

## ANNEX 1

*DRAFT 2/8/06*

### **STATISTICS BILL 2006**

#### **Arrangement of Clauses**

CLAUSE

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Schedule 1: Matters specified

Schedule 2: Oath of Secrecy

**TURKS AND CAICOS ISLANDS**

**A**

**PROPOSAL**

**FOR**

**A**

**BILL**

for

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

**ENACTED** by the Legislature of the Turks and Caicos Islands.

Short title

**1.** This Ordinance may be cited as the Statistics Ordinance 200[6].

Interpretation

**2.** In this Ordinance –  
“Chief Statistician” means any person holding the public office of the Chief Statistician;  
“Minister” means Minister responsible for statistics; and  
“statistics” means information relating to the Islands in connection with or incidental to any of the matters specified in Schedule 1.

Statistics Unit

**3.** On the coming into operation of this Ordinance -  
(a) there shall continue to be a Statistics Unit within the Ministry of Finance, Health and National Insurance; and  
(b) the Chief Statistician shall be the head of the Statistics Unit.

Duties of Chief Statistician including the duty to compile and publish statistics

**4. (1)** Subject to subsection (2), it shall be the duty of the Chief Statistician –  
(a) to collect, compile, collate, analyse, abstract and publish statistics of the Islands;  
(b) to collaborate with Ministries, Government Departments and other bodies (whether public or private) in the collection, compilation, collation and publication of statistics (including statistics derived from the activities of those Ministries, Departments and other bodies);

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

(2) The Governor may issue directions to the Chief Statistician relating to the carrying out of any of the duties set out in subsection (1)(a) to (e).

Direction by  
Minister

**5.** (1) In addition to his duties under section 4, the Chief Statistician shall, in accordance with any direction by the Minister, collect, compile, collate, analyse, abstract and publish such statistics as are set out in that direction.

(2) A direction under subsection (1) may relate to -

(a) all or any of the matters specified in Schedule 1; and

(b) all or any part of the Islands.

Power to obtain  
information

**6.** (1) The Chief Statistician, and any person authorised by him, may, for the purpose of carrying out his duties under sections 4(1)(a) and 5(1), serve notice in writing on any person requiring him to furnish such information as is set out in the notice.

(2) The information referred to in subsection (1) shall be furnished to the Chief Statistician in such form and manner, and within such time, as specified in the notice.

(3) The notice referred to in subsection (1) may specify that the information is to be given to the Chief Statistician at a personal interview between the person on whom the notice is to be served and the Chief Statistician, or a person authorised by him.

(4) Every notice given under subsection (1) shall -

(a) state that it is given by the Chief Statistician under the powers conferred on him by that subsection; and

(b) explain in general terms the purpose for which the information is required.

Public records  
and documents

**7.** Any person having the custody or charge of any public records or public documents (including public records and public documents of any Ministry, Government Department, public authority, corporation, business or organisation) which, in the opinion of the Chief Statistician, will assist in the completion or correction of information already obtained under this Ordinance,

shall grant the Chief Statistician, and any person authorised by him, access to such records or documents and shall furnish the Chief Statistician with copies if so required.

Power of entry **8.** (1) The Chief Statistician, and any person authorised by him, may for any of the purposes mentioned in section 4(1)(a) or (d)-

(a) not earlier than [14] days after giving notice of entry in accordance with subsection (2) below; and

(b) upon production of his authorisation;

enter, at such time as may be prescribed in accordance with subsection (2)(a) below, any house, or other premises where persons are, or appear to be, employed.

(2) The notice of entry mentioned in subsection (1)(a) shall -

(a) be in such form, and contain such particulars, as may be prescribed in regulations made by the Governor; and

(b) be served on the owner or occupier of the premises to be entered.

Restriction on publication **9.** (1) Except for the purposes of a prosecution under this Ordinance -

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

(b) no answer given to any question put for the purposes of this Ordinance; and

(c) no report (including any medical report), abstract, or other document-

(i) containing particulars comprised in any such return or answer, and

(ii) so arranged as to enable any person, undertaking or business to be identified from those particulars;

shall be published, admitted in evidence or shown to any person not employed in the execution of a duty under this Ordinance, unless the previous consent in writing thereto has been obtained from the person making that return, giving such answer or making that report, as the case may be.

(2) Subject to subsection (3), nothing in subsection (1)(c)(ii) shall prevent or restrict the publication of any such report, abstract or other document which would enable identification of any undertaking or business merely by reason of the fact that the particulars relate to an undertaking or business which is the only or main undertaking or business within its particular sphere of activities.

(3) Subsection (2) shall not permit the publication of any report, abstract or other document which discloses the costs of

production, the capital employed or the profits of any undertaking or business.

Offences and penalties

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

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

is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5000.

(2) Any person, being in possession of any information which to his knowledge has been obtained or disclosed in contravention of this Ordinance, who publishes or communicates it to any person other than the Chief Statistician or someone acting on his behalf to receive or obtain such information, is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5000.

(3) Any person who –

- (a) hinders or obstructs the Chief Statistician or any person authorised by him in the execution of any power conferred under this Ordinance;
- (b) without reasonable excuse, fails to comply with a notice served on him in accordance with section 6 (notice requiring information);
- (c) knowingly makes a statement, when answering any question asked of him under the authority of this Ordinance, which is untrue in any material particular; or
- (d) contravenes any other provision of this Ordinance;

is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5000.

Service of notices

**11.** Any notice or other document to be served under this Ordinance may be served either –

- (a) by delivering it to the person on whom it is to be served;
- (b) by leaving it at the last known address of that person;
- (c) by sending it by post, or by registered post, to the last known address of that person;
- (d) in the case of an incorporated company or body, by sending it by post, or registered post, to the secretary or manager of that company or body at

the registered or principal office of the company or body;

(e) in the case of a partnership, by serving it on a partner or a person having the control or management of the partnership business in accordance with paragraphs (a) to (c) above;

(f) where the name of the person carrying on an undertaking (not being an incorporated body) at any premises is not known, by sending it by post, or registered post, in a letter addressed as to show the name under which, and the premises at which, the undertaking is carried on; or

(g) in any case, with the consent of the person on whom it is to be served, by fax or email to such address as that person has notified to the Chief Statistician for that purpose.

Power to amend  
Schedule 1

**12.** The Governor may from time to time by Order add to, delete from or otherwise amend Schedule 1, or substitute a new Schedule.

Oath of secrecy

**13.** Any person employed in the exercise of any power or the performance of any duty under this Ordinance shall, before entering upon his functions, make and subscribe before a Magistrate or a Justice of the Peace, the oath set out in Schedule 2.

Regulations

**14.** The Governor may make regulations for the better carrying out of the provisions of this Ordinance and, without prejudice to the generality of the foregoing, may make regulations to prescribe the form of any notice to be served by the Chief Statistician in accordance with section 8.

Saving

**15.** Nothing in this Ordinance shall override the provisions of the Census Ordinance.

Cap. 174

**SCHEDULE 1**  
**MATTERS SPECIFIED**

*(Sections 2, 12)*

1. Agriculture
2. Births, Deaths, Marriages and Divorces
3. Business Activity
4. Community, Social and Personal Services
5. Construction Activity
6. Education, Public and Private
7. Environment and Energy
8. Finance, Insurance and International Business
9. Fishing Activity and Fishing Industry
10. Health (Public and Private) and Social Welfare of the Community
11. Housing
12. Immigration and Emigration
13. Information Communication Technology
14. Labour and Employment
15. Land Tenure and the Occupation and Use of Land
16. Law Enforcement and the Administration of Justice and Corrections
17. Lotteries and Charities
18. Manufacturing
19. Mining and Quarrying
20. Natural Disasters
21. Population
22. Prices and Cost of Living
23. Public Administration and Social Security
24. Real Estate, Rents and Vacancies
25. Salaries, Wages, Fees and Other Payment for Services Rendered
26. Tourism, Hotels, and Restaurants
27. Trade (Imports and Exports)
28. Traffic, Transportation, and Storage
29. Wholesale and Retail Activity
30. Utilities (Electricity, Gas, Water)

**SCHEDULE 2**

**OATH OF SECRECY**

*(Section 13)*

I.....of..... [solemnly swear] [solemnly, sincerely and truthfully affirm]\* that I will faithfully and honestly fulfil my functions in conformity with the requirements of the Statistics Ordinance 200[6] and that I will not, without due authority, disclose or make known any matter or thing which comes to my knowledge by reason of my employment.

Signed.....

Sworn/Affirmed\* before me

This....day of.....20

.....

Magistrate/Justice of the Peace\*

*\*Complete as appropriate*

**PASSED** by the House of Assembly this.....day of.....

Clerk to the House of Assembly

Speaker

## EXPLANATORY MEMORANDUM

This Bill provides for the collection, compilation, analysis and publication of statistics and for related matters.

Clause 2 concerns interpretation including the meaning of “statistics” and introduces Schedule 1 which is a list of the matters to which statistics may relate.

Clause 3 continues the operation of the Statistics Unit within the Ministry of Finance, Health and National Insurance.

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

- (a) to collect, compile and publish statistics of the Islands;
- (b) to collaborate with Ministries, Departments and public and private bodies in the collection, compilation and publication of statistics;
- (c) to advise Government on matters of policy relating to statistics;
- (d) to conduct general purpose surveys in the Islands; and
- (e) to organize a co-coordinated scheme of economic and social statistics relating to the Islands.

Clause 5 provides power for the Minister to direct the Chief Statistician to collect, compile and publish additional statistics.

Clause 6 enables the Chief Statistician, and any person authorised by him, to serve notice on any person requiring him to furnish such information as is specified in the notice.

Clause 7 provides for the Chief Statistician, and any person authorised by him, to be given access to public records and documents.

Clause 8 enables the Chief Statistician, and any person authorised by him, after giving not less than 14 days notice, to enter any house or other premises where persons are employed for the purpose of collecting and compiling statistics.

Clause 9 imposes restrictions on the publication of information which enables persons to be identified (subject to certain exceptions in the case of undertakings or businesses).

Clause 10 provides for offences and penalties.

Clause 11 relates to service of notices.

Clause 12 enables the Governor, by Order, to amend, or substitute a new, Schedule 1 (matters specified in relation to statistics).

Clause 13 provides for the form of the oath of secrecy.

Clause 14 provides for regulations.

Clause 15 provides that the Census Ordinance is not affected.