

No. 2 of 2005

VIRGIN ISLANDS
STATISTICS ACT, 2005
ARRANGEMENT OF SECTIONS

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I Assent

THOMAS MACAN
Governor

23rd March, 2005

VIRGIN ISLANDS

No. 2 of 2005

An Act to provide for the taking of censuses, for the collection, compilation, analysis and publication of certain statistical information and for matters connected therewith.

[Gazetted _____, 2005]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and
commencement.

1. This Act may be cited as the Statistics Act, 2005 and shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires,

“Director” means the Director of Development Planning;

“Minister” means the Minister to whom responsibility for development planning is assigned;

“person”, where it is used in relation to a person furnishing or required to furnish particulars or information under this Act,

- (a) includes all or any of the individuals comprising a firm or the person having the control or management of a partnership business; and
- (b) 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 the head of the association or body or society of persons;

“statistics” means information in connection with or incidental to any census or all or any of the matters specified in Schedule 1; and	Schedule 1
“Unit” means the Development Planning Unit referred to in section 4.	
3. For the purposes of this Act, the duties of the Director shall be	Functions of Development Planning Unit.
(a) to take any census in the Territory;	
(b) to collect, compile, analyse, abstract and publish statistical information relating to the social, agricultural, commercial, industrial and general activities and conditions of the people of the Territory;	
(c) to collaborate with departments of Government and other authorities in the collection, compilation, analysis and publication of statistical records; and	
(d) generally to organise a co-ordinated scheme of social and economic statistics relating to the Territory.	
4. The Development Planning Unit shall consist of the Director and such other staff as may be appointed for the purpose by the Governor in accordance with the provisions of the Virgin Islands (Constitution) Order, 1976 and the Public Service Commission Regulations.	Appointment of staff. U.K.S.I. 1976 No. 2145 S.R.O. 29 of 1969
5.(1) The Director, the staff of the Unit and other persons connected with or engaged by the Unit shall subscribe to the Oath of Confidentiality set out in Schedule 2.	Oath of confidentiality. Schedule 2
(2) The Oath of Confidentiality referred to in subsection (1) shall be taken before a Magistrate, Additional Magistrate, Registrar of the High Court or a Justice of the Peace.	
(3) The Director shall keep a record of all Oaths of Confidentiality taken pursuant to this section.	

Delegation of functions.

6.(1) The Director may, by Notification in the *Gazette* and in at least one newspaper published and circulated in the Territory, delegate to a specified official or organisation any of the functions mentioned in section 3 in so far as these pertain to a specified area of work or a duly defined special statistical operation.

(2) When a Notification as referred to in subsection (1) has been made, the specified official or the head of the specified organisation shall, in respect of the delegated functions, have all the enabling powers vested in the Director by virtue of this Act.

Standardisation and coordination of statistics.

7. The Director shall, from time to time, take appropriate measures

- (a) to arrange, through a system of committees and technical panels, mutual consultation between users and producers of statistics in the Territory and in the light of these consultations
 - (i) set up statistical goals and standards for different fields of activity; and
 - (ii) draw up operating instructions for the implementation of various statistical programmes;
- (b) to develop the coordinative role of the Unit as the focal point for the avoidance of inter-agency statistical duplication and overlapping in statistical activities;
- (c) to organise suitable training facilities for various levels of statistical staff;
- (d) to develop appropriate questionnaires and other forms of survey, subject to the approval of the Minister, for the purposes of collecting information pursuant to this Act; and
- (e) to advise the Governor regarding qualifications and conditions of service in relation to statistical staff and their postings and transfers.

Population census.

8.(1) The Minister may, by Order published in the *Gazette*, direct that a census of population shall be taken for the Territory or any part thereof or any class of inhabitants thereof and any such Order shall prescribe

- (a) the date on which or the dates between which such census is to be taken; and

(b) the information to be obtained in such census.

(2) Where the Minister issues an Order under subsection (1), the Director shall notify the public on the terms of the Order in at least one newspaper published and circulated in the Territory.

9. The Director may, by notice in the *Gazette* and in at least one newspaper published and circulated in the Territory, order that a census or survey in respect of any matter, other than population, included in Schedule 1 shall be taken for the Territory or any part thereof or any class of inhabitants and the notice shall prescribe

Census and surveys other than population census.
Schedule 1

- (a) the date on which or the dates between which such census or survey is to be taken;
- (b) the information to be obtained in such census or survey; and
- (c) the procedures to be followed for the execution of the proposed census or survey.

10.(1) Upon the making of an Order under section 8, the Director shall take all necessary steps, subject to the provisions of this Act and regulations made thereunder, to carry out such a census or survey.

Collection of statistics.

(2) After the publication of a notice under section 9, the Director shall, subject to the provisions of this Act and regulations made thereunder, take all necessary steps to collect the requisite data according to the prescribed procedures.

11. The Director shall cause the statistics collected under this Act to be compiled, tabulated and analysed and, subject to the provisions of this Act and any regulations made thereunder, may cause such statistics or abstracts thereof to be published in suitable form.

Compilation and publication of statistics.

12.(1) The Director or any person acting on his behalf may require, by notice in writing, any person or class of persons to furnish in such form or manner and within such time as may be specified in the notice any information, estimates, or returns concerning such of the matters set out in Schedule 1 as may be so specified and may, when deemed appropriate, obtain the required information by personal interview.

Power to obtain information.
Schedule 1

Schedule 1

(2) Any person having the custody or charge of any public record or document or the records or documents of any corporation, partnership, firm, company, society or association which, in the opinion of the Director, can be used as a source of statistical information in respect of any of the matters listed in Schedule 1 shall, notwithstanding any provisions of any other law, allow the Director or any other person acting in his behalf access to such records or documents for the purpose of obtaining the requisite statistics.

(3) The Director may, by Notification in the *Gazette* and in such newspapers as may appear to him sufficient for notifying the persons concerned, publish a list of any classes or descriptions of businesses or callings in relation to which information is required for the purpose of a statistical inquiry under this Act.

(4) Upon the publication referred to in subsection (3), it shall be the duty of every person carrying on any of the specified classes or descriptions of businesses or callings who has not received notice under subsection (1)

- (a) to inform the Director or any person specified in the notice that he is carrying on such a business or calling as specified, and
- (b) to provide the Director or any person specified in the notice, with the specified information in respect of his business or calling as may be relevant for the purpose of the statistical inquiry as aforesaid,

within such period being not less than twenty-eight days after the publication of the notice as may be specified therein.

Powers of entry.

Schedule 1

13. The Director or any person acting on his behalf may, after giving reasonable notice in writing of at least seven days upon production of his authorisation to collect information in connection with any of the matters listed in Schedule 1, enter any dwelling or business premises and may make such enquiries as may be necessary or expedient for the performance of his duties.

Security of information.

14.(1) Information collected through inquiries conducted under this Act shall not be published in a manner which enables the identification of the cost of production, capital employed and profits arising in any particular undertaking or business or which discloses the affairs of an individual household or person.

(2) Except for the purposes of proceedings for an offence under this Act,

- (a) no individual return or part thereof, made for the purposes of this Act,

- (b) no answer to any question put for the purposes of this Act, and
- (c) no report, abstract, working sheets or other documents containing particulars of statistical information so arranged as to enable identification 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 Act unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer.

15.(1) A person employed in the execution of any duty under this Act who comes into possession of any information by virtue of such employment and who

Offences and penalties.

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

commits an offence and is liable on summary conviction to a fine not exceeding six thousand dollars and to imprisonment for a term not exceeding six months.

(2) Any person, being in possession of any statistics which to his knowledge have been obtained or disclosed in contravention of this Act, who publishes or communicates them to any person not authorised by the Director or someone acting on his behalf to receive or obtain such information, commits an offence and shall be liable on summary conviction to a fine not exceeding six thousand dollars and to imprisonment for a term not exceeding six months.

(3) Any person who

- (a) hinders or obstructs the Director or any person acting under his authority in the execution of any power conferred under this Act,
- (b) refuses or neglects to fill up or otherwise supply particulars of information in any schedule or form prescribed under the authority of this Act or fails to comply with the requirements laid down in section 12(4),

- (c) knowingly makes a statement, when answering any question asked of him under the authority of this Act, which is untrue in any material particular;
- (d) without lawful authority destroys, defaces or otherwise mutilates any documents containing particulars collected under this Act, or
- (e) contravenes any other provision of this Act,

commits an offence and shall, on summary conviction, be liable to a fine not exceeding three thousand dollars and to imprisonment for a term not exceeding three months.

Regulations.

16.(1) The Minister may make regulations for the purposes of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) the manner in which information required under this Act shall be collected and arranged either in co-operation with, or independently of, any department of the Government or other institution or organisation;
- (b) the forms to be used for the purposes of this Act and the nature of particulars to be furnished therein;
- (c) the manner in which notices and other communications issued under this Act shall be served;
- (d) the exemption of any person or class of persons from the obligation to furnish information under this Act, whether wholly or to a limited extent, either unconditionally or subject to conditions;
- (e) the written declaration to be made by persons with respect to the performance of their duties under this Act and prescribing the form of such declaration; and
- (f) the allowances to be paid to persons employed in connection with the taking of any census or statistics.

Repeal of
Cap. 210.

17. The Census Ordinance is repealed.

SCHEDULE 1

[Sections 8, 11 (1), 11 (2) and 12]

1. Housing
2. Marriages, births, deaths and morbidity
3. Immigration and emigration
4. Manpower and labour force
5. Employment, unemployment and under-employment
6. Agriculture
7. Livestock
8. Forestry
9. Fishing
10. Mining and quarrying
11. Manufacturing
12. Construction
13. Electricity, gas and water
14. Restaurants, hotels and tourism and other related establishments
15. Tourism
16. Transport and connected services
17. Communications
18. Banking, insurance and related services
19. Public finance
20. Health services
21. Educational services and vocational training
22. Recreational and cultural services
23. Real estate
24. Business and professional services
25. Community and social services
26. Personal and domestic services
27. Wages and prices
28. Family incomes and expenditures
29. Savings and investments
30. Profits, dividends and rents
31. International balance of payments
32. National-income accounts
33. Industrial relations and disputes
34. Industrial injuries, occupational diseases and compensation
35. Hours of work
36. Social security and insurance
37. Any other matter that may be specified by the Minister by Notification in the *Gazette* and in at least one newspaper published and circulated in the Territory

SCHEDULE 2

[Section 5]

OATH OF CONFIDENTIALITY

I, _____, being the Director of / an officer of / an employee of / a person connected with or engaged by* the Development Planning Unit solemnly swear / affirm* that I shall keep confidential all information which comes to my knowledge in my capacity as the Director of / an officer of / an employee of / a person connected with or engaged by* the Development Planning Unit and I shall not divulge such information except as authorised by and in accordance with law.

So help me God! (omit if affirming)

Sworn / Affirmed before me, a Magistrate / Additional Magistrate / Registrar of the High Court / Justice of the Peace* this _____ day of _____, _____.

(Name of person swearing / affirming)

(Magistrate / Additional Magistrate/
Registrar of the High Court/
Justice of the Peace)*

* Delete as appropriate

Passed by the Legislative Council this 8th day of March, 2005.

V. INEZ ARCHIBALD,
Speaker.

ALVA MC CALL,
Ag. Clerk of the Legislative Council.