

ZIMBABWE

TITLE 10

Chapter 10:05

CENSUS AND STATISTICS ACT

Acts 1/1971, 19/1989, and 22/2001.

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

ADMINISTRATION

3. Appointment of Director.
4. Appointment of authorized officers.

PART III

CENSUS AND STATISTICS

5. Census.
6. Statistics.
7. Use of sampling methods.
8. Power to obtain particulars.

PART IV

GENERAL

9. General duties of Director.
10. Restrictions on disclosure of information.
11. Powers of entry.
12. Regulations.
13. Offences and penalties.
14. Evidence.
15. Exemption from postal charges.

AN ACT to provide for the taking of a census, for the collection of statistics and for the publication of statistical information; and to provide for matters incidental to the foregoing.

[Date of commencement: 23rd April 1971.]

PART I

PRELIMINARY

1. Short title

This Act may be cited as the Census and Statistics Act [Chapter 10:05].

2. Interpretation

In this Act—

“Authorized officer” means the Director and any person appointed as an authorized officer under section four;

“Director” means the Director of Census and Statistics referred to in section three;

“Minister” means the Minister of Finance or any other Minister to whom the President may, from time to time; assign the administration of this Act.

PART II

ADMINISTRATION

3. Appointment of Director

(1) There shall be a Director of Census and Statistics whose office shall be a public office and shall form part of the Public Service.

(2) The Director shall have such functions as are conferred or imposed upon him by this Act.

4. Appointment of authorized officers

(1) The Director may, in writing, appoint any person as an authorized officer for the purposes of this Act and may, in like manner, delegate such power of appointment to any person.

(2) Any delegation made in terms of subsection (1) may be revoked at any time by the Director and no such delegation shall affect the exercise by the Director of the power to appoint an authorized officer.

PART III

CENSUS AND STATISTICS

5. Census

(1) A census shall be taken on such day or during such period as the Minister may fix by notice in a statutory instrument.

(2) A census shall be taken—

(a) of the number of persons or of such class of persons in Zimbabwe or any part thereof; and

(b) of such other particulars whatsoever;
as shall be prescribed.

6. Statistics

(1) The Director may, with the approval of the Minister, and shall, when the Minister so directs, collect statistics for Zimbabwe or any part thereof with respect to such matter as may be prescribed.

(2) Notwithstanding subsection (1), the Director shall not collect any statistics in terms of that subsection until regulations have been made specifying the particulars and information to be furnished in relation to the matter with respect to which statistics are to be collected.

(3) Subsections (1) and (2) shall not apply to the collection by the Director, with the consent of the person concerned, of statistics in relation to any matter.

7. Use of sampling methods

The Director may, if he thinks fit, use sampling methods in the taking of any census in terms of section five or in the collection of statistics in terms of subsections (1) and (3) of section six.

8. Power to obtain particulars

(1) When a census is being taken in terms of section five or statistics are being collected in terms of subsection (1) of section six, an authorized officer may require any person from whom particulars may lawfully be obtained under this Act to supply him with such particulars as may be prescribed or such of those particulars as the Director may consider necessary or desirable in relation to the taking of such census or the collection of such statistics.

(2) Any person required in terms of subsection (1) to supply particulars shall give all such particulars in such manner and within such time as may be required by the authorized officer in terms of this Act.

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

PART IV

GENERAL

9. General duties of Director

It shall be the duty of the Director, subject to this Act—

- (a) to carry out any census required to be taken in terms of section five; and
- (b) to collect, compile, analyse and abstract statistical information relating to the commercial, industrial, agricultural, mining, social, economic and general activities and conditions of the inhabitants of Zimbabwe and to publish such statistical information; and
- (c) generally to organize a co-ordinated scheme of social and economic statistics relating to Zimbabwe; and
- (d) to submit a report to the Minister as soon as may be after the 30th June in each year on the work undertaken in terms of this Act during the period of twelve months ending on that date.

10. Restrictions on disclosure of information

(1) Except for the purposes of a prosecution in respect of an offence under this Act—

- (a) no individual return made and no form submitted for the purposes of this Act or any part of such return or form and no answer given to any question put for the purposes of this Act; and
- (b) no report containing particulars comprised in any such return, form or answer and so arranged as to enable identification of the particulars with the person by whom or on whose behalf the return was made, form was submitted or answer was given; shall be disclosed to any person who is not employed in carrying out the provisions of this Act without the written permission of the person by whom or on whose behalf the return was made, form was submitted or answer was given.

(2) Notwithstanding anything to the contrary in subsection (1), the Minister may, in writing, authorize the disclosure, on such terms and conditions as he may specify in such authority, of any such individual return or form or any part of any such return or form or such answer to questions to such person as the Minister may specify who is employed—

- (a) in the Ministry responsible for agriculture; or

(b) by the Agricultural Marketing Authority of Zimbabwe established by the Agricultural Marketing Authority Act [Chapter 18:04]; or

(c) in the Ministry responsible for industry and commerce; or

(d) by the Reserve Bank of Zimbabwe established by the Reserve Bank of Zimbabwe Act [Chapter 22:10].

11. Powers of entry

(1) An authorized officer may at all reasonable times for any purpose connected with the taking of a census in terms of section five or the collection of statistics in terms of subsections (1) and (2) of section six enter and inspect any land and any premises, other than a dwelling-house, and may make such inquiries as may be necessary for the performance of his duties under this Act.

(2) An authorized officer shall produce his written appointment as an authorized officer or, in the case of the Director, proof of his appointment as Director before exercising the powers conferred by subsection (1), if required so to do by the owner, occupier or person in charge of such land or premises.

12. Regulations

(1) The Minister may make regulations for any matter that may be prescribed and generally for the better carrying out of the objects and purposes of this Act.

(2) Regulations in terms of subsection (1) may provide for—

(a) the particulars and information to be given in relation to any matter in respect of which statistics may be collected in terms of subsections (1) and (2) of section six; and

(b) the manner and form in which, the times and places at which and the persons by whom such particulars and information shall be given.

13. Offences and penalties

(1) Any person employed in carrying out any of the provisions of 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, property, product or article and who, before such information is made public, directly or indirectly uses such information for personal gain; or

(b) without lawful authority, publishes or communicates any information acquired by him in the course of his employment to any other person; or

(c) knowingly compiles for publication any false statistics or information;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

(2) Any person to whom information has been disclosed in terms of subsection (2) of section ten who fails to comply with the terms and conditions on which such information was disclosed to him, shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

(3) Any person to whom any information has to his knowledge been disclosed in contravention of this Act who publishes or communicates such information to any other person, shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

(4) Any person who—

(a) hinders or obstructs an authorized officer in the exercise of his powers or the discharge of his duties under this Act; or

(b) fails—

(i) duly to complete any return, form or other document lawfully left with or sent to him; or

(ii) to transmit or deliver, in accordance with such directions as may be contained therein or given to him by an authorized officer, such return, form or other document, duly completed; or

(iii) to answer any question lawfully asked him by an authorized officer;

or

(c) contravenes any regulations; or

(d) knowingly makes any statement which is untrue in any material particular in any return, form or other document submitted by him in terms of this Act or in any answer given by him to an authorized officer for the purposes of this Act;

shall be guilty of an offence and liable to a fine not exceeding a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Amended by Act 22 of 2001, with effect from the 10th September, 2002.]

(5) No person shall be convicted of an offence under subsection (4) by reason only of his refusal or failure from conscientious scruples to state his religious persuasion or denomination, the proof whereof may be—

(a) the filling up of the relevant part of any return, form or other document lawfully left with or sent to him with the word “object” or a word conveying the same meaning; or

(b) the tendering of an explanation to that effect at the time of such refusal or failure in reply to a question asked by an authorized officer.

14. Evidence

A certificate or written statement purporting to have been made and signed by an authorized officer shall, in any criminal proceedings in respect of an offence under this Act, be prima facie evidence of the facts stated therein and it shall not be necessary to tender oral evidence of such facts unless the court before which the proceedings are held so directs, in which event a postponement shall be allowed to enable the authorized officer whose oral evidence is required to attend.

15. Exemption from postal charges

When the envelopes, which contain them, are marked “On Government Service”, all returns, forms and other documents and any correspondence relating to such returns, forms and documents shall be carried and delivered by the Posts and Telecommunications Corporation free of postal charges.