

Bill No. 16 of 1964 (L.A.)

PUBLISHED 16TH MAY, 1964

LEGISLATURE,
Public Buildings,
Georgetown.
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The following Bill which will be introduced in the Legislative Assembly is published for general information.

E. V. VIAPREE,
Acting Clerk of the Legislature.

Bill No. 16 of 1964 (L.A.).

STATISTICS BILL, 1964.

Arrangement of Sections.

Section

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3. Functions of Statistical Department.
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5. Power to direct that a census be taken.
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FIRST SCHEDULE.

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A BILL

Intituled

An Ordinance to provide for the taking of censuses, the collection, compilation, analysis and publication of certain statistical information and for other matters relating thereto.

Enacted by the Legislature of British Guiana:—

A.D. 1964.

1. This Ordinance may be cited as the Statistics Ordinance, 1964. Short title.
2. In this Ordinance unless the context otherwise requires—
“local authority” means a local authority constituted under the local Government Ordinance; Interpretation.
“Minister” means the Minister for the time being charged with responsibility for statistics; Cap. 150.
“statistics” means information in connection with or incidental to any census or all or any of the matters specified in the first schedule to this Ordinance; First schedule.
“Statistician” means the Head of the Statistical Department of the Government of British Guiana;

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

Functions of
Statistical
Department.

3.(1) For the purposes of this Ordinance there shall be a Statistical Department the duties of which shall be—

- (a) to take any census;
- (b) to collect, compile, analyse, abstract and publish statistical information relating to the social, agricultural, mining, commercial, industrial and general activities and conditions of the inhabitants of British Guiana;
- (c) to collaborate with departments of the Government in the collection, compilation, analysis and publication of statistical records of administration; and
- (d) generally to organise a co-ordinated scheme of social and economic statistics relating to British Guiana.

(2) Nothing contained in paragraph (c) of subsection (1) of this section shall be deemed to authorise the Statistician to inspect the returns of the income of any person submitted to the Commissioners of Inland Revenue:

Provided that it shall be lawful for the Statistician or any person duly authorised by him to analyse summaries or abstracts of income tax returns prepared in such a manner by the Commissioners of Inland Revenue that the identity of any individual, company or undertaking is not revealed in any such summary or abstract, and to compile and publish data from such summaries or abstracts.

(3) It shall be the duty of the Statistician to make such arrangements and to do all such things as are necessary for the performance of his duties under this Ordinance.

Delegation
of functions.

4. The Statistician may, in writing, appoint any person as an authorised officer for the purposes of this Ordinance.

Power to
direct that a
census be
taken.

5. The Minister may, by order, direct that a census shall be taken for British Guiana or any part thereof, or any class of inhabitants thereof and any such order may prescribe—

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

Collection
and compila-
tion of statis-
tics.

6.(1) Subject to the provisions of this Ordinance, the Statistician may, and on the direction of the Minister the Statistician shall collect, whether in conjunction with any census or not, statistics relating to all or any of the matters set out in the first schedule to this Ordinance either in British Guiana generally or in any part thereof.

First schedule.

(2) The Statistician shall cause the statistics collected under this Ordinance to be compiled, tabulated and analysed and, subject to the provisions of this Ordinance, may cause such statistics or abstracts thereof to be published, with or without comments thereon in such a manner as he may determine.

Power to
obtain
information.

7.(1) It shall be lawful for the Statistician or any authorised officer to require any person—

- (a) to furnish, in such form and manner and within such time as may be specified by any notice in writing, such periodical or other information, estimates or returns, concerning such of the matters set out in the first schedule to this Ordinance as may be so specified; and
- (b) to supply him with particulars either by interviewing such person personally or by leaving at the last known address or by posting by registered post to the last

First schedule.

known address of such person a form having thereon a notice requiring such form to be completed and returned in the manner and within the time specified in the notice.

Any such notice under this subsection shall state that it is served in exercise of the powers conferred by this subsection.

(2) Any person having the custody or charge of any public records or documents, or of the records or documents of any local authority, corporation, person, partnership, firm, company, society, or association from which, in the opinion of the Statistician, information in respect of the matter in relation to which the collection of statistics is required can be obtained or which would aid in the completion or correction of such statistics, shall grant to the Statistician or any authorised officer, access to such records or documents for the purpose of obtaining therefrom such information.

(3) The Statistician may, by advertisement in the Official Gazette, and in at least two newspapers circulating in British Guiana publish a list of any classes or descriptions of businesses or callings in relation to which particulars or information will be required for the purpose of any statistical enquiry under this Ordinance and upon such publication it shall be the duty of every person carrying on a business or calling of any such class or description as aforesaid, who has not received a notice under subsection (1) of this section, to inform the Statistician or any person specified in the advertisement within such period, being not less than twenty-eight days after the date of publication of the advertisement, as may be specified therein, that he is carrying on such a business or calling as specified, and to give the Statistician such particulars or information of the business or calling as may be so specified.

(4) (a) Nothing in this Ordinance shall affect any law relating to the disclosure or non-disclosure of any secret or confidential information, evidence or document and any person required by the Statistician or by an authorised officer to supply any information, to give any evidence or to produce any document shall be entitled in respect of such information, evidence or document to plead the same privilege before the Statistician or such authorised officer as before a court of law. In particular nothing in this Ordinance shall be deemed to make it lawful for the Statistician or an authorised officer to require a banker to disclose particulars relating to the banking accounts of any individual or company or undertaking, or to require any person or concern providing professional services to disclose information concerning the business or personal affairs of individual clients of such a person.

(b) A person shall not be required to supply any information under this Ordinance which involves the disclosure of any technical process or trade secret in or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

8.(1) The Statistician, or any authorised officer may, for any purpose connected with the taking of a census, enter at all reasonable times any dwelling house or any premises where persons are employed or any premises where it appears to him likely that persons are employed; and may make such enquiries as may be necessary for the performance of his duties. Powers of entry.

(2) The Statistician shall produce proof of his appointment as Statistician and an authorised officer shall produce his written authorisation before exercising the powers conferred by subsection (1) of this section if required to do so by the owner, occupier or person in charge of such dwelling house or premises.

9. Except for the purposes of a prosecution under this Ordinance— Restriction on publication.

- (a) no individual return, or part thereof, made for the purposes of this Ordinance;
- (b) no answer given to any question put for the purposes of this Ordinance;

- (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, undertaking or business;

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Ordinance, unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking, or business, from the owner for the time being of the undertaking or business:

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 which is the only undertaking or business within its particular sphere of activities, so, however, that in no case shall such particulars enable identification of the costs of production, the capital employed, or profits arising in, any such undertaking or business.

Major offences.

10. Any person being a person employed in the execution of any duty under this Ordinance, 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 in accordance with the provisions of this Ordinance, 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;

shall be guilty of an offence and shall be liable on summary conviction thereof to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, who publishes or communicates such information to any person shall be guilty of an offence and shall be liable on summary conviction thereof to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

Miscellaneous offences.

11. Any person who—

- (a) hinders or obstructs the Statistician or any authorised officer in the exercise of any of his powers or the discharge of any of his duties under this Ordinance;
- (b) refuses or fails to supply the particulars required in any return, form or other document lawfully left with or sent to him, or who refuses or fails to answer any question or enquiry addressed to him under the authority of this Ordinance, or to supply the information required in accordance with subsection (3) of section 7 of this Ordinance;
- (c) knowingly makes in any return, form or other document completed or supplied pursuant to this Ordinance, in any answer to any question asked him under the authority of this Ordinance, 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 Ordinance, or writes or makes on any return, form or other documents issued for the purposes of this Ordinance and furnished to the Statistician or an authorised officer, any indecent, obscene, blasphemous or insulting remarks, drawing or other matter;

shall be guilty of an offence against this Ordinance.

12. Every person who is guilty of an offence under this Ordinance for which no special penalty is provided shall be liable on summary conviction thereof, to a fine not exceeding two hundred dollars for each such offence and in default of payment to imprisonment for a period not exceeding six months, and in the event of a continuing offence to a further fine not exceeding ten dollars for each day on which the offence is continued after conviction. Penalties.

13. The Minister may make regulations for the purpose of carrying out the provisions of this Ordinance and, in particular but without prejudice to the generality of the foregoing may make regulations prescribing— Regulations.

- (a) the particulars and information to be furnished on the taking of a census or concerning any matter in respect of which statistics may be collected under the provisions of this Ordinance;
- (b) the manner and form in which and the times and places at which, such particulars and information shall be furnished.

14.(1) Subject to the provisions of subsection (2) of this section every person employed in the execution of any duty under this Ordinance shall before entering on his duties make before the Statistician an oath or affirmation in the form set out in the second schedule to this Ordinance. Oath of Secrecy.
Second schedule.

(2) The Statistician shall before entering on his functions or duties under this Ordinance make before the Governor an oath or affirmation in the form set out in the second schedule to this Ordinance.

15. The Minister may, by order, amend or revoke the first schedule to this Ordinance or substitute a new schedule therefor. Power to revoke or amend first schedule.

16. The Census Ordinance is hereby repealed. Repeal.
Cap. 64.

FIRST SCHEDULE

Sections 2, 6 (1), 7 (1), 15

1. Population and housing.
2. Vital occurrences and morbidity.
3. Immigration and emigration.
4. Internal and external trade.
5. Primary and secondary production.
6. Agriculture, including dairying, horticulture, pastoral and allied industries.
7. Fishing.
8. Factories, mines and productive industries generally.
9. Employment, unemployment and underemployment.
10. Salaries, wages, bonuses, fees, allowances and any other payments and honoraria for services rendered.
11. Income, earnings, profits and interest.

12. Social, educational, labour and industrial matters including co-operative groups and societies, associations of employers, employees, and other persons generally.
13. Industrial disturbances and disputes.
14. Banking, insurance and finance generally.
15. Commercial and professional undertakings.
16. Distributive trades.
17. Health.
18. Transport and communication in all forms by land, water and air.
19. Wholesale and retail prices of commodities, rent and cost of living.
20. Injuries, accidents and compensation.
21. Stocks of manufactured or unmanufactured goods.
22. Sweepstakes, lotteries, charitable and other public collections of money.
23. Land tenure and the occupation and use of land.
24. Local Government.
25. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure.
26. Debts outstanding, fixed capital assets and plant (including the acquisition and disposal of those assets and plants).

SECOND SCHEDULE

Section 14.

OATH OF OFFICE

I.....

swear

_____ that I will faithfully
solemnly and sincerely declare and affirm

and honestly fulfil my duties as.....

in conformity with the requirements of the Statistics Ordinance, 1964, and of all laws made thereunder 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.

OBJECTS AND REASONS

This Bill seeks to provide for the taking of censuses and for the collection, compilation, analysis and publication of statistical information relating to the matters set out in the first schedule to this Bill.

2. Clauses 3, 4, 5 and 6 seek to provide for the establishment of a Statistical Department and to provide that the taking of censuses and the collection, compilation, analysis and publication of statistical information relating to the matters set out in the first schedule to this Bill shall be performed by the Statistical Department.

3. Most of the information which has hitherto been obtained by the Statistical Bureau for its various statistical work has been obtained on a voluntary basis. In many cases there has been no response or very late response to requests by the Bureau for information with the result that there have been gaps in the information secured and often a wide margin of error in the statistics produced. Clauses 7, 8, 11 and 12 there-

fore seek to make it obligatory for persons, upon request, to supply necessary information to the Statistical Department, to provide penalties for non-compliance and to authorise entry upon private premises in order to obtain information.

4. Clauses 9 and 10 of this Bill seek to provide for the confidential treatment of information obtained by the Statistical Department and penalties for breaches of confidence.

CHEDDI JAGAN,
Premier and Minister of Development
and Planning.

(M.P.S.B. 78/42/1).
(Bill 16/64 (L.A.)).