

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER S60

STATISTICS ACT

Showing the Law as at 15 December 2004

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 11/2003, in force 1 January 2004

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STATISTICS ACT

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STATISTICS ACT

Interpretation

1. In this Act—

"Department" means the Department of Statistics;

"Minister" means the Minister charged with responsibility for the subject of Statistics;

"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 the control or management of a partnership business, and, in the case of a 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;

"regulation" means—

(a) any regulation made under the provisions of this Act; or

(b) any order of the Executive Council made under the authority of this Act;

"Statistician" means the Head of the Department;

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

Duties of Department of Statistics

2. The duties of the Department of Statistics shall be—

(a) to collect, compile, analyse, abstract and publish statistical information relative to the commercial, industrial, social, economic and general activities and conditions of the people who are the inhabitants of Anguilla;

(b) to collaborate with all other departments of Government and with local authorities in the collection, computation and publication of statistical records of administration;

(c) to take any census in Anguilla; and

(d) generally to organize a co-ordinated scheme of social and economic statistics and intelligence pertaining to Anguilla;

in accordance with the provisions of this Act.

Power to direct taking of a census

3. (1) The Governor in Council may by order direct that a census shall be taken for Anguilla or for any part thereof and any order under this section may prescribe—

(a) the date on which such census is to be taken;

(b) the persons by whom and with respect to whom the returns for the purpose of such census are to be made; and

(c) the particulars to be stated in the returns.

Duty of Statistician to carry out census

4. It shall be the duty of the Statistician to make such arrangements and do all such things as are necessary for the taking of the census in accordance with the provisions of this Act and of any regulations, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms when filled up.

Regulations with respect to proceedings for taking census

5. For the purposes of enabling any order directing a census to be taken to be carried into effect, the Governor in Council, may make regulations—

(a) providing for the division of Anguilla into districts for the purposes of such census and for the appointment of persons to act in these districts in connection with such census;

(b) requiring any persons appointed under the provisions of this section to perform such duties in connection with the taking of such census as may be prescribed;

(c) requiring persons employed for the purpose of such census to make a written declaration with respect to the performance of their duties and prescribing the form of such declaration;

(d) requiring the chief officers of public or charitable institutions or of any other institutions prescribed by the regulations to make returns with respect to the inmates thereof;

(e) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made;

(f) for the allowances to be paid to persons employed in connection with the taking of such census;

(g) making provision with respect to any other matters as regards which it is necessary to make provisions for the purpose of carrying into effect the provisions of the order.

Other statistics

6. With the approval of the Governor in Council, the Department shall collect, whether in conjunction with any census or not, statistics relating to all or any of the following matters—

(a) population and the housing of the population;

(b) immigration and emigration;

(c) vital occurrences and morbidity;

(d) social, educational, labour and industrial matters including co-operative groups and societies, associations of employers, employees, and other persons generally;

(e) imports and exports;

(f) trade and commerce;

(g) industry and merchandising;

(h) land tenure, occupation and condition of land, and the produce thereof;

(i) primary and secondary education;

(j) wages, hours and conditions of labour and cost of living index;

(k) employment, unemployment and payrolls;

(l) industrial disturbances and disputes;

(m) injuries, accidents and compensation;

(n) wholesale and retail prices;

(o) stocks of manufactured and unmanufactured goods;

(p) transport and communication in all forms by land, water and air;

(q) banking and finance;

(r) transfers, mortgages and leases of land;

(s) fire, marine, life, accident or other insurance;

(t) incomes and earnings;

(u) local government;

(v) sweepstakes, lotteries, charitable and other public collections of money;

(w) health;

(x) such other matters as may be prescribed.

(Act 11/2003, s.66)

Compilation, tabulation and publication of statistics

7. (1) The Department shall cause the statistics and other particulars collected pursuant to this Act to be compiled and tabulated, and shall cause such statistics and particulars, or abstracts thereof, or extracts therefrom, with or without observations thereon, to be published as the Minister shall either generally or specially direct.

(2) No report, summary of statistics or other publication under this Act shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which a return or answer was made or given for the purposes of this Act, contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

Oaths

8. Every person employed in the execution of any duty under this Act or under any regulation, before entering on his duties, shall make and subscribe an oath or make an affirmation in the form set out in the Schedule hereto and such oath or affirmation shall be administered by the Magistrate or a Justice of the Peace.

Forms, etc.

9. Particulars to be collected under this Act, either at a census or at any other time, shall be obtained in such manner as may be prescribed, and it shall be the duty of the Statistician, subject to the directions of the Governor in Council, to prepare the schedules, forms or other documents required for the purpose.

Furnishing of information required in forms, etc.

10. Every person from whom particulars may lawfully be required pursuant to this Act or any regulation shall, to the best of his knowledge, when required to do so by the Statistician, fill up and supply, in accordance with the instructions contained in or accompanying or having reference to any schedule, form or other document, the particulars specified in that schedule, form or other document.

Leaving notice at home

11. The leaving by any person employed in the execution of a duty under this Act or under any regulation at any house or part of a house of any schedule, form or other document purporting to be issued under this Act or under any regulation and having thereon a notice requiring that it be filled up and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the family, shall, as against the occupant, be a sufficient requirement so to fill up and sign the schedule, form or other document, though the occupant is not named in the notice or personally served therewith.

Leaving notice at office, etc.

12. The leaving by any person employed in the execution of a duty under this Act or under any regulation at the office or other place of business of any person, partnership, firm, association or body corporate, or the delivery by registered letter to any person, partnership, firm, association or body corporate, or his or its agent, of any schedule, form or other document purporting to be issued under this Act or under any regulation and having therein a notice requiring that it be filled up and signed within a stated time, shall, as against the person, partnership, firm or association, the members thereof and each of them, or the body corporate, be a sufficient requirement so to fill up and sign the schedule, form or other document, and, if so required in the notice, to post the schedule, form or other document within a stated time to the Department.

Furnishing of information to the Statistician

13. Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician or by any person authorised in that behalf—

(a) by any regulation; or

(b) in writing by the Statistician;

where the information sought is required for the purposes of any statistics authorised by this Act to be collected.

Right of entry

14. Where the Governor in Council has approved under section 6 of the collection of statistics relating to any matter, the Statistician or any person authorised in that behalf—

(a) by any regulation; or

(b) in writing by the Statistician;

for the purpose of making any inquiries or observations necessary for obtaining such statistics, may at all reasonable times enter—

(c) where the matter in respect of which the Governor in Council has approved the taking of statistics is a census under section 5, any premises where persons are employed and any dwelling house; or

(d) where the matter in respect of which the Governor in Council has approved the taking of statistics is not a census under section 5, any premises where persons are employed except a dwelling house.

Access to public records

15. Where the Governor in Council has approved under section 6 of the collection of statistics relating to any matter, any person who has the custody or charge of any Government, parochial, municipal or other public records or documents, or any records or documents of any corporation or any person, partnership, firm or association, from which, in the opinion of the Statistician, information sought in respect of the matter in relation to which the Governor in Council has approved of the collection of statistics can be obtained, or which would and in the completion or correction of such statistics, shall grant to the Statistician or any person authorised in that behalf—

(a) by regulation; or

(b) in writing by the Statistician;

access thereto for the obtaining of such information therefrom.

Restriction on publication of returns

16. (1) No individual return, and no part of an individual return, made, and no answer to any question, put, for the purposes of this Act or of any regulation, shall be published but this prohibition shall not apply—

(a) in a case where the consent in writing of the person to whom, or of the owner for the time being of the property, business or undertaking to which, such return or answer relates has been previously obtained; or

(b) in a case of and for the purposes of a prosecution under this Act or under any regulation.

(2) No information derived from any Government, parochial, municipal or other public records or documents relating to any individual, firm, corporation, or association shall be published in such form as to enable any person to identify such information as relating to any individual, firm, corporation or association, except—

(a) in the case of information relating to an individual or a firm, with the consent in writing of such individual or of all the partners of such firm, as the case may be; and

(b) in the case of information relating to a corporation or an unincorporated association, after the passing by the directors or other governing body (by whatever name known) of such corporation or unincorporated association, or if there be no such governing body, by the members of such corporation or unincorporated association, of a resolution approving of the publication of such information;

but the above prohibition shall not apply in a case of and for the purposes of a prosecution under this Act or under any regulation.

(3) For the purpose of this section, the term "publish" includes to communicate in any manner whatever, orally or in writing, or to reveal to a Court of Law or to any other tribunal or to any person whatever, other than a person employed in the Department.

Major offences

17. (1) Any person, being a person employed for any of the purposes of this Act or of any regulation, 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 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 communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment; or

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

is guilty of an offence and is liable on conviction to imprisonment for a term of 3 years or to a fine of $20,000 or to both.

(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 is guilty of an offence and is liable on conviction to imprisonment for a term of 3 years or to a fine of $20,000 or to both.

Miscellaneous offences

18. Any person who—

(a) hinders or obstructs the Statistician or any person duly authorised in the execution of any power conferred under this Act or under any regulation;

(b) refuses or neglects to fill up and supply the particulars required 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 of any regulation;

(c) knowingly makes in any schedule, form or other document filled up or supplied pursuant to this Act or any regulation, or in any answer to any question asked him under the authority of this Act or any regulation, any statement which is untrue in any material particular; or

(d) without lawful authority, destroys, defaces, or mutilates any schedule, form or other document containing particulars collected under this Act or under any regulation, or who writes or makes on any schedule, form or other document issued for the purposes of this Act or of any regulation and furnished to the Statistician any indecent, obscene, blasphemous or insulting remarks, drawing or other matter;

is guilty of an offence against this Act.

General penalty

19. Any person guilty of an offence against this Act or any regulation made thereunder for which no special punishment is provided is liable on summary conviction to a fine of $3,000, and in default of payment to imprisonment for a period of 6 months, and in the case of a continuing offence to a further fine of $100 for each day on which the offence continues after conviction.

Regulations

20. The Governor in Council may make regulations generally for giving effect to the provisions of this Act, and without prejudice to such general power may make regulations—

(a) requiring particulars and information to be furnished at prescribed times by persons in prescribed areas for prescribed periods;

(b) requiring particulars and information to be furnished as to the addresses and occupations of persons;

(c) prescribing what schedules, returns and information are to be verified by oath or affirmation and the form of oath or affirmation to be taken;

(d) prescribing the rates of remuneration and allowances to be paid to persons employed under this Act or under any regulation;

(e) prescribing a tariff of fees to be paid to the Department for the collection of statistics to be supplied under this Act, and for any special information or report supplied, or special investigation carried out by the Department;

(f) prescribing, where provision is not otherwise made therefor, all things required to be prescribed by this Act.

Citation

21. This Act may be cited as the Statistics Act, Revised Statutes of Anguilla, Chapter S60.

SCHEDULE

(Section 8)

FORM OF OATH OR AFFIRMATION

I, ……..……..., solemnly swear/solemnly and sincerely affirm that I will faithfully and honestly fulfil my duties as …….....……
……..……...
in conformity with the requirements of the Statistics Act, and of all orders, regulations and instructions issued in pursuance thereof, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

SWORN/AFFIRMED before me
this …… day of ……..……
20 ……..

}

……...
Signed