

STATISTICS ACT, 2005

ARRANGEMENT OF SECTIONS

Section

PART I - PRELIMINARY

1. Short title
2. Interpretation
3. Principles of official statistics

PART II - ESTABLISHMENT OF THE BUREAU OF STATISTICS AND THE NATIONAL STATISTICS COUNCIL

4. Establishment of The Gambia Bureau of Statistics
5. Establishment of the National Statistics Council
6. Tenure of office of members
7. Meetings of the Council
8. Committees of the Council
9. Disclosure of interest
10. Transaction of business without meeting
11. Indemnity of members
12. Allowances

PART III – FUNCTIONS

13. Functions of the Bureau
14. Functions of the Council

PART IV - MANAGEMENT AND STAFF

15. The Statistician-General
16. Duties and powers of the Statistician-General
17. Secretary of the Council
18. Other Staff of the Bureau

PART V - STATISTICAL INFORMATION AND POWERS OF THE BUREAU

19. Population and other censuses
20. Collection of statistics
21. Powers of the Bureau in the collections of statistics
22. Conference for Official Statistics
23. Coordination
24. Duty to answer questions
25. Confidentiality and disclosure

PART VI - FINANCIAL PROVISIONS

26. Funds of the Bureau
27. Estimates accounts and audit
28. Annual report
29. Exemption from taxes and duties

PART VII - LEGAL PROCEEDINGS

30. Notice of action
31. Service
32. Execution of judgment
33. Representation
34. Indemnity of officers

PART VIII - MISCELLANEOUS

35. Power to identify property
36. Offences and penalties
37. Oath of confidentiality
38. Regulations
39. Repeal and savings

FIRST SCHEDULE

MATTERS CONCERNING WHICH STATISTICAL INFORMATION MAY BE COLLECTED, COMPILED, ANALYSED, ABSTRACTED AND PUBLISHED

SECOND SCHEDULE

OATH OF SECRECY



THE GAMBIA

NO. 13 OF 2005

Assented to by The President,

this 20th day of January, 2006

YAHYA A. J. J. JAMMEH

President

AN ACT to provide for a sustainable, effective and efficient national statistical system for The Gambia for the collection, production and dissemination of integrated, relevant, reliable and timely statistical information, to establish The Gambia Bureau of Statistics as a supervisory authority for the national statistical system, and for matters connected therewith.

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ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Statistics Act, 2005.

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

"authorized officer" includes the Statistician-General, an officer of the Bureau or any other person authorized by the Statistician-General or the Council, under this Act;

"business" means any individual, juristic person, or partnership carrying on a commercial activity, whether registered under the Business Registration Act, 2005 or not;

"Bureau" means The Gambia Bureau of Statistics established under section 4;

"census" means a statistical operation in which the whole population or units in the whole population are enumerated;

"Chairperson" means the Chairperson appointed for the Council under section 5;

"Conference" means the Conference for Official Statistics to be held under section 22;

"Council" means the National Statistics Council established under section 5;

"Department" means a Department of the Government;

"document" includes-

- (a) a form, a questionnaire, schedule, notice or report whether in printed, photographic, scanned or electronic form;

2005 No.2

- (b) a documentary recording or transcribed computer printout capable of being produced as a printout by a mechanical or electronic device; and
- (c) a medium or device by means of which information is recorded or stored;

"Government" means the Government of The Gambia;

"member" means a member of the Council and includes the Chairperson;

"national statistics system" includes all Departments and other organisations in The Gambia engaged in collection, analyses and dissemination of statistical data whether directly or through administrative action;

"officer" means an employee of the Bureau;

"official statistics" means statistics designated as official statistics under this Act;

"other organisation" means any non governmental organisation or association, other than a business, Department or household;

"public officer" means a person who holds a public office within the meaning of the Constitution of the Republic of The Gambia;

"President" means the President of the Republic of The Gambia;

"respondent" means any individual, business, Department, household, or organisation, in respect of which information is sought or provided for purposes of statistical collection under this Act;

"return" means a document completed by a respondent or an officer or Department which produces statistics;

"Secretary of State" means the Secretary of State responsible for Finance and Economic Affairs.

"senior staff" means staff of the Bureau of at least senior statistician cadre;

"statistics" means aggregated numerical and qualitative information relating to demographic, economic, financial, environmental, social, or similar matters, at national, provincial, district or local level; and

"statistical sample survey" means a statistical operation in which only a selected part or sample and not all units or whole populations of interest are enumerated.

Principles of
official statistics

3. (1) The principles of official statistics is to provide the Government, the economy, the public and international organisations with data about the economic, social, and environmental situation in order to assist in planning, decision making, monitoring, and assessment of policies or other actions.

(2) In the collection, processing, storage, and dissemination of statistical data, the confidentiality of the identity of, and the information provided by, respondents shall be protected.

(3) The statistical data shall be-

- (a) relevant, impartial, accurate, reliable and timely;
- (b) collected, processed, stored and presented in a scientific and transparent manner;
- (c) protected from misuse;
- (d) accessible and disseminated in an impartial manner;
- (e) in compliance with national and international standards and classifications; and
- (f) sensitive to distribution by gender, disability, geography and similar socio-economic features.

PART II - ESTABLISHMENT OF THE BUREAU OF STATISTICS AND THE NATIONAL STATISTICS COUNCIL

Establishment
of The Gambia
Bureau of
Statistics

4. (1) There is hereby established an office to be known as The Gambia Bureau of Statistics.

(2) The Bureau shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name.

(3) The common seal of the Bureau shall be under the custody of the Secretary to the Council and shall be authenticated by the signature of the Chairperson, or other member, and the Statistician-General who shall both append their signature in each other's presence.

(4) A document purporting to be an instrument, agreement or other document issued by the Bureau in the manner prescribed under subsection (3) shall be received in evidence without further proof as to the validity of instrument, agreement or document, unless the contrary be proved.

Establishment
of the National
Statistics
Council

5. (1) There is hereby established, for the Bureau, the National Statistics Council which shall, subject to this Act, carry out the functions, and manage the affairs of the Bureau.

(2) The Council shall consist of-

- (a) a Chairperson from the private sector;
- (b) a representative of the Department of State for Finance and Economic Affairs;
- (c) a representative of the Central Bank of The Gambia;
- (d) a representative of suppliers of data nominated by The Gambia Chamber of Commerce;
- (e) one person to be nominated by the Conference for Official Statistics established under section 22;

(f) a representative of the Strategy for Poverty Alleviation and Co-ordination Office or such other key sector Department, as the Secretary of State may determine; and

(g) the Statistician-General.

(3) The members of the Council, other than *ex-officio* members shall-

(a) be appointed by the President after consultation with the Public Service Commission; and

(b) hold qualifications and have experience in statistics or business management.

(4) The Council shall elect a Vice-Chairperson from among its members who are not *ex-officio* members.

6. (1) A member, other than an *ex officio* member, shall hold office for a period of three years and is eligible for re-appointment.

(2) A member, other than an *ex-officio* member, shall vacate office if-

(a) he or she resigns in writing to the President;

(b) the period of his or her appointment expires;

(c) he or she is removed from office under subsection (3); or

Tenure of
office of
members

(d) the member's nomination is cancelled by the authority which nominated him or her.

(3) The President may terminate the appointment of a member-

(a) on the written recommendation of the Council for misconduct; or

(b) on the grounds that the member is unable to carry out the duties of the office by reason of physical or mental incapacity.

(4) A vacancy in the Council shall be filled in accordance with section 5 (3).

Meetings of
the Council

7. (1) The Council shall meet at least quarterly at such times and places as the Chairperson shall determine by notice in writing to the other members.

(2) The Chairperson may convene a special meeting of the Council, and shall convene such a meeting within fourteen days of the receipt of a written request from at least four members of Council or the Statistician-General to convene the meeting.

(3) A written notice of a special meeting of the Council shall -

(a) be sent to each member, not later than twenty four hours before the meeting; and

- (b) specify the business for which the meeting is being convened.

(4) Where a request under subsection (2) is made by members, other than the Statistician-General, the request shall be transmitted to the Statistician-General stating the business to be transacted, at least two working days before the date specified in the request.

(5) The quorum for meetings of Council shall be four including at least two non *ex officio* members.

(6) The Council shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person presiding shall have a casting vote.

(7) The Chairperson shall preside at every meeting of the Council at which he or she is present, in his or her absence, the Vice-Chairperson shall preside, and in the absence of both of them, the members present shall appoint one of their number to preside at the meeting.

(8) The minutes of every meeting of the Council shall be recorded, and signed by the Secretary and the person who presided at the meeting, after confirmation by the Council.

(9) The Council may at any time co-opt a person to act as an adviser at any of its meetings, but a person so co-opted is not entitled to vote at the meeting.

(10) The validity of any proceeding of the Council shall not be affected by-

- (a) vacancy in its membership;
- (b) a defect in the appointment of any of its members; or
- (c) reason that a person not entitled to do so, took part in the proceeding.

(11) Subject to this section, the Council may regulate its own procedure.

Committees of Council

8. (1) The Council may appoint such standing or other committees as are necessary for the effective performance of the functions of the Council.

(2) The members of a committee of Council may include persons who are not members of Council.

(3) A committee appointed by the Council may be dissolved by the Council as it may deem fit.

(4) A decision of a committee shall not have effect, unless it is confirmed by the Council.

Disclosure of interest

9. (1) A member of the Council or committee who has an interest in a company or an undertaking with which the Bureau proposes to enter into a contract shall -

- (a) disclose the nature of his or her interest to the Council or committee; and
- (b) not participate in any deliberation and voting of the Council or committee in respect of the contract.

(2) The President or the Council, in the case of a committee, may remove from the Council or committee, as the case may be, a member who contravenes the provisions of subsection (1).

Transaction of business without meeting

10. A resolution is a valid resolution of the Council-
- (a) if it is signed or assented to by a majority of the members;
 - (b) if proper notice of the proposed resolution was given to each member and to the Statistician-General; and
 - (c) notwithstanding that it was not passed at a meeting of the Council.

Indemnity of members

11. No action, suit, prosecution or other proceedings shall be brought or instituted against a member of the Council personally in respect of any thing done in good faith in pursuance, execution or intended execution of any of the provisions of this Act.

Allowances of members

12. The members, including co-opted members, of the Council and committees of Council shall be paid such allowances, as the Secretary of State shall determine.

PART III - FUNCTIONS

Functions of the Bureau

13. (1) The Bureau is the principal body responsible for-

- (a) collecting and disseminating statistical data;

- (b) monitoring and coordinating the national statistical system;
- (c) compiling and disseminating statistical estimates needed for central economic management; and
- (d) carrying out central functions required for all other statistical services.

(2) For the purpose of performing its functions under subsection (1), the Bureau shall-

- (a) be the principal source of official statistics information;
- (b) provide high quality central statistics information services;
- (c) coordinate statistical policy across government;
- (d) promote standardisation in the collection, processing and dissemination of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistics information;
- (e) provide guidance, training and other assistance as may be required to other users and providers of statistics;
- (e) promote co-operation, co-ordination and rationalization among users and providers of statistics at national and local levels to avoid duplication of effort and ensure

- (f) be the national focal point of co-operation with statistics users and providers at regional and international levels;
- (g) improve the quality and relevance of national statistics;
- (h) maintain the integrity and validity of national statistics; and
- (i) provide a central focal point for all users and providers of national statistics.

(3) Without prejudice to subsections (1) and (2), the Bureau shall also-

- (a) collect directly or indirectly statistical data, including requests by Government departments or on commission;
- (b) collect, compile, analyse and publish data relating to national accounts, economic, social, environmental, technological, law, order and safety and governance statistics;
- (c) review all initiatives to collect data and approve instruments developed for data collection, including census frames, registers, sample designs and questionnaires, as well as reports or publications out of those initiatives;
- (d) conduct censuses and surveys;
- (e) collect routine administrative statistics;

- (f) organise and maintain a central depository of statistical reports, publications, documents and data from both national and international sources;
- (g) assist in developing guidelines and co-ordinating a local government statistical service;
- (h) engage in research and development of statistical procedures, concepts, definitions, and classifications and make recommendations for their adoption where necessary; and
- (i) do such other things as are conducive to attaining the objectives of the Bureau under this Act.

Functions of
the Council

14. (1) The Council shall formulate the national statistical strategy and reform plans and co-ordinate their implementation among the main statistical agencies.

(2) The Council shall-

- (a) in pursuance of subsection (1), set out the policy guidelines for the operation of the Bureau;
- (b) determine the key objectives and targets;
- (c) approve its strategic and operating plans;
- (d) monitor its performance against agreed targets;

- (e) subject to section 15, appoint senior staff and determine staff structures, levels and terms and conditions of service;
- (f) subject to the Public Procurement Act, 2002, establish rules and procedures for the purchase of goods and services and for the disposal of assets.

2002 No. 3

The
Statistician-
General

PART IV - MANAGEMENT AND STAFF

15. (1) The President shall appoint a qualified person to be the Statistician-General after consultation with the Public Service Commission and the Council.

(2) The Statistician-General shall-

- (a) be the head of the Bureau responsible for implementing Council's policies;
- (b) be the accounting officer of the Bureau and be answerable to the Council on the operations and performance of the Bureau in accordance with its plans;
- (c) be professionally independent and impartial in the exercise of his or her duties under this Act; and
- (d) maintain a high standard of professional service and the integrity of the statistics which the Bureau produces.

(3) The person appointed Statistician-General shall hold office for a term of five years which may be renewed for further periods, subject to a performance appraisal by the Council.

(4) The Statistician-General may resign his or her office by written notice to the President.

(5) The Statistician-General may, on the recommendation of the Council, be removed from office by the President only on the following grounds-

- (a) incapacity;
- (b) misconduct;
- (c) incompetence; or
- (d) conviction for an offence involving fraud or dishonesty.

Duties and
powers of the
Statistician-
General

16. (1) The Statistician-General is responsible for the implementation of the work programme of the Bureau, including-

- (a) the collection, compilation and analysis of official statistics in accordance with the purposes of official statistics and the statistical principles set out in section 3;
- (b) the times when and the manner in which statistical collections are undertaken and the form of the document pertaining thereto;
- (c) the manner in which data are processed, documented and stored.

- (d) the form, extent and timing of the release of statistical information;
- (e) research and development work in statistics;
- (f) the discontinuance of a statistical collection;
- (g) organizing the Annual Conference for Official Statistics;
- (h) the appointment of all staff, other than senior staff; and
- (i) the efficient operation of the Bureau, generally.

(2) The Statistician-General may issue public statements on any matter relating to the operation of the Bureau, including statistical matters but only after consultation with the Government department or other organisation involved in the matter.

(3) The Statistician-General may, with the approval of the Council, appoint any technical committee to advise him or her in the discharge of his or her duties under this Act.

17. (1) The Council shall appoint a Secretary to the Council on such terms and conditions as it shall determine.

(2) The Secretary shall-

- (a) arrange meetings and the business of Council;

Secretary of
the Council

- (b) take minutes at meetings of the Council;
- (c) keep records of decisions and other policy records of the Council; and
- (d) perform such other functions as the Council or the Statistician-General shall direct.

(3) The Secretary shall, in the performance of his or her duties, be responsible to the Statistician-General.

Other Staff
of the Bureau

18. (1) The Bureau shall appoint and retain such other permanent, temporary and contract employees as the Statistician-General may deem necessary, and their terms and conditions of service shall be determined in accordance with rules made under subsection (2).

(2) The Council shall establish rules and procedures for the appointment, career development, discipline, pension and other retirement benefits of its employees.

(3) The rules made by the Council under subsection (2) shall incorporate suitable policies in respect of conditions of service which shall-

- (a) be compatible with the best standards of practice in other parastatal organisations; and

- (b) seek to develop transparent and meritorious ways of ensuring that the employees are managed and developed in a manner that would best contribute to meeting the Bureau's objectives.

(4) For the purpose of achieving efficiency in the performance of its functions, the Statistician-General shall approve and implement appropriate training schemes for the employees of the Bureau.

PART V - STATISTICAL INFORMATION AND POWERS OF THE BUREAU

Population and other censuses

19. (1) Subject to subsection (2), the Bureau shall cause a population census to be carried out in the year 2013 and every ten years thereafter, on such dates as shall be determined by the Secretary of State by Order published in the *Gazette*.

(2) The Secretary of State may, in consultation with the Council, by notice published in the *Gazette*, postpone the holding of a population census for such period as shall be stated in the notice if any difficulties arise which make it necessary.

(3) In addition to the census to be carried out under subsection (1), the Bureau shall, with the approval of the Secretary of State, cause a census to be carried out on any matter specified in the First Schedule on a date determined by the Council by Order published in the *Gazette*.

First Schedule

Collection of statistics
First Schedule

20. (1) The Bureau shall collect statistics for The Gambia on matters specified in the First Schedule.

(2) The Secretary of State may, by Order published in the *Gazette*, amend the First Schedule.

Powers of the Bureau in the collection of statistics

21. (1) For the purpose of sections 19 and 20, the Bureau shall-

- (a) develop and maintain registers or lists for use in producing statistics;
- (b) notwithstanding the provisions of any other law to the contrary, have access to all statistical data gathered by any individual, department, business or other organisation, including administrative records or systems;
- (c) undertake any statistical collection directed by the Secretary of State;
- (d) formulate quality criteria and establish standards, classifications and procedures for statistics;
- (e) provide statistical advice to other organs of State;
- (f) advance the quality, consistency, comparability and optimum use of official statistics;
- (g) avoid unnecessary duplication in statistical matters;
- (h) endeavour to fulfil The Gambia's international statistics reporting obligation;

- (i) liaise with other countries and their statistical agencies and represent the Bureau internationally with regard to statistics matters;
- (j) establish and maintain such offices in such Local Government Areas as it considers necessary;
- (k) seek to ensure public awareness of statistical collections and activities; and
- (l) host the Conference; and
- (m) engage and collaborate in research and development of statistics as it considers necessary.

(2) In addition to the powers conferred under subsection (1), the Bureau may-

- (a) designate statistics produced by the Bureau, Departments or other organisations as official statistics;
- (b) subject to the approval of the Council, accept and determine the price for commissioned statistical work;
- (c) delegate any of its powers to any officer or person and impose conditions for the delegation;
- (d) by notice published in the *Gazette*, make rules for-

- (l) the returns, information, data and statistics to be furnished and collected in undertaking statistical collection,
- (ii) the manner and form in which, the times when and the places where, and the persons to whom and from whom statistics must be furnished and collected, and
- (iii) any other matter necessary for the effective collection of statistics and the effective functioning of the Bureau.

Conference
for Official
Statistics

22. (1) The Bureau shall organise an annual conference of statistics producers and users to be known as the Conference for Official Statistics.

(2) The Conference shall-

- (a) adopt uniform standards, common definitions, and indicators for official statistics;
- (b) agree on the periodic statistics and publications to be provided by the Bureau;
- (c) adopt guidelines for ensuring the relevance of official statistics;
- (d) advise the Bureau on any matter referred to the Conference for advice.

(3) The Statistician-General shall be the Secretary-General of the Conference.

(4) The Conference shall produce a Report that shall be submitted to the Council and the Secretary of State.

(5) Subject to the provisions of this Act and any regulations made under it, the Bureau shall take into consideration the recommendations of the Conference Report in its work programme.

Coordination

23. (1) Notwithstanding the provisions of any other law to the contrary, a Department, statutory body or local government authority shall not-

- (a) undertake a new statistical collection; or
- (b) vary or discontinue a new statistical collection,

without the approval of the Statistician-General.

(2) After the coming into force of this Act, the Statistician-General -

- (a) shall review all statistical collections by Departments, statutory bodies, local government authorities and other organisations with a view to ensuring that the collections are consistent with this Act; and
- (b) may recommend to the Council the discontinuance, or transfer to the Bureau, of the statistical collection.

(3) The Council may, on the recommendation of the Statistician-General, and subject to any regulations made by the Secretary of State on the matter, stipulate that the provisions of subsections (1) and (2) do not apply to any specific Department, statutory body, local government authority or other organisation in any specific instance or class of instances.

(4) The Bureau shall advise all Departments, statutory bodies, local government authorities and other organisations regarding the application of appropriate quality criteria, standards, classifications and procedures for statistics.

(5) For the purposes of assisting the Bureau in the performance of the functions imposed by this Part, the head of any Department, statutory body, local government authority or other organisation shall -

- (a) within the period stipulated by the Bureau, supply the Bureau with information it may request regarding any official or other statistics for which the Department, statutory body, local government authority or other organisation is responsible;
- (b) advise the Bureau, from time to time, of any substantial changes in the information that has been so supplied;
- (c) grant, to any duly authorized officer, unhindered access, without charge, to such information or data of the Department, body, authority or organisation, as the Bureau may request; and

- (d) allow any authorized officer of the Bureau to copy, without charge, any information or data which may be used in producing official statistics.

24. (1) The Statistician-General or other authorized officer may, in collecting any statistical information, put to any person any questions reasonably necessary for the collection of the statistics.

(2) A person, including a public officer, required to give any information under this Act, shall-

- (a) to the best of his or her knowledge and belief, complete all forms, answer all questions and give all necessary information as may be required; and
- (b) in accordance with the instructions pertaining to any document, not later than the date specified in that document-
 - (i) furnish all such information, and
 - (ii) sign any declaration,

as is required by that document.

25. (1) Except for the purpose of criminal prosecution under this Act, any return or information collected by the Bureau that relates to-

- (a) an individual;
- (b) a household;
- (c) a Department;

- (d) local government authority;
- (e) a business; or
- (f) any other organisation,

shall not, subject to this section, be disclosed.

(2) The return or other information referred under subsection (1) may, subject to the directions of the Statistician-General, be disclosed-

- (a) with the prior written consent of the person from whom the return or information was collected or from his or her representative;
- (b) where the information is already available to the public from the person, household, Department, local government authority, business or organisation concerned;
- (c) in the form of lists of names and addresses of individual organs of State and other organisations and their classifications by function, type of legal entity and range of numbers of members and employees, or other indicators of size;
- (d) in the form of lists of names and addresses of individual businesses and their classifications by industry or activity, type of legal entity, and range of numbers of employees or other indicator of size; or

Duty to answer questions

Confidentiality and disclosure

- (e) in the form of lists of kinds of products produced, manufactured, stored, bought or sold, or services rendered, by businesses, organs of State or other organisations, or classes of businesses, organs or organisations.

(3) The Statistician-General or other authorized officer may, for statistical purposes, disclose to another Department information or data gathered in the course of a joint collection undertaken with that Department on condition that-

- (a) the name, address or any other means by which the respondents may be identified is deleted;
- (b) any person who is involved in the collection of, or who may use, that information or data, must first take an oath of confidentiality similar to the one provided for in the Second Schedule; and
- (c) the Statistician-General is satisfied that the confidentiality of that information or data will not be impaired.

(4) The results of the compilation and analysis of the statistical information collected under this Act shall not be published or disseminated in a manner which is likely to enable the identification of a specific individual, business or other organisation, unless that person, business or organisation has consented to the publication or dissemination in that manner.

Second
Schedule

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PART VI - FINANCIAL PROVISIONS

Funds of the
Bureau

26. The funds of the Bureau shall consist of-

- (a) money appropriated, from time to time, by the National Assembly;
- (b) grants, gifts and donations from any source approved by the Secretary of State, provided that the terms and conditions attached to a grant or gift are not inconsistent with the functions of the Bureau;
- (c) any money that may become payable to the Bureau for services performed by the Bureau under this Act; and
- (d) such other monies as may accrue to the Bureau under this Act.

Estimates,
accounts and
audit

27. (1) The Bureau shall, within three months before the end of each financial year, make and submit to the Secretary of State, for approval, estimates of the income and expenditure of the Bureau for the ensuing year.

(2) The Bureau shall keep proper records and accounts of its incomes and expenditure.

(3) The Bureau shall prepare a statement of accounts in respect of each financial year.

(4) The Bureau shall, within three months of the end of each financial year, submit to the Auditor General for auditing, its statement of accounts for the preceding year.

(5) The audited accounts of the Bureau and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

Annual report

28. (1) The Council shall, not later than three months after the end of each financial year, submit to the Secretary of State, in respect of the financial year, an annual report on the activities of the Bureau.

(2) The report under subsection (2) shall include -

- (a) information with regard to the proceedings and policy of the Bureau;
- (b) a copy of the audited accounts of the Bureau in respect of that year, together with the Auditor General's report on the accounts; and
- (c) such other information as the Secretary of State may request in writing.

(3) The Secretary of State shall, as soon as possible after receiving the annual report, cause it to be laid before the National Assembly.

(4) The Statistician-General shall also, from time to time, provide the Secretary of State with such information relating to the affairs of the Bureau as the Secretary of State may request in writing.

29. The Bureau shall be exempted from such taxes and duties as the Secretary of State may determine.

Exemption from taxes and duties

Notice of action

30. (1) No action shall be brought against the Bureau unless at least one month's written notice of the intention to bring the action has been served on the Bureau by the intending plaintiff or his or her representative.

(2) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief, which he or she claims.

Service

31. The notice referred to in section 30 and any summons, notice or other document required or authorized to be served on the Bureau in connection with a suit by or against the Bureau may be served by delivering it to or sending it by registered post addressed to the Statistician-General.

Execution of judgment

32. In an action or a suit against the Bureau, no -

- (a) execution or attachment or process in the nature thereof shall be issued against the Bureau; or
- (b) sums of money, which may by judgment of the court be awarded against the Bureau shall be paid by the Bureau from its funds,

before the expiration of at least three months from the date of the judgment of the court.

Representation

33. In a suit pending before the court, the Bureau may be represented in court at any stage of the proceedings by any officer or other employee of the Bureau duly authorized in writing by the Bureau in that behalf.

Indemnity of
officers

34. No officer or employee of the Bureau or any person acting on the direction of an officer or employee of the Bureau shall be liable in respect of any matter or thing done by him or her in good faith for the purposes of this Act.

PART VIII - MISCELLANEOUS

Power to
identify
property

35. A person occupying any land, yard, enclosure, vehicle, vessel or building, including a dwelling house, shall allow an authorised officer to paint, mark or affix on or to the property in the occupation of the person, such letters marks or numbers as the Bureau may deem necessary for the purposes of any statistical operation.

Offences and
penalties

36. (1) An officer of the Bureau who, in the course of his or her employment-

- (a) wilfully makes any false declaration, statement or return;
- (b) obtains or seeks to obtain information which he or she is not authorized to obtain;
- (c) puts to any person a question which he or she is not authorized to ask;
- (d) asks or takes from any person, department, business or organisation, any payment or reward in connection with the employment other than remuneration due to him or her under this Act;

(e) uses information obtained in the course of the employment for the purpose of speculating in any stock, security, bond or any goods or services, before the release of the information is authorized by the Statistician-General;

(f) wilfully discloses any data or information obtained in the course of the employment to a person not authorized to receive the information,

commits an offence.

(2) A person who-

- (a) impersonates an officer of the Bureau for the purpose of obtaining any information from any other person or body; or
- (b) represents himself or herself to be making an entry and inspection under this Act,

commits an offence.

(3) A person who, being in possession of any information which, to his or her knowledge, has been disclosed in contravention of this Act, publishes or communicates that information to any person, commits an offence.

(4) A person who-

- (a) refuses or neglects to-

- (i) answer any question or inquiry put to him or her under this Act, or
 - (ii) complete or provide, within such time as may be specified for the purpose, the particulars required in any return, form or other document left with or sent to that person;
- (b) hinders or obstructs an authorized officer in the lawful performance of any duty or in the lawful exercise of any power imposed or conferred on him or her under this Act;
- (c) knowingly or negligently makes in any return, form or other document completed by him or her under this Act or in answer to any question or enquiry put to or made of him or her under this Act, any statement which is untrue in any material particular; or
- (d) removes an identification mark affixed to any property under section 35,

commits an offence.

(5) A person who commits an offence under this section is liable on conviction to a fine of not less than twenty thousand dalasis or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

37. (1) The Statistician-General and every officer or person employed in carrying out any of the

Second
Schedule

provisions of this Act, shall, before commencing his or her duties, subscribe the oath of confidentiality prescribed in the Second Schedule.

(2) The Statistician-General shall subscribe the oath before the Council and every other officer shall subscribe the oath before the Statistician-General or the Secretary to the Council as the case may be.

Regulations

38. (1) The Secretary of State may, on the recommendation of the Bureau, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Secretary of State may make regulations for-

- (a) the coordination of the statistical system, including guidelines and standards for statistical investigation and designation;
- (b) introducing procedures for the further safeguard of privacy and confidentiality;
- (c) prescribing penalties in respect of the contravention of any provisions of the regulations, including penalties to be paid to the Bureau;
- (d) prescribing fees for anything to be done by the Bureau in performing its functions under this Act; and

(e) the particulars and information to be given in relation to any matter in respect of which statistics may be collected under this Act.

Repeal and saving

39. (1) The Statistic Act, 1972 is hereby repealed and the Central Statistic Department shall cease to exist.

(2) A reference in legislation to the Central Statistics Department or to the Director of Statistics shall be construed as reference to the Bureau or the Statistician-General, respectively.

(3) The person for the time being occupying the position of Director of Central Statistics Department shall act as Statistician-General until the first Statistician-General is appointed under this Act.

(4) All assets which at the commencement of this Act were vested in the Central Statistics Department, are hereby transferred and vested in the Bureau.

(5) All liabilities of the Central Statistics Department at the commencement of this Act shall remain with and be discharged by the Government.

SCHEDULES

FIRST SCHEDULE (Sections 19 and 20)

Matters concerning which statistical information may be collected, compiled, analysed, abstracted and published.

1. Population
2. Vital occurrences and mortality
3. Immigration and emigration
4. Housing
5. Rents
6. Real property
7. Land tenure and the occupation and use of land
8. Finance
9. External finance
10. Capital investment
11. Savings
12. Salaries, wages, bonuses, fees, allowances and other payments and honoraria for services rendered
13. Income, earnings, profits and interest
14. Personal expenditure and consumption
15. Internal and external trade
16. Banking and insurance
17. Wholesale and retail trade including agents and brokers
18. Wholesale and retail prices of commodities
19. Tourism, hotels and allied industries
20. Manufacturing, building, construction and allied industries

21. Mining and quarrying, including the prospecting of metallic, non-metallic, petroleum and natural gaseous products
22. Agriculture, including animal husbandry, horticulture and allied industries
23. Forestry and logging
24. Hunting and fishing
25. Output, stocks, sales and deliveries of manufactured goods and details relating to services provided.
26. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure.
27. Sums outstanding, fixed capital assets and plant (including the acquisition and disposal of such assets and plants)
28. Storage and warehousing
29. Employment and unemployment
30. Social, educational, labour and industrial matters, including associations of employers, employees and other persons generally
31. Industrial disturbances and disputes
32. Injuries, accidents and compensation
33. Fuel, light and power
34. Water undertakings and sanitary services
35. Transport and communications
36. Central and Local Government including quasi-government
37. Community, business, recreation and personal services
38. Handicrafts and rural industries
39. Sweepstakes, lotteries, charitable and other public collections of money
40. Education and health
41. Environment
42. Governance

43. Law, order and safety
44. Poverty
45. Gender
46. Extra-territorial organisations and bodies
47. Any other matter that may be specified by the Secretary of State

SECOND SCHEDULE (Sections 25 and 37)

OATH OF SECRECY

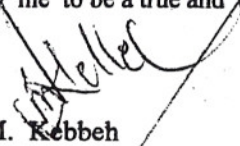
I.....do solemnly swear that I shall faithfully and honestly fulfil my duties as.....in conformity with the requirements of the Statistics Act, and the regulations made under the Act, and that I shall not without due authority reveal any information acquired by virtue of my said duties, nor, until such information is made public, directly or indirectly use it for personal gain.

PASSED in the National Assembly this Fifteenth day of December
in the year of Our Lord Two Thousand and Five



D. C. M. Kebbeh
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill
which has passed in the National Assembly, and found by me to be a true and correct
copy of the said Bill.



D. C. M. Kebbeh
Clerk of the National Assembly.