
CHAPTER 33**STATISTICS****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Department of Statistics.
4. Duties of Director.
5. Delegation of functions.
6. Taking census.
7. Collection and publication of statistics.
8. Power to obtain information.
9. Failure to furnish information, etc.
10. Power of entry and penalty for obstruction.
11. Information for Director.
12. Protection from disclosure of information.
13. Restriction on publication.
14. Prohibition of disclosure of information.
15. Oath of secrecy.
16. Penalty for destruction, etc., of documents.
17. Power to amend First Schedule.
18. Regulations.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 33

STATISTICS

An Act to provide for the taking of censuses and the collection, compilation, analysis and publication of statistical information and for related purposes. *22 of 1973*
5 of 1987

[Assent 2nd July, 1973]

[Commencement 3rd August, 1973]

1. This Act may be cited as the Statistics Act. Short title.
2. (1) In this Act, unless the context otherwise requires — Interpretation.
 - “Department” means the Department of Statistics;
 - “Director” means any person holding or acting in the public office of Director of Statistics;
 - “functions” includes powers and duties;
 - “Government” means the Government of The Bahamas;
 - “Minister” means the Minister responsible for Statistics;
 - “statistics” means information in connection with or incidental to any census or general purpose survey or all of any of the matters specified in the First Schedule; and “statistical” shall have a corresponding meaning. First Schedule.
- (2) Unless the contrary intention appears, references in this Act to a section are references to a section of this Act and references in a section to a subsection are references to a subsection of that section.
3. On the coming into operation of this Act, the Department of Statistics shall continue to function, subject to the provisions of this Act and the directions of the Minister, under the general control and superintendence of the Director. Department of Statistics.

Duties of
Director.

4. (1) It shall be the duty of the Director —
- (a) to take any census of population in The Bahamas;
 - (b) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, agricultural, mining, social, financial, economic and general activities and conditions of The Bahamas;
 - (c) to collaborate with other Government departments, commissions, bodies incorporated directly by Parliament and other organizations, in the collection, compilation, analysis and publication of statistical records of or connected with those departments, commissions, bodies and organizations;
 - (d) to advise the Government on all matters of policy relating to statistics;
 - (e) to conduct general purpose surveys in The Bahamas; and
 - (f) generally to organize a co-ordinated scheme of economic and social statistics relating to The Bahamas.

(2) Subject to the approval of the Governor-General, the Director may for the purpose of the performance of any of his functions under this Act, employ such persons in addition to the staff of the Department as the Director may deem necessary for the particular purpose.

Delegation of
functions.

5. The Director may, by writing under his hand delegate to one or more public officers in his Department any of his functions under this Act and any such delegation —
- (a) may be made subject to such terms and conditions as the Director thinks fit;
 - (b) while in force shall not prevent the discharge by the Director of the function thereby delegated; and
 - (c) may at any time be revoked by the Director.

6. The Governor-General may by order direct that a census of population shall be taken for The Bahamas, or any part thereof, or any class of inhabitants thereof, and any such order may specify —

Taking census.

- (a) the dates on or between which the 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 matters in respect of which information is to be obtained in the census.

7. (1) Subject to the provisions of this Act, the Director shall collect from time to time, whether in conjunction with any census or not, statistics either in The Bahamas generally or in any part thereof.

Collection and publication of statistics.

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

8. (1) It shall be lawful for the Director to require any person —

Power to obtain information.

- (a) to furnish in the form and manner and within the time specified by any notice in writing, such periodical or other information, estimates or returns, concerning any of the matters set out in the First Schedule as may be so specified; and
- (b) to supply him with particulars either at a personal interview with the Director or with a person authorized by the Director, or by leaving at the last known address, or by posting by registered letter to the last known address, of such person, a form having thereon a notice requiring the form to be completed and returned in the manner and within the time specified in the notice:

First Schedule.

Provided that the Director shall, before requiring any bank or trust company to furnish any information, estimates or returns or to supply any particulars, consult with the Central Bank of The Bahamas Authority established under the Central Bank of the Bahamas Act.

5 of 1987, Sch. Ch. 351.

(2) Any notice under section (1) shall state that it is served in exercise of the powers conferred by the said subsection (1) and generally the purpose for which the information, estimates, returns or particulars are required.

(3) Any persons having the custody or charge of any public records or documents or any records or documents from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director, be obtained, or which would aid in the completion or correction of information already obtained, shall grant to the Director access to such records or documents for the purpose of obtaining therefrom the required information and shall furnish the Director with copies of any such records or documents if so required.

(4) Where any particulars are, by any notice purporting to be issued by the Director required to be supplied by any person, it shall be presumed until the contrary is proved —

- (a) that the particulars may lawfully be required from that person in accordance with the provisions of this Act; and
- (b) that the notice has been issued by the Director.

Failure to furnish information, etc.

9. (1) Any person required to furnish information, estimates or returns or to supply particulars under this Act who fails so to do, shall be guilty of an offence and shall, unless he proves that he had reasonable excuse for the failure, be liable —

- (a) in the case of a first offence, to a fine not exceeding one hundred dollars or to a term of imprisonment not exceeding three months or to both such fine and imprisonment; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding two hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

(2) If the failure in respect of which a person is convicted under subsection (1) is continued after the conviction, he shall be guilty of a further offence and may on summary conviction thereof be punished accordingly.

(3) If any person in purported compliance with a requirement to furnish information, estimates or returns or to supply particulars as aforesaid, knowingly or recklessly makes any statement relating to the information, estimates, returns or particulars which is false in any material particular, that person shall be guilty of an offence and be liable on summary conviction to a fine not exceeding two hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

10. (1) The Director, or any person authorized by him in writing, may upon production, if required, of his authorization, for any purpose —

Power of entry and penalty for obstruction.

- (a) connected with the taking of a census visit and with the consent of the occupier, enter any dwelling house between the hours of 7 a.m. and 10 p.m. on any day;
- (b) connected with the taking of a general purpose survey or the collection of labour statistics, visit and with the consent of the occupier enter, between the hours of 7 a.m. and 6 p.m. on any day, any premises where persons are employed:

Provided that the authority to visit or with such consent to enter premises for any purpose connected with the collection of labour statistics may be exercised only if no returns or inadequate returns have been furnished to the Director in respect of those premises or if the Director is in doubt whether or not any persons are in fact employed in those premises,

and in either such case may make such enquiries as may be deemed necessary for the performance of his functions.

(2) For the purpose of paragraph (b) of subsection (1), the expression “labour statistics” means statistics relating to the matters specified in items 10, 11, 16 and 21 of the First Schedule.

First Schedule.

(3) Any person who hinders or obstructs the Director or any person duly authorized by him in the exercise of any powers conferred by this section, shall be guilty of an offence and be liable on summary conviction to a fine not exceeding two hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Information for
Director.

11. (1) If the Director publishes by notice in the *Gazette* and in a newspaper printed and circulating in The Bahamas once a week for two weeks, a list of any classes or descriptions of undertakings in relation to which returns will be required for any of the purposes of this Act, any person carrying on an undertaking of the class or description as aforesaid, who has not received a notice under subsection (1) of section 8 shall inform the person specified in the notice and calling for the return, within the period of time specified in the notice, that he is carrying on such an undertaking and shall give to that person such particulars of the undertaking as may be specified in the notice.

(2) Any person who fails to give any information or particulars as required by subsection (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one hundred dollars or to a term of imprisonment not exceeding three months or to both such fine and imprisonment:

Provided that it shall be a defence for any person charged under this subsection to prove that he did not know and had reasonable cause for not knowing that he was required so to give that information or those particulars.

(3) Any person who knowingly or recklessly makes any statement in any information or particulars given under subsection (1) which is false in a material particular shall be guilty of an offence and be liable on summary conviction to a fine not exceeding two hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Protection from
disclosure of
information.

12. (1) Nothing in this Act contained shall affect or be deemed to affect any enactment relating to the disclosure or non-disclosure of any official, secret or confidential information, evidence or document, and any person required by the Director, or by a person duly authorized by him, 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 Director, or such authorized person, as before a court of law.

(2) A person shall not be required to supply any information under this Act 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.

13. Except for the purpose of a prosecution under this Act — Restriction on publication.

- (a) no individual return or part thereof, made for the purposes of this Act;
- (b) no answer given to any question put for the purposes of this Act;
- (c) no report, abstract or other document containing particulars comprised in any such return or answer so arranged as to identify such particulars with any person or undertaking,

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

Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract or other document as aforesaid merely by reason of the fact that the particulars in the report, abstract or document in question relate to an undertaking which is the only undertaking within its particular sphere of activities, if the report, abstract or document is so arranged as to disclose, in respect of such undertaking only the following information, that is to say —

- (a) the quantity and the value of any description of goods manufactured, produced or exported or sold;
- (b) the number of and the economic and social characteristics of employees employed;
- (c) the amount and extent of any investment; and
- (d) any other information which has been furnished or supplied under this Act, to the publication of which no objection has been made in writing by the person furnishing or supplying the information prior to the publication of the report, abstract or document.

Prohibition of disclosure of information.

- 14.** Any person who —
- (a) being a person employed for any of the purposes of this Act, without lawful authority publishes or in any manner communicates to any other person, otherwise than in the ordinary course of such employment, any information acquired by him in the course of such employment;
 - (b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, makes use of or publishes or in any manner communicates that information to any other person, shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Oath of secrecy.

- 15.** Any person employed in the exercise of any power or the performance of any duty under this Act involving the collection of information from any other person shall, before entering upon his functions, make and subscribe before a stipendiary and circuit magistrate or before a person duly authorized to take an oath, the oath set out in the Second Schedule.

Second Schedule.

Penalty for destruction, etc., of documents.

- 16.** Any person who without lawful authority destroys, defaces or mutilates any schedule, form or other document containing particulars obtained in pursuance of the provisions of this Act, shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Power to amend First Schedule.

- 17.** The Governor-General may by order from time to time amend the First Schedule.

Regulations.

- 18.** The Governor-General may make regulations prescribing —
- (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 Act;

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- (b) the manner and form in which, the times and places at which, and the persons by whom such particulars and information shall be furnished; and
 - (c) the fees and charges to be paid to the Director for any special information or report supplied, or any special investigation carried out, by the Director.

FIRST SCHEDULE (Sections 2, 8, 10)

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, livestock, horticulture, and allied industries
7. Forestry
8. Fisheries
9. Factories, mines and productive industries generally
10. Employment and unemployment
11. Salaries, wages, bonuses, fees, allowances and any other payment and honoraria for services rendered
12. Income, earnings, profit and interest
13. Output, stocks, sales and deliveries and details relating to services provided
14. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure
15. Receipts outstanding, fixed capital assets and plant (including the acquisition and disposal of those assets and plant)
16. Social, educational, labour and industrial matters, including associations of employers, employees, and other persons generally
17. Industrial disturbances and disputes
18. Banking, insurance and finance generally
19. Commercial and professional undertakings
20. Distributive trades

- 21. Health
- 22. Transport and communication in all forms by land, water or air
- 23. Wholesale and retail prices of commodities, rents and cost of living
- 24. Injuries, accidents and compensation
- 25. Land tenure, and the occupation and use of land

SECOND SCHEDULE (Section 15)

I, solemnly swear¹ (solemnly sincerely and truthfully affirm) that I will faithfully and honestly fulfil my functions as in conformity with the requirements of the Statistics Act, 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

¹ Delete as appropriate.