



ST. HELENA

CHAPTER 169

STATISTICS ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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No Subsidiary Legislation has been made under this Ordinance

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 169**STATISTICS ORDINANCE**

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CHAPTER 169**STATISTICS ORDINANCE**

(Ordinance 3 of 2000)

AN ORDINANCE TO PROVIDE FOR THE COLLECTION, COMPILATION, ANALYSIS, ABSTRACTION AND PUBLICATION OF STATISTICAL INFORMATION, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Short title

1. This Ordinance may be cited as the Statistics Ordinance.

Interpretation

2. In this Ordinance, unless the context shall otherwise require—
“**Commissioner**” means the person appointed by the Governor as Statistical Commissioner pursuant to section 3(1);
“**officer**” means any person appointed by the Governor as a Statistics Officer pursuant to section 3(2);
“**performance of duties**” means the performance of any power or duty imposed on the Commissioner or an officer under any provision of this Ordinance;
“**prescribed**” means anything prescribed by regulations made under section 13;
“**respondent**” means a person from whom any information is supplied, or requested or required to be supplied under any provision of this Ordinance;

“return” includes all information, whether given verbally or contained in one or more documents, supplied by a respondent in accordance with a request or a requirement therefor.

Appointment of Statistics Commissioner and Statistics Officers

- 3. (1)** The Governor, by notice in the Gazette, may appoint public officers to be—
- (a) the Statistical Commissioner; and
 - (b) one or more statistics officers to assist the Commissioner in the proper performance of his powers and duties under this Ordinance and any regulations made thereunder.
- (2)** An officer shall have the same rights, powers and privileges conferred upon the Commissioner when lawfully performing any duties under this Ordinance.
- (3)** The Commissioner may delegate any of his duties under this Ordinance to be performed by one or more officers.

Duties of Commissioner

- 4. (1)** Subject to the provisions of subsection (2), the Commissioner shall report to and advise the Governor upon all statistical matters, and generally perform all duties imposed upon him under this Ordinance, and in particular shall—
- (a) collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and condition of St. Helena and persons in the Island;
 - (b) organise a co-ordinated scheme of statistics relating to St. Helena;
 - (c) ensure that common definitions for statistical purposes are used in respect of all official statistical information collected or published by any Government department; and
 - (d) promote the avoidance of duplication in the information collected by Government departments.
- (2)** The Governor in Council in its discretion may from time to time issue policy directions for guidance to the Commissioner and any officer acting on his behalf.
- (3)** The Commissioner and all officers shall comply with all such directions given pursuant to subsection (2) in the exercise of their respective powers and duties under this Ordinance and any regulations made thereunder.

Temporary assistants

5. The Commissioner may employ or engage persons or temporary assistants for the purpose of assisting with any matter, project or programme undertaken under this Ordinance and such person or assistants shall for the purposes of this Ordinance be persons employed under this Ordinance while employed or engaged.

Oath of office

6. (1) The Commissioner and every person employed for the purposes of this Ordinance or employed or engaged in any matter, project or programme to which this Ordinance applies shall, before engaging upon his duties, take and subscribe an oath or affirmation in the following form—

I,, do solemnly swear/affirm that I will faithfully and honestly fulfil my duties prescribed by or under the Statistics Ordinance and all rules and instructions thereunder and that I will not without due authority disclose or make known any matter or thing that comes to my knowledge by reason of my employment.

(2) The oath or affirmation shall be taken before a person authorised to administer an oath or affirmation and shall be recorded in the manner directed by the Governor.

Publication of statistics

7. (1) Any statistics or abstracts thereof compiled pursuant to the provisions of section 4 of this Ordinance may be published by the Commissioner, with or without observations expressed thereon, in such manner as he may determine.

(2) The provisions of subsection (1) shall be subject to any law for the time being in force that shall impose any condition, prohibition or restriction upon any information intended to be published.

Power to obtain information

8. (1) For the purpose of complying with the provisions of this Ordinance the Commissioner may request any person from whom information may lawfully be required to supply him with such particulars as may be prescribed, or such of those particulars as he may consider necessary. Such person shall, to the best of his knowledge and belief, truthfully complete such forms, make such returns, answer all questions, and otherwise give all information lawfully requested in such manner and within such period as may be prescribed, or as the Commissioner may, in his discretion, consider appropriate and reasonable.

(2) The Commissioner may require any person to supply him with information required, either by interviewing such person personally or by leaving at or posting to his last known address, a form for completion, with a notice thereon specifying the manner in which the form is to be completed and the date by which it must be returned.

(3) Where any form or other written request for information is supplied to any respondent in accordance with subsection (2), it shall be presumed that such request has been lawfully issued in all respects. The onus of proving otherwise shall lie with such respondent.

Power of entry to certain premises

9. (1) The Commissioner may, at all reasonable times, and for any purpose connected with the performance of his duties or the exercise of his powers under this Ordinance, enter any premises and may make such enquiries therein as he deems appropriate. Such power shall only be exercised after not less than five days prior notice has been given to the owner or occupier of the premises of such intended visit.

(2) In this section “notice” means a notice published in a local newspaper and aired via a local radio station.

Access to public and other records

10. Subject to any policy directions given by the Governor in Council pursuant to section 4(2) of this Ordinance, where in the opinion of the Commissioner he can obtain from any records or documents in the custody or control of any Government department, or any other person, any information he deems must necessarily be obtained for the fulfilment of his

duties under this Ordinance, he shall be granted all reasonable facilities for inspection of such records or documents.

Restrictions on publication of information

11. (1) Subject to subsection (2), all information collected and compiled under the provisions of this Ordinance shall be used for statistical purposes only, and except for the purpose of prosecution for contravention of any provision of this Ordinance or regulations made thereunder—

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

shall be published, or admitted in evidence in any civil proceedings, or disclosed to any person not employed in the performance of any duty under this Ordinance, unless the consent in writing thereto has first been obtained from the person who has made the return or answer, or in the case of a business or other undertaking, from a director, partner, or other person who for the time being has the control or management thereof.

(2) The provisions of subsection (1) shall not prevent or restrict the publication or other disclosure of any such report, abstract or document without such consent where—

- (a) disclosure has been ordered by a Court in which civil proceedings have been issued; or
- (b) the particulars therein render identification possible by reason only of the fact that they relate to a business or other undertaking which is the only business or undertaking of that type, or one of two such businesses or undertakings, if publication or other disclosure does not render possible identification of the costs of production, capital employed in, or the profits or losses arising from such business or other undertaking.

Offences

12. (1) If the Commissioner or any officer or other person employed in the performance of any duty for the purposes of this Ordinance—

- (a) causes or permits any information acquired in the performance of such duty to be used directly or indirectly for his personal gain; or
- (b) without lawful authority (the proof whereof shall lie with him or them) publishes or communicates to any person, other than in the ordinary course of his or their employment, any information acquired in the performance of such duty; or
- (c) knowingly compiles for issue any false statistics or other information; or
- (d) knowingly requests information from any person that he is not lawfully required to supply,

he or they shall each be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 12 months and/or a fine not exceeding £500.00.

(2) For the purposes of subsection (1)(b), it shall not be in the ordinary course of employment of the Commissioner, an officer, or any other person performing any duty under this Ordinance to communicate information to any other Government officer or employee who does not perform any duty to which this Ordinance has application.

(3) Any person in possession of any information which he knows has been disclosed in contravention of this Ordinance who unlawfully publishes or communicates the same to any other person shall be guilty of an offence, and liable on summary conviction to imprisonment for a period not exceeding 3 months and/or a fine not exceeding £200.

(4) Any person who—

- (a) wilfully obstructs the Commissioner or any officer in the performance of any duty under this Ordinance; or
- (b) refuses or neglects without reasonable cause (the proof whereof shall lie with him)—
 - (i) to supply, within such time as may be specified, any information required or requested in any form or other document left with him at or sent to his last known address pursuant to section 6 of this Ordinance; or
 - (ii) to answer any question asked relating to information required for the purposes of this Ordinance; or
- (c) knowingly makes in any return, form or other document completed or supplied, or in answer to any question or enquiry asked of him for the purposes of this Ordinance any statement which is false and is calculated to deceive; or
- (d) unlawfully destroys or damages any return, form or other document containing information required for the purposes of this Ordinance; or
- (e) wilfully refuses to grant reasonable facilities for the inspection of records or other documents in accordance with the provisions of section 10 of this Ordinance,

shall be guilty of an offence, and liable on summary conviction to imprisonment for a period not exceeding 6 months and/or a fine not exceeding £500.

(5) Where any person has been convicted of contravention of any of the provisions of subsection (4), the Court may, in addition to any penalty imposed, order such person to take such action within such period as the Court deems appropriate for the purpose of complying with any outstanding obligation arising from any of the provisions of this Ordinance.

(6) Any person who impersonates or otherwise falsely represents himself to be the Commissioner or an officer, or any other person lawfully having duties to perform under this Ordinance, and who purports to perform the functions thereof, or who unlawfully attempts to obtain by any means any information required by this Ordinance to be supplied, shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 12 months and/or a fine not exceeding £500.00.

Regulations

13. The Governor in Council may make regulations for the further and better execution of this Ordinance, and without prejudice to the generality of this power, such regulations may provide for—

- (a) anything which by this Ordinance is required or permitted to be prescribed;
- (b) the amount and nature of any security, by way of cash deposit or otherwise, to be given for the due compliance with or performance of any order made by the Court under section 12(5) of this Ordinance;
- (c) the enforcement of any security given and the forfeiture and repayment of any cash deposit;
- (d) the style and content of any return, form or other document to be used for the purposes of this Ordinance, and the information and particulars generally in respect of which statistical information may be collected;
- (e) the manner and form in which, the time and places at which, and the persons by whom such particulars and information shall be furnished;

- (f) the deletion from, variation of or addition to the list of matters contained or referred to in section 4(1)(a) of this Ordinance with respect to statistical information to be collected;
 - (g) the manner in which statistical information or abstracts thereof may be published, both in the news media and elsewhere;
 - (h) the fees which may be charged for the supply of copies or abstracts of any statistical information compiled and published;
 - (i) the exemption by such authority as may be specified from compliance with all or any of the provisions of this Ordinance of any person or class of persons, businesses or other undertakings for such period of time and in such circumstances as may be specified;
 - (j) a penalty not exceeding a fine of £500 for breach of or failure to comply with any such regulations.
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