

Bill No. 10 of 1965

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The following Bills which will be introduced in the House of Assembly are published for general information.

E. V. VIAPREE,
Clerk of the Legislature.

Bill No. 10 of 1965.

STATISTICS BILL, 1965.

Arrangement of Sections.

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FIRST SCHEDULE

SECOND SCHEDULE

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. 1965.

1. This Ordinance may be cited as the Statistics Ordinance, Short title.
1965.
2. In this Ordinance unless the context otherwise requires — Interpretation.
 "local authority" means a local authority constituted under the Local Government Ordinance; Cap. 150.
 "Minister" means the Minister for the time being charged with responsibility for statistics;
 "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 compilation of statistics. First schedule. 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.

(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.

Use of sampling methods. 7. The Statistician may, if he considers it fit to do so, use sampling methods in the taking of any census in terms of section 5, or in the collection of statistics in terms of section 6, of this Ordinance.

Advisory Committees. 8. (1) The Minister may appoint one or more committees, including persons engaged in, or otherwise conversant with the conditions of, various trades and businesses, for the purpose of advising the Statistician with regard to the preparation of the forms and instructions

necessary for the collection, compilation, analysis, abstraction and publication of statistical information relating to the several activities specified in paragraph (b) of subsection (1) of section 3 of this Ordinance and to the conditions of the inhabitants of British Guiana, and of advising the Minister or the Statistician with regard to such other matters as may be referred to any such committee.

(2) There shall be paid to members of any such committee such travelling and other allowances as the Minister may determine.

9. (1) It shall be lawful for the Statistician or any authorised officer to require any person — Power to obtain information.

- (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 First schedule.
- (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 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 techni-

cal 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.

Powers of entry.

10. (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.

(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.

Restriction on publication.

11. Except for the purposes of a prosecution under this Ordinance —

- (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.

12. (1) 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.

13. Any person who —

Miscellaneous offences.

- (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 9 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 questions 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 document 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.

14. Every person who is guilty of an offence against this Ordinance or any regulations made thereunder for which no special penalty is provided shall be liable on summary conviction thereof, to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months for each such offence, 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.

15. 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.

16. (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.

17. 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.

Provided that an order made under this section shall be of no effect until approved by a resolution of the House of Assembly.

18. The Census Ordinance is hereby repealed.

Repeal. Cap. 64.

FIRST SCHEDULE

Sections 2, 6(1), 9(1), 17.

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 16.

OATH OF OFFICE

I
swear

..... that I will faithfully and solemnly and sincerely declare and affirm honestly fulfil my duties as in conformity with the requirements of the Statistics Ordinance, 1965, 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 in-

formation relating to the matters set out in the first schedule to this Bill shall be performed by the Statistical Department.

3. Clause 8 seeks to provide for the appointment by the Minister of committees to advise him and the Statistician on matters arising under the Ordinance.

4. 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 9, 10, 13 and 14 therefore 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.

5. Clauses 11 and 12 of this Bill seek to provide for the confidential treatment of information obtained by the Statistical Department and penalties for breaches of confidence.

J. HENRY THOMAS.
Minister of Economic Affairs.

(M.P. SB 78/42/1).
(Bill No. 10/1965).

formation of a sinking fund for the redemption of the certificates in accordance with the provisions of this Ordinance, and the first contribution to the sinking fund shall be made six months after the date of issue.

(2) The management of the sinking fund shall be entrusted to the Crown Agents for Oversea Governments and Administrations.

Exemption
from the
payment of
income tax.

8. The Minister may, by order, declare that in respect of any particular issue of certificates, no income tax shall be chargeable on any interest or premium paid under this Ordinance to the holders of certificates.

Negotiability
of certifi-
cates.

9. Certificates shall be capable of being transferred by delivery, or in such other manner as may be prescribed by regulations made under this Ordinance.

Certain Or-
dinances not
to apply to
certificates.
Cap. 287.
Cap. 290.

10. The provisions of the General Loan and Stock Ordinance and the General Local Loan Ordinance shall not apply in relation to certificates.

Regulations.

11. (1) The Minister may make regulations for the carrying out of the purposes of this Ordinance and regulations made under this section may contain provisions relating to a particular issue of certificates.

(2) Regulations made under this section may be expressed to come into operation on a date earlier than the date on which they are published in the Gazette.

OBJECTS AND REASONS

This Bill seeks to provide for the raising of money for the purposes of the Government by means of the issue of Treasury Savings Certificates.

P. S. D'AGUIAR,
Minister of Finance.

(M.P. G 553).
(Bill No. 11/1965).