



ST HELENA

REVISED EDITION OF THE LAWS, 2017

CONSTITUTIONAL & ADMINISTRATIVE LAW

CENSUS ORDINANCE, 1986¹

*Ordinance 8 of 1986
In force 29 September 1986
Amended by Ordinance 14 of 2017*

No subsidiary legislation to 1 November 2017

CENSUS ORDINANCE, 1986

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AN ORDINANCE to provide for the taking of a census in St Helena.

Short title

1. This Ordinance may be cited as the Census Ordinance, 1986.

A census may be taken at any time

2. (1) The Governor may at any time appoint a night for the taking of a census of the inhabitants of St Helena, to be styled “the census night”.

(2) Notice of the night appointed for the taking of a census must be published in the *Gazette* at least 15 days before the census night.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

Persons who are to take census

3. (1) The Governor must appoint a person (to be known as the “**Census Supervisor**”) to supervise the taking of any census under section 2.

(2) The Census Supervisor, with the approval of the Governor as to numbers, may appoint such number of persons (to be known as “**enumerators**”) to assist the Census Supervisor, as may be necessary for the proper conduct of the Census in accordance with this Ordinance.

(3) The Census Supervisor may make arrangements to supply enumerators with official identification documents (“**Identity Cards**”) in a form the Census Supervisor, with the concurrence of the Governor, approves.

Form of Census Schedule

4. (1) The Governor in Council must approve the form or forms to be used in the taking of the census.

(2) In this Ordinance, the expression “**Census Schedule**” means, in respect of any census, the form or forms approved under subsection (1).

Schedules to be delivered and returned

5. (1) Not less than 12 hours before the census night the Census Supervisor must cause to be supplied to every occupier of a house or tenement, and to the master of any vessel or ship then in the harbour, one or more Census Schedules.

(2) The Census Supervisor must arrange for the Census Schedules supplied under subsection (1) to be collected, as soon as is practicable after the census night, and in no case later than 7 days after the census night.

Schedules requiring full particulars to be signed

6. The occupier of every house or tenement, and the master of any vessel or ship in harbour, must fill up or cause to be filled up, and sign, a Census Schedule giving the full particulars required in it to the best of his or her knowledge and belief.

Schedules to be delivered following the census night

- 7.** An enumerator must within the time prescribed by section 5(2) —
- (a)* visit every house or tenement and every ship or vessel;
 - (b)* collect all Census Schedules left to be filled up; and
 - (c)* complete or cause to be completed all schedules which appear to be defective.

Penalty for refusing, or giving false return

8. It is an offence for a person when required under section 6 to complete a Census Schedule—

- (a) wilfully to refuse or without lawful excuse to neglect to fill up the schedule to the best of his or her knowledge and belief or to sign and deliver it when required;
- (b) wilfully to make any false return of any matter specified in the schedule;
- (c) to refuse to give any information in reference to the schedule when asked by the Census Supervisor or an enumerator.

Penalty: A fine of £100 or imprisonment for 3 months, or both.

Returns on houseless person to be obtained by the Supervisor

9. The Census Supervisor must take reasonable steps to obtain, by such means as appear best adapted for the purpose, returns of—

- (a) all houseless persons; and
- (b) persons who during the census night were travelling or on the sea, or who for any other cause were not abiding in any house on the census night.

Penalty for obstruction

10. A person who wilfully obstructs the carrying out of the provisions of this Ordinance or of any order made under it commits an offence.

Penalty: A fine of £100 or imprisonment for 3 months, or both.

Proceedings to be commenced within 12 months

11. Criminal proceedings in respect of an offence against this Ordinance must be commenced within 12 calendar months after the offence was committed.

Confidentiality of census

12. (1) Information collected under this Ordinance must to be used for statistical purposes only, and, except for the purposes of a prosecution under this Ordinance—

- (a) no individual completed Census Schedule or part of a schedule or any copy of such a schedule or part, made for the purposes of this Ordinance;
- (b) no answer given to any question put for the purposes of this Ordinance;
- (c) no report, abstract or document containing particulars contained in any such return or answer and so arranged as to render possible the identification of such particulars with any person, business or undertaking,

may be published, admitted in evidence, or shown to any person not employed in the performance of any functions under this Ordinance unless consent in writing has been obtained from the person supplying the information.

(2) It is an offence for any Census Supervisor, enumerator, or other person employed in the performance of any function in connection with a census under this Ordinance —

- (a) having by virtue of such employment or function become possessed of information, and before the information is made public, directly or indirectly to use it for personal gain;
- (b) without lawful authority to publish or communicate to any person other than in the ordinary course of employment any information acquired in the course of that employment or the performance of that function; or
- (c) knowingly to compile for issue any false statistics or information.

Penalty: A fine of £1,000 or imprisonment for one year, or both.

(3) As soon as all the required statistical data has been extracted from the completed Census Schedules collected in the course of any census, the Census Supervisor must ensure that—

- (a) all such completed schedules are collected together and placed in securely wrapped parcels;
- (b) each such parcel is clearly labelled with the words “Census Returns”, and the date of the census night;
- (c) each such parcel is sealed in such a way that it cannot be opened without breaking the seal; and
- (d) the parcels, so labelled and sealed, are deposited with the Archivist or other person responsible for the custody of public records.

(4) Parcels deposited under subsection (3)(d) must not be opened until the expiration of 100 years from the date of the census night to which they relate.

(5) At the end of that period of 100 years the provisions of this section cease to apply, and the completed Census Schedules are to be treated in all respects like any other public records.

(6) Every person who opens, or breaks the seal upon, any parcel, or causes or permits the same, contrary to the provisions of subsection (4) commits an offence.

Penalty: A fine of £1,000 or imprisonment for one year, or both.

(7) This section applies to any census taken before the commencement of this Ordinance as it applies to any census taken after such commencement, and if any census records are found in the custody of the Archivist or other custodian of public records otherwise than in parcels sealed in accordance with subsection (3), that person must forthwith cause the records to be sealed in accordance with that subsection.
