

NATIONAL STATISTICS BUREAU BILL, 2005

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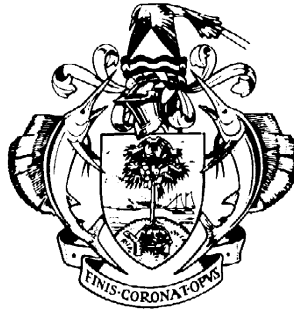
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NATIONAL STATISTICS BUREAU BILL, 2005

(Bill No. of 2005)



A BILL

OF

AN ACT to provide for the establishment of a National Statistics Bureau and to repeal the Statistics Act (Cap 230)

ENACTED by the President and the National Assembly.

Part 1 - Preliminary

1. This Act may be cited as the National Statistics Bureau Act, 2005 and shall come into operation on such date as the President may, by notice in the Official Gazette, appoint.

Short title and
commencement

2. In this Act –

Interpretation

“authorised officer” means an officer authorised in writing by the Chief Executive Officer;

“Bureau” means the National Statistics Bureau established under section 3;

“Chief Executive Officer” means the Chief Executive Officer of the Bureau appointed under section 6;

“Council” means the Council of the Bureau established under section 8;

“Department of Government” includes any division or agency of the Government;

“respondent” means a natural person or a body corporate in respect of whom or in respect of whose activities any information is required or provided pursuant to this Act.

Part 2 – Establishment of the Bureau

Establishment of
the Bureau

3. There shall be a body corporate to be known as the National Statistics Bureau.

Functions of the
Bureau

- 4.** The functions of the Bureau shall be –
- (a) to collect, compile, analyse and publish statistical information relating to commercial, industrial, financial, social, economic, environmental and general activities and conditions of the people;
 - (b) to assist Departments of Government in the collection, compilation and publication of statistical information, including statistics derived from the activities of such Departments;
 - (c) to help eliminate duplication of collection of information by Departments of Government; and
 - (d) to promote and develop integrated social and economic statistics pertaining to the whole of Seychelles and to coordinate plans for the integration of those statistics.

Chief Executive
Officer to
administer the
Bureau

5. The affairs of the Bureau shall be administered by the Chief Executive Officer.

Appointment of
Chief Executive
Officer

6. The Chief Executive Officer shall be appointed by the President for a term of office of 4 years and shall be eligible to be reappointed.

7. The Chief Executive Officer shall –

Duties of Chief
Executive Officer

- (a) advise Departments of Government on matters relating to their statistical programmes and confer with those Departments to that end;
- (b) determine the manner in which data for statistical purposes are collected and compiled and decide when and how statistics are published;
- (c) supervise the administration of this Act and exercise control over the operations and staff of the Bureau.

8.(1) There shall be a Council of the Bureau which shall advise the Chief Executive Officer on the discharge of the functions of the Bureau.

Council of the
Bureau

(2) The Council shall consist of not less than 9 members representing users of official statistics, in particular, the Departments of Government, the business community and academia.

(3) The members of the Council shall be appointed by the President on the recommendation of the Chief Executive Officer for a term of 2 years and shall be eligible for reappointment.

(4) The meetings of the Council shall be presided over by the Chief Executive Officer.

(5) The Council shall hold at least 2 meetings in a financial year.

(6) The Council may set up committees to advise the Council on matters requiring specialised knowledge and experience.

(7) Subject to this section, the Council may regulate its own proceedings.

9. The Bureau may employ such officers, servants and agents as are necessary for the efficient discharge of its functions on such terms as it may determine.

Staff of the
Bureau

Part 3 – Plan and Implementation

10.(1) No less than 4 months before the beginning of each financial year, the Bureau shall submit to the Cabinet of Ministers a plan of work for the financial year setting out all major statistical collections and publications planned for the year and the estimates of expenditure and revenue of the Bureau for the year.

Plan and
budget

(2) At the beginning of each financial year, the Bureau shall publish a calendar of proposed publications of statistics in respect of that year.

(3) Within 3 months after the end of each financial year, the Bureau shall present a report of its activities during the year to the Cabinet of Ministers.

Power to obtain
particulars

11. (1) Where any statistics are being collected in accordance with the provisions of this Act, an authorised officer may require any person from whom particulars may lawfully be required under this Act to supply the authorised officer with such particulars as may be prescribed or such of those particulars as the Chief Executive Officer may consider necessary or desirable in relation to the collection of such statistics; and the person shall, to the best of his knowledge and belief, fill up such forms, make such returns, answer such questions and give all such information, in such manner and within such reasonable time, as may be required by the authorised officer.

(2) An authorised officer may require any person to supply him with particulars either by interviewing the person personally or by leaving at the last known address, or posting to the last known address of the person a form having thereon a notice requiring the form to be filled up and returned in the manner and within the time specified in the notice.

(3) Where any particulars are, by any document purporting to be issued by an authorised officer, required to be supplied by any person, it shall be presumed until the contrary is proved –

- (a) that the particulars may lawfully be required from that person in accordance with the provisions of this Act, and
- (b) that the document has been issued by an authorised officer.

Access to public
records and other
records

12. Where the Chief Executive Officer is of the opinion that there can be obtained from any Government records or documents or from any records or documents belonging to any person information sought in respect of the matter in relation to which the collection of statistics is being carried out or information which would aid in the completion or correction of such statistics, any person who has the custody of any such records or documents shall, upon being requested in writing by the Chief Executive Officer, to do so, grant access to such records or documents to an authorised officer for the purpose of obtaining such information.

13. An authorised officer may, at all reasonable times, for any purpose connected with the collection of statistics, enter and inspect any premises and may make such enquiries as may be necessary for the performance of his duties.

Power to enter premises

14. Except for the purposes of a prosecution under this Act –

Restriction on publication

- (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,

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:

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 owned by the person which is the only undertaking or business within its particular sphere of activities.

15.(1) The funds of the Bureau shall consist of –

Funds of the Bureau

- (a) moneys authorised by an Appropriation Act or a resolution of the National Assembly and paid to the Bureau;
- (b) moneys lawfully borrowed by the Bureau; and
- (c) moneys received by the Bureau as rent, interest, fees and other charges.

(2) The funds of the Bureau may be applied –

- (a) in the payment of emoluments of the Chief Executive Officer, members of the Council and staff of the Bureau;
- (b) in the payment or discharge of the debts, expenses or other obligations of the Bureau.

(3) The funds of the Bureau not immediately required for the purposes of the Bureau may be invested in such manner as the Bureau thinks fit.

Accounts and
audit

16. The Bureau shall keep proper accounts and records in relation to the accounts and shall prepare in respect of each financial year a statement of accounts.

(2) Article 158 of the Constitution shall apply to the auditing of the accounts of the Bureau.

Offences etc.

17. (1) Any person, being a person employed in the performance 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, 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;
- (d) intentionally puts any offensive or improper question or a question which a person may not be lawfully required to answer under the authority of this Act,

shall be guilty of an offence and on conviction be liable to imprisonment for a term not exceeding two years and to a fine not exceeding R20,000.

(2) Any person who –

- (a) hinders or obstructs the Chief Executive Officer or an authorised officer in the exercise of any power under this Act;
- (b) refuses or neglects –
 - (i) to fill up and supply the particulars required in any return, form or other document left with or sent to him under this Act; or
 - (ii) to answer any question put to him under this Act;
- (c) knowingly makes in any return, form or other document, filled up or supplied or in any answer to any question put to him under this Act any statement which is untrue in any material particular;
- (d) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act,

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding two years and to a fine not exceeding R20,000.

18. All officers and employees of the Bureau shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

Application of
certain Penal
Code sections

19. No liability, civil or criminal, shall attach to the Bureau or an officer or employee of the Bureau in respect of an act done or omission made in good faith in the performance of the functions of the Bureau or such officer or employee as the case may be.

Protection of
acts done in
good faith

20. The President may make regulations generally for the better carrying into effect of the objects and provisions of this Act, and in particular, but without prejudice to the generality of the foregoing power, may make regulations –

Regulations

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

- (b) prescribing the persons or classes of persons by whom such particulars and information shall be furnished;
- (c) prescribing fees to be paid to the Bureau for the furnishing of statistics compiled under this Act, and for any special information or report supplied by the Bureau;
- (d) prescribing any oath to be taken and the manner of taking such oath by any person appointed or required to perform any duties under this Act.

Repeal of
Statistics Act

21. The Statistics Act (Cap 230) is repealed.