person or business enterprise.

Dissemination of statistical information

21. The Director shall ensure that any statistical data collected, after appropriate processing and ascertaining its accuracy, and also after ensuring confidentiality with respect to any individual who provided any statistical information to which section 20 relates, is released for general dissemination.

Relationship with other lead agencies

22. (1) The Director shall, to the greatest possible extent consistent with the performance of his functions, in promoting and facilitating the development of an integrated national system or in the exercise of any other function under this Act, consult and cooperate with other lead agencies having duties related to, or having aims or objectives related to, those of the Bureau.

(2) It shall be the duty of all lead agencies to cooperate with the Bureau in the carrying out of its functions under this Act.

Offences and penalties

23. (1) any person employed in carrying out any of the provisions of this Act who-

(a) puts an improper or offensive question to any person;

(b) knowingly makes a false return or compiles for issue any false statistics or information;

© asks, receives or takes, in respect of in connection with his employment under this Act

from any person, other than an officer of the Government duly authorized thereto, any payment or reward;

(d) by virtue of such employment comes into possession of any information which might exert influence upon or affect the market value of any share, property, interest, product or article and who before such information is made public, directly or indirectly uses such information for personal gain;

(e) without lawful authority publishes or communicates to any person other than in the ordinary course of his employment, any information in pursuance of the provisions of Act;

(f) being in possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates to any person such information;

(g) without sufficient cause, fails to exercise any such function or power or to perform any such duties or to exercise reasonable diligence or care in the exercise of the performance;

(h) in the execution of any other purpose or duty under this Act fails to comply with or contravenes any other terms or condition of his oath as stipulated in the Third Schedule, commits an offence and shall, on conviction, be liable to a fine of not less than M2000 and not exceeding M10,000 or to imprisonment for a period of not less than one year and not exceeding 5 years or both.

(2) Any person who impersonates an officer of the Bureau for the purpose of obtaining information from any person, undertaking or government institution, commits an offence and is liable on conviction to a fine of not less than M4000 and not exceeding M12,000 or to imprisonment for a period of not less than 2 years and not exceeding 6 years or both.

(3) Any person who falsely represents himself to be collecting information under an assignment referred to in section 17 of this Act commits an offence and shall be liable on conviction to a fine of not less than M4000 and not exceeding M12,000 or imprisonment for a period of not less than 2 years and not exceeding 6 years or both.

(4) Any person who-

(a) willfully hinders or obstructs the Director or any authorized officer in the lawful performance of any of the functions under this Act;

(b) in case of an obligation, willfully refuses or neglects

(i) to complete and supply, within such time as may be specified for the purpose, the particulars required in any return, form or other document left or sent to that person;

(ii) to answer any questions or inquiries put to him, under this Act;

© without lawful authority destroys, defaces, mutilates any return, form or other document containing particulars collected under this Act,

commits an offence and is liable on conviction to a fine M2000 or imprisonment for a period not exceeding one year or both:

Provided that no prosecution under this subsection shall be made without the consent of the Director of Public Prosecutions.

(5) Any person who signs, delivers, compiles, prepares or makes or causes to be signed, delivered, compiled, prepared or made, any return form or other document completed by him under this Act, in answer to any question or inquiry put or made to him under this Act, any statement which is false in any material particulars, knowing the same to be false, commits an offence and is liable on conviction to a fine of not less M1000 and not exceeding M6000 or imprisonment for a period of not less than 6 months and not exceeding 3 years or both.

Regulations

24. (1) The Minister may make Regulations for giving effect to this Act.

(2) Without prejudice to the general effect of subsection (1)

Regulations may be made for-

(a) prescribing the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act;

(b) prescribing the manner and form in which, the time and place at which, and the person by whom, such particulars and information shall be furnished;

©prescribing any fees for anything done by the Bureau in carrying out its objectives;

(d) prescribing penalties in respect of any contravention of the Regulations for a fine not exceeding M 4000 or imprisonment not exceeding 2 years or both.

Amendment of fine and Schedules

25. The minister may, in consultation with the Council, amend the fines and the Schedules to this Act.

Oath of office and secrecy

26. (1) Every person employed in the execution of any power or duty under this Act shall, before commencing his duties take and subscribe an oath before a Commissioner of Oaths or before the Director, who is hereby authorized to administer such oath, in the form set out in Third Schedule.

(2) A person who in the execution of any duty under this Act fails to comply with or contravenes any term or condition of the oath or affirmation commits an offence and shall be liable upon conviction to a fine of not less than M2000 and not exceeding M10,000 or to imprisonment for a period of not less than one year and not exceeding 5 years or both.

Repeal and saving

27. (1) The Statistics Act of 19652 is repealed.

(2) Notwithstanding subsection (1), any lawful act carried out under the repealed Act shall be deemed to have been carried out under this Act.

1 Act No. 13 of 1995

2 Act No. 11 of 1965

SCHEDULES

First Schedule

Statistical information

Matters Relating to which Statistical Information may be collected, compiled, analysed, abstracted and published or disseminated-

A. DEVELOPMENT PLANNING

1. Population
2. Housing
3. Vital occurrences
4. Migration

B. TRADE

1. Internal and External Trade
2. Manufacturing
3. Building
4. Construction
5. Productive Industries
6. Distributive trades
7. Commercial undertakings
8. Capital investment
9. Stocks of manufacture and un-manufactured goods
10. Wholesale and retail prices and costs of living

C. AGRICULTURE

1. Animal Husbandry
2. Horticulture and allied industries
3. Forestry and logging
4. Land tenure and the occupation and use land
5. Hunting
6. Fishing

D. NATURAL RESOURCES

1. Mining
2. Quarrying
3. Prospecting of metallic, non-metallic and natural gaseous substance and petroleum
4. Fuel and power

E. FINANCE

1. Banking
2. Insurance
3. Income
4. Earnings
5. Profit
6. Interest
7. Personal expenditure and consumption
8. Savings
9. External finance and shall matters appertaining to a balance of payments

F. COMMUNICATIONS

1. Transport
2. Posts
3. Telephones
4. Telegraphs
5. Telefaxes
6. Other means of communication

G. SPORTS AND CULTURE

1. Recreational Services
2. Community Services

H. EMPLOYMENT

1. Labour, including industries disturbances and disputes, and industrial injuries, accidents and compensation including wages
2. Employment and unemployment

I. HEALTH

1. Health
2. Social Welfare

j. LOCAL GOVERNMENT

K. EDUCATION

L. ENVIRONMENT

M. TOURISM

N. PUBLIC ADMINISTRATION

O. NON-GOVERNMENTAL ORGANISATIONS

P. OTHERS AS MAY BE APPROVED BY COUNCIL

Second Schedule

Ministries to be represented in the Council

section 6 (1) (c)

1. Trade and Industry
2. Labour and Employment
3. Finance
4. Local Government
5. Agriculture
6. Health and Social Welfare
7. Development Planning
8. Education

Third Schedule

Oath of Office and Secrecy

(section 25)

I do solemnly swear that I will faithfully and honestly fulfill my duties as in conformity with the requirements of the Lesotho Bureau of Statistics Act 2001 and shall not without authority, reveal any information acquired by virtue of my duties, nor, until such information is made public, directly or indirectly use it for personal gain.