

I Assent,

W. H. Thompson,  
Governor.  
3<sup>rd</sup> May, 1973

MONTSERRAT

No. 2 of 1973

AN ORDINANCE TO PROVIDE FOR THE TAKING OF CENSUSES AND FOR THE COLLECTION, COMPILATION, ANALYSIS AND PUBLICATION OF CERTAIN STATISTICAL INFORMATION AND FOR OTHER MATTERS RELATING THERETO.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat and by the authority of the same as follows:-

1.	<b>This Ordinance may be cited as the Statistics Ordinance, 1973</b>	Short Title
2.	<p>In this Ordinance unless the context otherwise requires –</p> <p>“person” where it is used in relation to a person furnishing or required to furnish particulars or information under this Ordinance includes all or any of the individuals constituting a firm or the person having the control or management of a partnership business, and, 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 head (by whatever name called) of the association or body of persons or society;</p> <p>“Statistical Officer” means the Government Officer appointed by the Governor to be in charge of the Statistics Office in the Colony;</p> <p>“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;</p> <p>“Statistics Office” means that office in the Government of the Colony dealing with statistics generally and having the functions set out in section 3 of this Ordinance.</p> <p>“Undertaking” means any undertaking by way of trade or business whether or not the trade of business is carried on for a profit.</p>	Interpretation
3.	<p>For the purpose of this Ordinance there shall be a Statistics Office the duties of which shall be –</p> <p>(a) to take any census in the Colony</p> <p>(b) to collect, compile, analyse, extract and publish statistical information relating to the social, agricultural, mining, commercial, industrial, economic and general activities and conditions of the inhabitants of the Colony.</p> <p>(a) to collaborate with the departments of Government in the collection, compilation, analysis and publication of Statistical records of administrations and departments; and generally to organise a coordinated scheme of social and economic statistics relating to the Colony.</p>	Functions of Statistics Office
4.	The Statistical Officer may delegate in writing his powers and functions under this Ordinance	Delegation of functions

5.	<p>The Governor in Council may by Order published in the Gazette direct that a census shall be taken for the Colony or any part thereof, or any class of inhabitants thereof, and any such Order may prescribe -</p> <p>(a) the date or dates on or between which such census is to be taken;</p> <p>(b) the persons by whom and with respect to whom the returns for the purpose of such census are to be made; and</p> <p>(c) the particulars to be stated in such returns and the information to be obtained and compiled in such census.</p>	Power to direct taking of population census
6.	<p>(1) Subject to the provisions of this Ordinance, the Statistical Officer may, and on the direction of the Governor in Council 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 the Colony generally or in any part thereof.</p> <p>(2) The Statistical Officer 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 manner as he may determine.</p>	Collection and compilation of statistics
7.	<p>(1) It shall be lawful for the Statistical Officer or any person acting on his behalf to require any person -</p> <p>(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 estimates or returns, concerning such of the matters set out in the First Schedule to this ordinance as may be so specified; and</p> <p>(b) to supply him with particulars either by interviewing such person personally or by leaving registered cover 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</p> <p>And any notice under this subsection shall state that it is served in exercise of the powers conferred by this subsection.</p> <p>(2) Any person having the custody or charge of any public records or documents or of the records or documents of any corporation, person, partnership, firm, company, society or association from which, in the opinion of the Statistical Officer, 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 Statistical Officer or any officer acting on his behalf, access to such records or documents for the purpose of obtaining therefrom such information.</p> <p>(3) The Statistical Officer may, by advertisement in the Gazette and in such newspapers circulating in the Colony in not less than two consecutive issues thereof, 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 Statistical Officer 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 Statistical Officer such particulars or information of the business or calling as may be specified.</p>	Power to obtain information
8.	The Statistical Officer, or any person acting on his behalf may, after giving such notice as	Powers of entry

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	<p>may be prescribed, upon production of his authorisation, for any purpose -</p> <ul style="list-style-type: none"> <li>(a) connected with the taking of a census; or</li> <li>(b) connected with the collection of other statistics;</li> </ul> <p>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 persons are employed, and in either such case may make such enquiries as may be necessary for the performance of his duties.</p>	
9.	<p>Except for the purpose of a prosecution under this Ordinance -</p> <ul style="list-style-type: none"> <li>(a) no individual return or part thereof, made for the purposes of this Ordinance</li> <li>(b) no answer given to any question put for the purpose of this Ordinance;</li> <li>(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;</li> </ul> <p>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 written consent 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:</p> <p>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 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.,</p>	Restriction on publication
10.	<p>(1) Any person being a person employed in the execution of any duty under this Ordinance who -</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(c) knowingly compiles for issue any false statistics or information;</li> <li>(d) shall be guilty of an offence against this Ordinance and shall be liable on conviction on indictment therefore to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and such fine.</li> </ul> <p>(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 against this Ordinance and shall be liable on conviction on indictment therefor to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and such fine.</p>	Offences & Penalties

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<p>(3) Any person who –</p> <ul style="list-style-type: none"> <li>(a) hinders or obstructs the Statistical Officer or any duly authorised person in the execution of any power conferred or duly imposed under this Ordinance;</li> <li>(b) refuses or neglects to fill up and supply the particulars required in any schedule, form or other document lawfully left with or sent to him or who refuses or neglects to answer any question or enquiry addressed to him under the authority of this Ordinance, or supply the information required in accordance with sub-section (e) of section 7 of this Ordinance;</li> <li>(c) knowingly makes in any schedule, form or other document filled up or supplied pursuant to this Ordinance, or in answer to any question asked him under the authority of this Ordinance, any statement which is untrue in any material particular;</li> <li>(d) without lawful authority, destroys, defaces or mutilates any schedule, form or other document containing particulars collected under this Ordinance, or writes or makes on any schedule, form or other document issued for the purposes of this Ordinance and furnished to the Statistical Officer, any indecent, obscene, blasphemous or insulting remarks, drawing or other matter;</li> <li>(e) shall be guilty of an offence against this Ordinance and shall be liable on summary conviction therefor to a fine not exceeding two hundred and fifty dollars.</li> <li>(f) (4) Any person who fails to comply with any of the provisions of this Ordinance shall be guilty of an offence against this Ordinance and shall, where no special penalty is provided by this Ordinance, be liable on summary conviction therefor to a fine not exceeding two hundred and fifty dollars, and in any case where the offence is a continuing offence, such person shall be liable to a further penalty not exceeding ten dollars for each day during which the offence continues.</li> </ul>	
<p>11. (1) The Governor in Council may make regulations generally 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 –</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the manner and form in which and the times and places at which, such particulars and information shall be furnished;</li> <li>(c) the manner in which notices shall be given to persons on whose premises entry is desired;</li> <li>(d) the times at which entry may be effected on premises;</li> <li>(e) any other matter or thing which is to be or may be prescribed for the purpose of better and more fully carrying out the purposes of this Ordinance.</li> </ul> <p>(2) Regulations made under this section shall have no force or effect until published in the Gazette.</p>	Regulations
<p>12. (1) Subject to the provisions of sub-section (2) of this section every person employed in the execution of any duty under this Ordinance shall before entering on his duties take an oath or make an affirmation in the form in the Second Schedule to this Ordinance and such oath</p>	Oath of Secrecy

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	or affirmation shall be administered by the Statistical Officer	
	(2) The Statistical Officer shall before entering on his functions or duties under this Ordinance take an oath or make an affirmation in the form in the Second Schedule to this Ordinance and such oath or affirmation shall be administered by the Attorney General.	
13.	The Governor in Council may from time to time by Order published in the Gazette revoke or amend the First Schedule to this Ordinance and may substitute a new Schedule therefor.	Power to revoke or amend First Schedule
14.	The Census Ordinance is hereby repealed: Provided, however, that all rules, regulations or orders made or given under the Ordinance hereby repealed and in force at the time of coming into operation of the Ordinance shall be deemed to have been made and given under this Ordinance and shall continue in force until other provision shall be made by virtue of this Ordinance.	Repeal and Saving Cap. 261

W. H. Thompson  
President

Passed in the Legislative Council this 29<sup>th</sup> day of March, 1973.

D. H. Bramble  
Clerk of the Council

First Schedule	
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 dairy farming, horticulture, pastoral and allied industries.
7	Fishing
8	Factories, mines and productive industries generally.
9	Employment, Unemployment and underemployment
10	Income, earnings, profits and interest
11	Social, educational, labour and industrial matters including cooperative groups and societies, associations of employers, employees and other persons generally.
12	Industrial disturbances and disputes
13	Banking, finance and insurance – assets, liabilities, deposits, withdrawals, remittances, (including inter-bank transactions), currency dealings, currency in circulation: Provided that no information may be sought concerning any individual account.
14	Commercial and professional undertakings.
15	Distributive trades.
16	Health
17	Transport and communication in all forms, by land, water and air.
18	Wholesale and retail prices of commodities, rent and cost of living.
19	Injuries, accidents and compensation.
20	Stocks of manufactured and unmanufactured goods.
21	Land tenure and the occupation and use of land.
22	Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure.
23	Debts outstanding, fixed capital assets and plant (including the acquisition and disposal of these assets and plants).
24	Such other matters as may from time to time be prescribed.

I ..... Do swear (or solemnly and sincerely declare and affirm)  
that I will faithfully and honestly fulfil my duties as ..... in  
conformity with the requirements of the Statistics Ordinance, 1972, and that I will not  
without due authority in that behalf disclose or make known any matter or thing which may  
come to my knowledge by reason of my employment as such.

Sworn (or declared) before me this                      day of

Attorney General

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Statistical Officer