

STATISTICS BILL 2004

Arrangement of Clauses

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SCHEDULE 1:

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TURKS AND CAICOS ISLANDS

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PROPOSAL

FOR

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BILL

for

AN ORDINANCE TO PROVIDE FOR, THE COLLECTION, COMPILATION ANALYSIS AND PUBLICATION OF OFFICIAL STATISTICS AND TO MAKE PROVISION WITH RESPECT TO MATTERS CONNECTED THERETO.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title

1. This Ordinance may be cited as the Statistics Ordinance 2004.

Interpretation

2. In this Ordinance –

“Chief Statistician” means any person holding or acting in the public office of the Chief Statistician;

“statistics” means information in connection with or incidental to any general purpose of all or any Census, Survey or any of the matters specified in Schedule 1

Statistical Office

3. On the coming into operation of this Ordinance, the Statistical Officer\Section of the Department of Economics, Planning and Statistics shall continue to function, subject to the provisions of this Ordinance and the direction of the Minister, under the general control of the Chief Statistician.

Duties of Chief Statistician

4. It shall be the duty of the Chief Statistician –

(a) in accordance with the provisions of this Ordinance, to collect, compile, collate, analyse, abstract and publish statistical information relating to the commercial, industrial, social, financial, economic and general activities and conditions of the people of the Islands;

(b) to take any census of population and housing in the Islands;

(c) to collaborate with Ministries, other Government Departments, public and private authorities in the

collection, compilation, collation and publication of statistical information, including statistics derived from the activities of those Ministries, departments, public or private authorities;

- (d) to advise the Government on all matters of policy relating to statistics;
- (e) to conduct general purpose surveys in the Islands; and
- (f) generally to organise a co-ordinated scheme of economic and social statistics relating to the Islands.

5. The Governor may by order direct that a census shall be taken of the whole or any part of the Turks and Caicos Islands, or any class of inhabitants and the order shall specify –

Taking of
Census

- (a) the date on or between which the census is to be taken;
- (b) the person by whom and with respect to whom the returns for the purpose of such census are to be made; and
- (c) the matters in respect of which information is to be obtained in the census.

6. (1) Subject to the provisions of this Ordinance the Chief Statistician shall, in accordance with a direction given by the Minister, from time to time, collect statistics either in general, or in any part of the Islands.

Collection and
publication

(2) The Chief Statistician shall cause the statistics and other particulars, if any, collected pursuant to this Ordinance to be compiled, tabulated and analysed and, subject to the provisions of the Ordinance shall cause such statistics or abstracts thereof, or extracts therefrom to be published with or without comments thereon, in such manner as the Minister may either generally or specially direct.

7. (1) It shall be lawful for the Chief Statistician, in respect of any one or more of the matters specified in the First Schedule, to require any person –

Power to obtain
information
Schedule 1

- (a) by notice in writing addressed to that person to furnish in the form and manner and within the time specified, such information, estimates or returns, as may be so specified; and
- (b) to supply the Chief Statistician with particulars –
 - (i) at a personal interview with, or with a person authorised by, the Chief Statistician; or
 - (ii) by leaving at, or by posting to, the last known address of such person, a form having thereon a notice requiring the form to be completed and

return in the manner and within the time specified in the notice.

(2) A notice referred to in subsection (1) shall state –

- (a) that it is in exercise of the powers conferred upon the Chief Statistician by that subsection; and
- (c) generally the purpose for which the information, estimates, returns or particulars are required.

(3) Notwithstanding any provision of law to the contrary, any person having the custody or charge of any public records or documents or any records or documents that are maintained in any Ministry, Government Department, public authority, corporation, business, organisation or other location –

- (a) from which information sought in furtherance of the purposes of this Ordinance may, in the opinion of the Chief Statistician, be obtained; or
- (b) which, in the opinion of the Chief Statistician, will aid in the completion or correction of information already obtained,

shall grant the Chief Statistician access to such records or documents for the purpose of obtaining therefrom the required information and shall furnish the Chief Statistician with copies of any such records or documents if so required.

(4) Where any particulars in whatever form, are, by any notice purporting to be issued by the Chief Statistician, required to be supplied by any person, it shall be presumed until the contrary is proved –

Notice

8. (1) Except as otherwise provided, a notice required or authorised by or under this Ordinance to be served on any person may be served either –

- (a) by delivering it to that person;
- (b) by leaving it at his proper address;
- (c) by sending it by registered post to his proper address;
- (d) by publishing it in the official Gazette;
- (e) Telefax;
- (f) Internet/e-mail/directing to official website;
or
- (g) Return stamped envelope

(2) Any such notice requires or authorised to be served upon an incorporated company or body shall be duly served if it is served on the secretary or clerk of the company or body.

(3) for the purposes of this section, the proper address of any person on whom a notice is to be served shall, in the case of the secretary or clerk of an incorporates company or body, be that

of the registered or principal office of the company or body; and in any other case shall be the last known address of the person to be served.

(4) Where the name of a person carrying on an undertaking at any premises is not known, then if any such notice is sent by post/fax/e-mail in a letter addressed as to show the name in which and the premises at which the undertaking is carried on, the letter shall be deemed to be properly addressed.

Oath of secrecy
Schedule II

9. Any person employed in the exercise of any power or the performance of any duty under this Ordinance or involving the collection of information from any other person shall before entering upon his functions, make and subscribe before a Magistrate or a Justice of the Peace, the oath set out in the Second Schedule.

10. The Chief Statistician or any person acting on his behalf may, after giving such notice as may be prescribed, upon the production of his authorisation, for any purpose connected with any of the matters listed in the First Schedule, enter at such time as may be prescribed, any dwelling house or any premises where persons are employed or any premises where it appears to him likely that person are employed and in either such case may make such enquiries as may be necessary for the performance of his duties.

Power of entry

11. A person who without lawful authority destroys, defaces or any form, any schedule or other documents, containing particulars obtained in pursuance of the provisions of this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000

Penalty for
destruction etc of
documents

12. (1) 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,

(2) Nothing in this section shall prevent or restrict the publication of any such report, abstract or other document, which would 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.

Offences and penalties

13. (1) Any person being a person employed in the execution of any duty under this Ordinance, who comes into possession of any information by virtue of such employment and who –

- (a) without lawful authority publishes or communicates it to any person otherwise than in the ordinary course of such employment;
- (b) knowingly falsifies or misrepresents it; or
- (c) attempts to use it for his own pecuniary advantage,

is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 .

(2) Any person, being in provision of any statistics which to his knowledge have been obtained or disclosed in contravention of this Ordinance , who publishes or communicates them to any person not the Chief Statistician or someone acting on his behalf to receive or obtain such information, is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 .

(3) Any person –

- (a) hinders or obstructs the Chief Statistician or any person authorised by him in the execution of any power conferred under this Ordinance;
- (b) refuses or neglects to fill up or otherwise supply particulars of information in any schedule or form prescribed under the authority of this Ordinance;
- (c) knowingly makes a statement, when answering any question asked him under the authority of this Ordinance which is untrue in any material particular;
- (d) without lawful authority destroys, defaces or otherwise mutilates any documents containing particulars collected under this Ordinance;
- (e) contravenes any other provisions of this Ordinance is guilty of an offence is liable on summary conviction to a fine not exceeding \$5,000 and to imprisonment for six months; or
- (f) continuing offence – each day or each notice

Power to amend Schedule

14. The Governor may from time to time to by Order published in the Gazette add to, delete from or otherwise amend the First Schedule or substitute a new Schedule therefore.

15.The Governor may make regulations for the purpose of carrying out this Ordinance and in particular, may make regulations prescribing – Regulations

- (a) the particular and information to be furnished in taking of a census or carrying out any matter in respect of which statistics may be collected under this Ordinance;
 - (b) the manner and form in which, and the time and places or which such particulars and information shall be furnished; and
 - (c) the time at which entry may be affected on premises.
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SCHEDULE 1

(Section 2, 15)

1. Population
2. Housing
3. Health (public and private) and social welfare of the community
4. Labour and employment
5. Immigration and emigration
6. Prices and cost of living
7. Finance, insurance and international business
Lotteries, charities
8. Real estate, rents and vacancies
9. Education, public and private
10. Law enforcement and the administration of justice and corrections
11. Agriculture
12. Fishing activity and fishing industry
13. Births, deaths, marriages and divorces
14. Salaries, wages, fees and other payment for services rendered
15. Construction activity
16. Wholesale and Retail activity
17. Trade (imports and exports, and other related data)
18. Traffic, transportation, storage
19. Tourism, hotels, restaurants, Visitors by air and sea and length of stay, and related data
20. Land tenure and the occupation and use of land
21. Information Communication Technology
Business Activity
Environment, energy
Public administration and social security
Community, social and personal services
Natural Disasters
Mining and quarrying
Manufacturing
Utilities (electricity, gas, water)

SCHEDULE 2

(Section 7)

I, _____ solemnly swear* (solemnly sincerely and truthfully affirm) that I will faithfully and honestly fulfil my functions as in conformity with the requirements of the Statistics Ordinance 2004 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 reasons of my employment as such.

Signed.....

Date

PASSED by the Legislative Council this _____ day of _____, 2004.

Ruth Blackman
Clerk to Legislative Council

Glennevans Clarke
Speaker

* Delete as appropriate

EXPLANATORY MEMORANDUM

This Bill seeks to provide the collection, compilation, analysis and publication of statistics and to make provision with respect to matters connected thereto.

Clauses 1 and 2 deal with preliminary provisions.

Clause 1 provides the short title. Clause 2 is the interpretation clause.

Clause 3 continues the operation of the statistical office of the Department of Economic Planning and Statistics.

Clause 4 provides that the duties of the Chief Statistician are –

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

Clause 6 provides for the Chief Statistician to collect and publish statistics.

Clause 7 requires then any person employed for the exercise of any power or performance of any duty under the Ordinance to take an oath of secrecy.

Clause 8 enables the Chief Statistician to require any person to furnish such information, estimates or returns as may be specified.

Clause 9 deals with notice to person from whom the Chief Statistician requires any information.

Clause 10 enables the Chief Statistician or any person acting on his behalf to enter at such time as may be prescribed any dwelling home or any premises where persons are employed.

Clause 11 is a penalty provision.

Clause 12 places a restriction on the publication of information except in certain cases.

Clause 14 empower the Governor to amend the First Schedule or substitute a new Schedule therefore.

Clause 15 enables the Governor to make regulations