

LEGAL SUPPLEMENT

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THE STATISTICS ACT 2000

(Act No. 38 of 2000)

I assent

30th November, 2000

CASSAM UTEEM
President of the Republic

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An Act

To provide for the systematic and harmonised production of statistics

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Statistics Act 2000.

2. Interpretation

In this Act -

"authorised officer" means any person appointed as such under section 6;

"census" means a census of population and dwellings;

"contractor" means a person appointed under contract for carrying out, on behalf of the Director, duties relating to the collection, compilation, analysis, abstraction, publication and dissemination of statistical information;

"Council" means the Statistics Advisory Council established under section 23;

"Director" means the Director of Statistics specified in section 4;

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

"Minister" means the Minister to whom responsibility for the subject of statistics is assigned;

"President" means the President of the Republic of Mauritius;

"respondent" means any person who supplies or is required to supply statistical information;

"return" means any book, document, form, card, tape, disc or storage media on which the information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

"sampling" means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or undertakings concerned in the field of inquiry;

"statistics" means information in connection with or incidental to, any census or survey of all or any of the matters specified in the First Schedule, and includes information derived from records of administration kept by Ministries, Government Departments and statutory bodies;

"survey" includes a survey of undertakings or persons whereby information is collected from all persons in a field of inquiry or from a sample thereof, wholly or primarily for statistical purposes;

"undertaking" means any undertaking by way of a trade or business whether or not the trade or business is carried out for profit, and includes a Ministry or Government Department, statutory body, local government body, and any other form of organisation or body of persons or any part thereof and includes a branch of an undertaking.

3. Central Statistics Office

There shall be a Department of Government to be known as the Central Statistics Office which shall be the central depository for all statistics produced in Mauritius.

4. Director of Statistics

(1) There shall be a Chief Executive Officer of the Central Statistics Office who shall be known as the Director of Statistics.

(2) The Director of Statistics shall be responsible for the administration and control of the Central Statistics Office.

5. Duties of the Director

The Director -

(a) may take any census in Mauritius;

(b) may collect, compile, analyse, abstract, publish and otherwise disseminate statistical information relating to the commercial,

industrial, financial, agricultural, social, demographic, economic activities and general conditions of the people of Mauritius;

(c) shall co-ordinate and monitor statistical activities in all Ministries and Government Departments, local authorities and other statutory bodies to -

(i) ensure that approved statistical standards and procedures are applied;

(ii) ensure that standard concepts, definitions and classifications are used to enhance harmonisation and comparability of statistics; and

(iii) minimise unnecessary overlapping and duplication in the collection and publication of statistical information;

(d) shall collaborate with Ministries and Government Departments in the collection, compilation, analysis, publication and dissemination of statistical information, including statistics derived from the activities of those Ministries and departments;

(e) shall generally organise a co-ordinated scheme of social and economic statistics and statistics of sustainable development relating to Mauritius;

(f) may conduct voluntary pilot surveys to test questionnaires and statistical procedures;

(g) shall ensure the independence, accuracy, relevance, integrity, timeliness and professional standard of statistical information produced by the Central Statistics Office;

(h) shall ensure the security and confidentiality of information collected under this Act;

(i) shall determine and exercise final responsibility for the discontinuance of a statistical collection;

(j) may determine the pricing policy of statistical products and services supplied by the Central Statistics Office;

(k) shall cause the statistics collected under this Act to be compiled, tabulated and analysed and, subject to this Act, may cause the statistics or abstracts of them to be published and disseminated, with or without observations thereon, in such manner and by such media as he may determine.

(2) The Director shall make the arrangements and do all the things necessary for the performance of his duties under this Act, and may for that matter retain the services of an independent contractor.

(3) The Director shall have the sole responsibility for deciding -

(a) the procedure and method to be employed in the provision of;

(b) the extent, form, and timing of publication and dissemination of,

any statistics produced or to be produced by the Central Statistics Office.

6. Authorised officer

(1) There shall be such number of officers, as determined by the Director, to be known as authorised officers who shall be public officers appointed to assist the Director in the performance of his duties.

(2) Any contractor or his employee or agent shall be treated as an authorised officer if he is performing duties under this Act.

7. Collaboration of heads of ministries, departments and statutory bodies

The Head of a Ministry and Government Department, the clerk of every court or tribunal administering criminal justice or, where there is no clerk, the Judge or Magistrate or other person presiding over the court or tribunal, the officer in charge of every penitentiary and reformatory, the administrative head of every local government body and other statutory body shall fill in and transmit, or cause to be filled in and transmitted, to the Director, such returns at the times, in the manner and for the periods as may be prescribed.

8. Joint collections

(1) The Director may make an agreement with any Ministry or Government Department, local authority or statutory body concerning information that they have authority to collect to be collected jointly by the Central Statistics Office and the other Ministry or Government Department, local authority or statutory body and that this information be exchanged between the agreeing parties provided that -

(a) the respondent shall, by notice in writing, be informed that the information is being collected jointly by the Central Statistics Office with a Ministry or Government Department, local authority, or statutory body, which notice shall state the purposes to which the information will be put; and

(b) the agreement shall be of no effect in relation to any respondent who gives notice in writing to the Director that he objects to the sharing of information by the parties to the joint collection.

(2) Any employee of any Ministry or Government Department, local authority or statutory body shall, if engaged in the joint collection of information or the processing of information collected in a joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed by section 22, despite any declaration of secrecy made under any other Act.

9. Direction for taking of a census

(1) The President may, subject to the approval by resolution of the Assembly, by Order direct that a census shall be taken for Mauritius, or any part of it, or any class of inhabitant and the Order may specify -

(a) the date or dates on or between which the census shall be taken; and

(b) subject to subsection (2), the information to be obtained in the census.

(2) The Director shall not take a census until regulations have been made by the President prescribing -

(a) the particulars and information to be furnished on the taking of the census; and

(b) the manner and form in which, the times and places at which, and the persons by whom, the particulars and information shall be furnished.

(3) Regulations made under subsection (2) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding one year.

10. Collection of other statistics

(1) Subject to subsection (2), and with the approval of the Minister the Director may, and on the direction of the Minister the Director shall, collect in Mauritius or in any part of it, whether in conjunction with any census or not, statistics relating to all or any of the matters set out in the First Schedule.

(2) Subject to subsection (3), the Director shall not collect any statistics until regulations have been made under section 28 prescribing the particulars and information to be furnished in relation to the matter in respect of which the statistics are to be collected.

(3) Subsection (2) shall not apply to voluntary pilot surveys to test questionnaires and statistical procedures.

11. Sampling

(1) Statistics relating to all or any of the matters set out in the First Schedule may be collected by sampling, in place of a full enumeration, where the use of that method is considered appropriate.

(2) Sampling may also be used to test a questionnaire and a statistical procedure before finalisation.

(3) It shall not be a defence to a person who has failed to fill in a return or to answer any inquiry by reason only that only a portion of a particular group of persons is required to fill in the return or to answer the inquiry.

12. Limitation on right to require information

No person shall 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. Power to obtain particulars

(1) (a) Where any census is being taken or any statistical information is being collected in accordance with this Act, an authorised officer may require any person from whom particulars may lawfully be required under this Act to supply him with such particulars as may be prescribed or such of those particulars as the Director may consider necessary or desirable in relation to the taking of the census or the collection of the statistics.

(b) For the purposes specified in paragraph (a), the person shall, to the best of his knowledge, information and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such time, as may be specified by the authorised officer in accordance with regulations made under sections 9 and 28.

(2) An authorised officer may require any person to supply him with particulars either by interviewing the person or by leaving at or posting to the last known address of the person, a form having thereon or attached thereto a notice requiring the form to be completed and returned in the manner and within the time specified in the notice.

(3) Where any particulars are, by any document purporting to be issued by an authorised officer, 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 this Act;

(b) that the document has been issued by an authorised officer.

14. Access to public and other records

Where the Minister has given his approval to, or directed, the collection of statistics relating to any matter, and where the Director is of opinion that there can be obtained from any -

(a) Government record or document;

(b) record or document belonging to any local authority, other statutory body or to any person,

information sought in respect of the matter in relation to which the collection of statistics has been approved or directed, or information which would aid in the completion or correction of the statistics, any person who has the custody of any of the records shall grant access to them to the Director or any authorised officer for the obtaining from them of the information.

15. Offences

(1) Any person, being a person employed in the execution of any duty under this Act, who

(a) deserts from his duty, or wilfully makes any declaration, statement or return in the performance of his duties, or compiles for issue any false statistics or information;

(b) in the pretended performance of his duties, obtains or seeks to obtain information that the person is not duly authorised to obtain;

(c) by virtue of his 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 directly or indirectly uses such information for personal gain;

(d) 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;

(e) asks, receives or takes, in respect of or in connection with his employment under this Act from any person, other than a public officer duly authorised thereto, any payment or reward,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(3) Any person who -

(a) hinders or obstructs an authorised officer in the execution of any powers under this Act;

(b) refuses or neglects -

(i) to fill up and supply the particulars required in any return, form or other document, lawfully left with or sent to him; or

(ii) to answer any questions or inquiries under this Act;

(c) knowingly makes in any return, form or other document filled up or supplied under this Act, in any answer to any question or inquiry under this Act, any statement which is untrue in any material particular;

(d) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act;

(e) not being an authorised officer, assumes the quality of, or represents himself to be, an authorised officer -

(i) with intent to obtain admission on any premises which he is not entitled to enter;

(ii) with intent to do or procure to be done anything which he is not entitled to do or procure to be done;

(f) refuses without reasonable cause to grant access to records and documents in accordance with section 14;

(g) contravenes any provision of this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding one year, and in the case of a continuing offence, to a fine not exceeding 1,000 rupees for every day during which the offence continues.

16. Limitation period

A prosecution may not be instituted later than 2 years after the time when the subject matter of the prosecution arose, or 2 years after the time when the commission of the offence first became known to the prosecutor.

17. Restriction on disclosure of information

(1) Subject to subsection (2), and except for the purposes of a prosecution under this Act -

(a) no individual return, or part of it, 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 the return or answer so arranged as to enable identification of the particulars with any person, undertaking or business,

shall be published, admitted in evidence, disclosed to any Ministry or Government Department 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 the return or giving the answer, or, in the case of an undertaking or business, from the owner for the time being of the undertaking or business.

(2) Nothing in this section shall prevent or restrict the publication of any report, abstract or other document, without such consent where the particulars in the report, abstract or other document, enable identification merely by reason of the fact that the particulars relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, but in no case shall the particulars enable identification of the costs of production, the capital employed or profits arising in any such undertaking or business.

18. Exception to restriction on disclosure

Notwithstanding section 17, the Director may disclose -

- (a) information available to the public under any enactment or public document;
- (b) information in the form of an index or list of the names and addresses of individual undertakings or businesses together with the telephone numbers at which they may be reached in relation to statistical matters, the industrial classifications allotted to them, the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, and the number of persons engaged;
- (c) details of external trade, movement of ships and aircraft, and cargo handled at ports;
- (d) information relating to a local authority or other statutory body.

19. Disclosure of unidentified information for research or statistical purposes

(1) Subject to subsections (2) and (3) and with the approval of the Minister, the Director may disclose information in the form of individual statistical records solely for bona fide research or statistical purposes provided that -

- (a) all identifying information such as name and address has been removed; and
- (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or undertaking or business to which it relates.

(2) Every person to whom any statistical records are disclosed pursuant to this section shall -

- (a) not attempt to identify any particular person or undertaking or business;
- (b) use the information for research or statistical purposes only;
- (c) not disclose the information to any other person or organisation;
- (d) when required by the Director, return all documents made available to him to the Director;
- (e) comply with any directions given by the Director relating to the records.

(3) Every person involved in the research or statistical project for which information is disclosed pursuant to this section shall make the declaration of secrecy set out in the Second Schedule.

20. Security of recorded information

Where the statistical information which the Director collects under this Act from individual returns, worksheets, or any other confidential source is to be copied or recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for the processing, storage, or reproduction of particulars, the Director shall take such steps as are necessary to ensure the security and confidentiality of the statistical information.

21. Destruction of individual forms and returns

The Director shall account for and destroy under strict supervision all individual census and survey forms and returns used for the purposes of this Act and containing the name and address of a person or undertaking or business, after the data have been processed and validated but not later than 5 years after the date of completion of any census or survey.

22. Declaration of secrecy

(1) Every person employed in the execution of any duty under this Act shall, before entering on his duties, make and subscribe a declaration of secrecy in the form set out in the Third Schedule.

(2) Every declaration of secrecy under this section shall be made before a Magistrate or the Director of Statistics.

(3) Every declaration under this section shall be returned and recorded in such manner as the Director may determine.

23. Establishment of Council

There is established for the purposes of this Act a Statistics Advisory Council.

24. Functions of Council

(1) The functions of the Council shall be to advise the Minister with regard to -

(i) the improvement, extension, co-ordination and harmonisation of statistical activities in Mauritius;

(ii) any gaps and deficiencies in the provision of statistical services in Mauritius;

(iii) the actual and perceived integrity of, and public confidence and trust in, statistics produced in Mauritius;

(iv) the setting up of priorities and programmes of work to be adopted by the Central Statistics Office;

(v) the promotion of an environment which is supportive of the collection, production, dissemination and use of statistics;

(vi) the maintenance of confidentiality and security of individual information;

(vii) the maintenance of independence, accuracy, relevance, integrity, timeliness and professional standard of statistical information produced in Mauritius;

(viii) any matter referred to it by the Minister relating to statistical activities and provision of statistical services in Mauritius.

(2) The Director shall provide the Council with such resources as are necessary for the effective performance of its functions.

(3) The Council may issue public statements on any matter relating to its functions under this Act, after consultation with the Ministry or Government Department or other agency involved, if any, on the matter in question.

25. Membership of Council

(1) The Council shall consist of -

(a) a Chairperson;

(b) the Director of Statistics or his representative; and

(c) not less than 10 and not more than 15 other members, with experience in statistical matters, broadly representative of groups or interests concerned with the production and use of statistics, including Ministries and Government Departments, employers, labour unions, specialists in information technology, economic, financial and banking interests, social interests, users and producers of statistics, academia and consumer organisations.

(2) (a) The Chairperson shall be appointed by the Prime Minister for a period of 3 years and shall be eligible for reappointment for another period of 3 years.

(b) All members referred to in subsection 1(c) shall be appointed by the Minister for a period of 2 years and shall be eligible for reappointment for another period of 2 years.

(3) Every member shall be paid such fees and allowances as may be determined by the Minister.

(4) The office of a member shall become vacant where the member -

(a) has been absent, without leave from the Council, from 3 consecutive meetings of the Council;

(b) becomes disqualified for membership of the Council for a reason specified in section 37(3) of the Interpretation and General Clauses Act.

26. Meetings of Council

(1) The Council shall, at the request of the Chairperson, meet at such time and place as the Chairperson may decide.

(2) Seven members of the Council shall constitute a quorum.

(3) The Council shall regulate its meetings in such manner as it thinks fit.

27. Committees of Council

(1) The Council may appoint such committees as it thinks fit.

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

28. Regulations

(1) The Minister may make regulations generally for the better carrying into effect of the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make regulations -

(a) prescribing the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act;

(b) prescribing the manner and form in which, the times and places at which, and the persons by whom the particulars and information shall be furnished;

(c) for the levying of charges and the taking of fees;

(d) amending the First Schedule.

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding one year.

29. Repeal

The Statistics Act is repealed.

30. Commencement

(1) This Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different provisions of this Act.

Passed by the National Assembly on the twenty first day of November two thousand.

ANDRE POMPON
Clerk of the National Assembly

FIRST SCHEDULE

(sections 2, 10, 11 and 28)

1. Population, vital occurrences and other demographic and social matters
2. Buildings, dwellings, housing conditions
3. Internal and external migration
4. Health, welfare and morbidity
5. Education, cultural and religious participation, sports and recreation
6. Law enforcement, the administration of justice, punishments and rehabilitation measures
7. Social and physical environment
8. Labour, employment and unemployment, conditions of work, hours of work, salaries, wages, bonuses, fees, allowances and any other direct or indirect emoluments
9. Incomes, earnings, profits, interests and other emoluments, expenditure and taxation
10. Industrial disturbances and labour disputes
11. Accidents, injuries and compensation
12. Household including family characteristics, conditions and activities
13. Handicrafts and rural industries
14. Land tenure, occupation and use of land, condition of land, transfers of land, mortgages or privileges on land, leases of land
15. Assets including savings, liabilities and wealth of persons and undertakings, prices of property
16. Prices of commodities and services at any or all transaction levels, rents, cost of living
17. Internal and external trade, visible and invisible, financial transactions with other countries, offshore and freeport activities
18. Internal and international travel and tourism
19. Economic, financial, production, manufacturing, consumption, sales, investment, stocks and other matters relating to undertakings including Ministries and Government Departments, local authorities and other statutory bodies
20. Agriculture including dairying, horticulture, pastoral and allied industries, hunting, forestry, fishing

- 21. Mines, quarries, wells and bore holes
- 22. Manufacturing
- 23. Construction
- 24. Electric power, fuel, gas and water utilities
- 25. Wholesale and retail trade including agents and brokers, restaurants, hotels and accommodation, catering
- 26. Transportation, storage, warehousing and communications
- 27. Finance, insurance, real estate and business services
- 28. Community, social, welfare, religious and personal services
- 29. Sweepstakes, lotteries, charitable and other public collections of money
- 30. Local government
- 31. Transactions and financial positions with other countries and institutions abroad.

SECOND SCHEDULE

(section 19)

I,solemnly and sincerely declare that I will faithfully and honestly fulfil my duties in connection with research or statistical project under the Statistics Act and that I shall not without due authority in that behalf disclose or make known any matter or thing which comes to my knowledge by reason of my duties as such.

Before me,.....
(District Magistrate/Director of Statistics)

THIRD SCHEDULE

(section 22)

I,solemnly and sincerely declare that I will faithfully and honestly fulfil my duties as authorised officer in conformity with the Statistics Act and that I shall not without due authority in that behalf disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

Before me,.....
(District Magistrate/Director of Statistics)