

# **Sudan**

## ***The Statistics Act, 2003***

Be it hereby passed , by the National Assembly, and signed, by the President of the Republic, in accordance with the provisions of the Constitution of the Republic of the Sudan, 1998, the following Act

### **Chapter I**

#### **Preliminary Provisions**

##### **Title and commencement**

1. This Act may be cited as the, "Statistics Act, 2003", and shall come into force, as from the date of signature.

##### **Repeal and saving**

2. The Statistics Act, 1970 shall be repealed; provided that all the regulations, orders and decisions, made there under shall remain in force, until revoked, or amended .

##### **Interpretation**

3. In this Act, unless the context otherwise requires, :-

"Council", means the Statistics National Council, established under the provisions of section 6(1);

"Director General", means the Bureau's Director General, appointed under the provisions of section 9;

"Minister", means such minister, as the President of the Republic may specify;

"Official statistics", mean every statistics, as may be passed by the official organs, and the results of which may officially be approved;

"Bureau", means the Central Bureau of Statistics, established under the provisions of section 4(1);

"Statistics", mean any statistics, whether comprehensive, by sample, or any other operation, for the collection, classification and analysis of data, about items, a group of people, or things, and what the same entails of statistics classification, and preparing operations, and publication.

## **Chapter II**

### **The Bureau**

#### **Establishment of the Bureau**

4.(1) There shall be established an organ, to be known as the, "Central Bureau of Statistics", having a corporate personality, perpetual succession, a common seal and the right to litigate in its own name.

(2) The headquarters of the Bureau shall be in the Khartoum State, and it may, upon the approval of the Minister, establish offices, in any of the states.

#### **Functions and powers of the Bureau**

5.(1) The Bureau shall be the basic final resort of the State, in the field of statistics, and shall assume conducting statistics, preparing statistical researches, relating to economic and social activities, and promoting statistical systems , as the economic and social development plans and programmes may require. Without prejudice, to the generality of the foregoing, the Bureau shall have the following functions and powers, to :-

- (a) prepare the statistical researches, relating to population statistics, and economic activities, in co-operation with the competent bodies;
- (b) encourage the statistical studies, relating to economic and social activities, as the development plan may require;
- (c) disseminate statistical awareness, by any means, as they may deem fit;
- (d) establish a national system of statistical information, and promote the systems and styles of statistical information technology, in accordance with the modern scientific standards;
- (e) collect, organize, unify, prepare, analyze and summarize the results of statistical information;
- (f) establish a central archive, to authenticate statistical publications;

- (g) bind the various State organs to deposit whatever they issue of statistical publications, and what they collect of statistical information, with the Bureau;
  - (h) organize statistical work, between the various organs and associations, and specify the way of co-operation, between them, for the purpose of providing the statistical information item in the internal and external uses;
  - (i) train and qualify employees of the Bureau, and contribute to train employees of the statistical organs, in the states, State organs, ministries and Government units;
  - (j) co-ordinate the statistical work, between the states, State organs, ministries and Government units;
  - (k) unify the methods, standards and terminology of statistical work.
- (2) Saving statistical business, relating to specialized work, employees and financial and economic matters, for the purposes of specialized work, no person shall conduct statistics, before the written approval of the Bureau.

### **Establishment , constitution, quarters**

#### **and supervision of the Council**

- 6.(1) There shall be established a council, to be known as the, " Statistics National Council", constituted by a decision of the President of the Republic, and under the chairmanship of the Minister, and a number of members, representing the ministries, and bodies having connection and competence; provided that the Director General shall be a member and rapporteur of the Council .
- (2) The quarters of the Council shall be in the Khartoum State.

#### **Functions of the Council**

- 7.(1) The Council shall be the supreme authority, which assumes the general supervision, over the Bureau, and lay down the plans and general policy of statistics, in the State. Without prejudice, to the generality of the foregoing , the Council shall have the following functions and powers, to :-

- (a) approve the programmes and official statistics, which the State needs, in the business thereof, together with specifying priorities;
  - (b) co-ordinate the statistical activity, between the competent bodies, at the national level;
  - (c) constitute technical committees, by a decision thereof, to help them in their business, and the decision shall specify the tasks, functions , term and the remuneration of the members thereof;
  - (d) levy fees, on the services rendered by the Bureau, upon the approval of the Minister of Finance and National Economy;
  - (e) pass the annual budget of the Bureau, and the general costs of statistics;
  - (f) nominate occupiers of leadership posts, at the Bureau, to the Minister, to recommend, on his part, in respect thereof, to the President of the Republic, for appointment;
  - (g) propose the organizational chart, and terms of service of employees of the Bureau, to the Minister, to submit the same, on his part, to the Ministers of Labour and Administrative Reform, and Finance and National Economy, to submit the same, to the Council of Ministers, for approval thereof;
  - (h) approve the periodical reports, prepared, on the business of the Bureau;
  - (i) make regulations, to organize the business thereof;
  - (j) any other functions, or powers, as may be necessary , for the performance of the business of the same.
- (2) The Council may delegate any of the powers and functions thereof, to the Chairman of the same, any member of the Council or any committee, constituted thereby, as to such conditions, and safeguards, as they may deem fit.

## **Meetings of the Council**

- 8.(1) The Council shall hold three annual meetings, at least, and they may hold an emergent meeting, upon call of the Chairman thereof, or request of two-thirds of the members, whenever necessity requires the same.
- (2) The quorum, for meetings of the Council, shall be constituted by the attendance of the majority of members.
- (3) Decisions shall be adopted by the majority of the members present; and in case of equality of votes, the Chairman of the Council shall have a casting vote ; provided that the quorum shall be present.

## **The Director General**

9. The Bureau shall have a director general, to be appointed by the President of the Republic , upon the recommendation of the Minister; and the decision of his appointment shall specify the emoluments, and privileges thereof.

### **Functions and powers of the Director General**

- 10.(1) The Director General shall be the first executive responsible to the Minister, and assume shouldering the financial, administrative and technical activity of the Bureau. Without prejudice, to the generality of the foregoing, he shall have the following functions and powers, to :-
- (a) supply Government bodies with statistical information, as may lie within the jurisdiction thereof;
  - (b) tender technical consultancy, on such statistical matters, as the Government bodies may submit thereto;
  - (c) execute the decisions and functions of the Council;
  - (d) publish, in the Gazette, the results of such statistical operations, as the Council may recommend;
  - (e) deposit, with the National Archives House, a copy of the reports of such statistical operations, as the Council may recommend;

- (f) prepare the proposals of the annual budget, including the special balance sheets of the costs of statistical operations, having federal nature, and submit the same, to the Council, for approval thereof;
  - (g) co-ordinate, between the Bureau and the various State's organs, in the field of statistics;
  - (h) organize and exchange the means of the Bureau, and the potentialities of employment of the same, to achieve the objects thereof;
  - (i) propose policies, programmes and work plans of statistical work, and submit the same, to the Council, for approval thereof;
  - (j) tender opinion , about the local and international agreements, relating to statistics;
  - (k) sign contracts and agreements;
  - (l) represent the Bureau, and speak in its name, before legal bodies, and other bodies, having connection, inside and outside the Sudan ;
  - (m) approve spending the amounts, allocated for expenditure , set out in the approved budget;
  - (n) constitute a committee, or committees, to help him, in performance of the tasks and functions thereof, and specify the functions and tasks of the same;
  - (o) appoint employees, promote, train and discipline them, in accordance with the public service laws in force;
  - (p) any other business, as may be necessary, for the exercise of the functions and powers, in the most ideal way.
- (2) The Director General shall not conduct any substantial changes, in the organs of the Bureau, without the approval of the Council.

- (3) The Director General may delegate, any of his powers, to any person, or committee, as to such conditions and safeguards, as he may deem fit.

### **State statistics**

11.(1) Statistics, within the limits of the state, shall be organized by a state's law, consonant with such provisions, pertaining to statistics, as may be set out in this Act.

- (2) Statistics, in the state, shall be subject to such general policies, as the Council may lay down.
- (3) Subject to the provisions of sub-section (1) , the state's law shall organize statistics, and specify the functions and procedure, relating thereto .

## **Chapter III**

### **Financial Provisions**

#### **Resources of the Bureau]**

12. The financial resources of the Organ shall consist of the following :-
  - (a) such appropriations, as the State may allocate thereto;
  - (b) subscriptions and fees;
  - (c) such grants , aids, subscriptions and legacies, as the Council may accept.

#### **Use of the financial resources of the Bureau**

- 13.(1) The financial resources of the Bureau shall be used to achieve the objects thereof.
- (2) Subject, to the Financial and Accountancy Procedure Act, 1977, and the regulations, made thereunder, the financial resources of the Bureau shall be used, in the following :-
  - (a) management of the Bureau, and executing the business thereof;
  - (b) payment of the obligations of the same;

- (c) payment of the salaries, wages, increments and emoluments of the employees, and the Chairman and members of the Council.

### **Budget of the Bureau**

- 14. The Bureau shall have an independent budget, to be prepared, in accordance with such directives, as the Ministry of Finance and National Economy may specify, and submitted, to the competent bodies, for approval thereof.

### **Accounts and audit**

- 15.(1) The Bureau shall keep accurate and comprehensive accounts in accordance with sound accountancy bases, and keep the books and records, relating thereto.
- (2) The Bureau shall deposit the funds thereof with banks, in current accounts, or as investment deposits; provided that dealing in such accounts, and withdrawal there from, shall be as to such manner, as the Council may specify, subject to the Financial and Accountancy Procedure Act, 1977, and the regulations made there under.
- (3) The Bureau shall notify the Minister of Finance and National Economy, upon opening accounts, in free exchange.
- (4) Accounts of the Bureau shall annually be audited, by the General Audit Chambers, or any certified auditor, as the Auditor-General may approve, and under the supervision thereof.

### **The final account and reports**

- 16. The Council shall submit, to the Minister, within five months, after the end of the financial year, the following reports :-

- (a) statement of the final account;
- (b) the report of the General Audit Chambers, on the Bureau;

a report showing the financial performance, at the Bureau, during such financial year, and the future programmes and plans thereof

## Chapter IV

### Final Provisions

#### Manner of obtaining data

- 17.(1) Saving the data, provided for in section 18(2) , such other statistical data and information, as the Bureau may not have published in the reports, or official statistics thereof, may be obtained, after payment of the prescribed fees.
- (2) Proprietors of facilities, and public and private institutions, shall allow persons, authorized to conduct statistics, to enter the facilities and institutions, to obtain the information.

#### Secrecy of information

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- (b) no person, not assigned to accomplish any duty, under the provisions of this Act, shall peruse any statistical data, or information, relating to individuals, or report, without prior approval from the person, who has given the datum, item of information or report.
- (2) For the purposes of this section, the following statistical data shall be deemed confidential, and not disclosed, and include :-
- (a) statistical data, relating to individuals;
- (b) statistical data, relating to the armed forces, and other disciplined forces, otherwise than those, as such bodies may allow in writing.
- (3) Notwithstanding the provisions of sub-section (1), the statistical data and information, which proceeding with criminal proceedings, as may be taken, in accordance with the provisions of this Act, may require, may be published.

## **Taking the oath**

19. The Director General, and employees of the Organ, and others, who are assigned to perform work, under the provisions of this Act, shall take the oath, before each of the Minister, or Director General, as the case may be, as to the form, set forth in the Schedule hereto.

## **Production of card**

20. Persons assigned to perform statistical business shall produce assignment cards, whenever they are required so to do .

## **Penalties**

21. Without prejudice, to any severer penalty, as may be provided for in any other law, there shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both, whoever :-

- (a) contravenes the secrecy of statistical data, or discloses any data, or information, as may have come to his knowledge, or perused, in his capacity as an employee, or assigned, in accordance with the provisions of this Act;
- (b) obtains, or attempts to obtain, through cheating, threat or any other unlawful means , secret data, or information, concerning statistics;
- (c) gives, declares or publishes false, or partial data, about the results of official statistics, while he knows the same;
- (d) willfully hinders , or obstructs any person, authorized to perform any work, under the provisions of this Act, upon using his powers, whether the same is by preventing use of his powers, or performing any work, or taking any measures, as may impede his work, or willfully opposes him in anything of the same;
- (e) damages, defaces or obliterates any sign, mark, schedule, form, sample or document, containing data, obtained in accordance with the provisions of this Act;

- (f) refuses, refrains or fails, without acceptable excuse, to give data, information or reports, or gives the same, false in any substantial point, while he knows the same;
- (g) performs any work, of the business of the Bureau, without written permission, from the competent body, at the Bureau;
- (h) commits any contravention, provided for in the regulations, made under the provisions of this Act.

### **Power to make regulations**

22. The Council, upon approval of the Minister, may make such regulations, as may be necessary for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, they may make regulations, to organize the following matters :-

- (a) such data and information, as may be presented, upon conducting any statistics , or report;
- (b) the way and manner, in which the statistical data are performed, and the period, within which the statistics are conducted, and the persons assigned to give information, and collect the same, for the purposes of statistics, and those in respect of whom statistics are conducted;
- (c) such data and information, as may be requested, from the Bureau;
- (d) such fees, as may be levied, in consideration of such services, as the Bureau may render, upon the approval of the Minister of Finance and National Economy.

## **The Oath**

### **(See section 19)**

"I ..... , do swear by Almighty Allah, to discharge the duty, imposed upon me, by the Statistics Act, 2003, truthfully and honestly, and not to reveal, or disclose any subject, or information, as may come to my knowledge, by reason , or as a result of performing my work, under the provisions of this Act, even though the same may be after termination of my service, or secondment, otherwise than in such conditions, as I may be legally bound to disclose, or reveal the information, or data, with which I have been entrusted."