



ST HELENA

REVISED EDITION OF THE LAWS, 2017

CONSTITUTIONAL & ADMINISTRATIVE LAW

STATISTICS ORDINANCE, 2000<sup>1</sup>

*Ordinance 3 of 2000*

*In force 1 March 2000*

*No amendments to 1 November 2017*

*No subsidiary legislation to 1 November 2017*

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STATISTICS ORDINANCE, 2000

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AN ORDINANCE to provide for the collection, compilation, analysis, abstraction and publication of statistical information, and for connected or incidental matters.

**Short title**

1. This Ordinance may be cited as the Statistics Ordinance, 2000.

**Interpretation**

2. In this Ordinance, unless the context otherwise requires—  
“**Commissioner**” means the person appointed by the Governor as Statistical Commissioner under section 3(1)(a);

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<sup>1</sup> 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.

“**officer**” means any person appointed by the Governor as a statistics officer under section 3(1)(b);

“**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 prescribed by regulations made under section 13;

“**respondent**” means a person by whom any information is supplied, or required to be supplied or from whom any information is requested under any provision of this Ordinance;

“**return**” includes information, whether given verbally or contained in one or more documents, supplied by a respondent in accordance with a request or a requirement under this Ordinance for such information .

### **Appointment of Statistics Commissioner and Statistics Officers**

**3. (1)** The Governor, by notice in the *Gazette*, may appoint —

(a) a public officer to be the Statistical Commissioner; and

(b) one or more public officers to be statistics officers to assist the Commissioner in the proper performance of his or her powers and duties under this Ordinance and any regulations made under it.

(2) An officer has the same rights, powers and privileges as those conferred upon the Commissioner when lawfully performing any duties under this Ordinance.

(3) The Commissioner may delegate any of his or her duties under this Ordinance to be performed by one or more officers.

### **Duties of Commissioner**

**4. (1)** Subject to subsection (2), the Commissioner must report to and advise the Governor upon all statistical matters, and generally perform all duties imposed upon the Commissioner by or under this Ordinance, and in particular must—

(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 St Helena;

(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 or her behalf.

(3) The Commissioner and all officers must 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 under it.

### **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 are for the purposes of this Ordinance persons employed under this Ordinance while so 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 must, before engaging upon his or her 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, 2000 and all rules and instructions under it 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 under the Ordinance.”.

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

#### **Publication of statistics**

7. (1) Any statistics or abstracts of them compiled pursuant to section 4 may be published by the Commissioner, with or without observations expressed on them, in such manner as the Commissioner decides.

(2) Subsection (1) is subject to any law for the time being in force that imposes any condition, prohibition or restriction upon any information intended to be published.

#### **Power to obtain information**

8. (1) For the purpose of complying with this Ordinance the Commissioner may request any person from whom information may lawfully be required to supply the Commissioner with the prescribed particulars, or such of them as the Commissioner considers necessary.

(1A) A person from whom information is lawfully requested under subsection (1) must to the best of his or her 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, in his or her discretion, considers appropriate and reasonable.

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

(3) If any form or other written request for information is supplied to any respondent in accordance with subsection (2), it is to be presumed that the request has been lawfully issued in all respects. The onus of proving otherwise is on the 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 or her duties or the exercise of his or her powers under this Ordinance, enter any premises and make such enquiries in them as the Commissioner considers appropriate.

**(1A)** The power in subsection (1) may only be exercised after not less than 5 days prior notice of the intended visit has been given to the owner or occupier of the premises.

**(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 under section 4(2), if in the opinion of the Commissioner any information needed for the fulfilment of the Commissioner’s duties under this Ordinance can be obtained from any records or documents in the custody or control of any Government department, or any other person, the Commissioner must be granted all reasonable facilities for inspection of those records or documents.

### **Restrictions on publication of information**

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

- (a) no individual return, or any part of a return, or any copy of a return or part of a return made for the purposes of this Ordinance;
- (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 the particulars with any person, business or other undertaking,

may 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 to such publication, admission or disclosure 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 for the time being having the control or management of the business or undertaking.

**(2)** Subsection (1) does not prevent or restrict the publication or other disclosure of any such report, abstract or document without such consent if —

- (a) disclosure has been ordered by a court in which civil proceedings have been issued; or
- (b) the particulars in the report, abstract or document render identification possible only because they relate to a business or other undertaking which is the only business or undertaking of that type, or one of 2 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 the business or other undertaking.

## Offences

**12. (1)** It is an offence for the Commissioner or any officer or other person employed in the performance of any duty for the purposes of this Ordinance—

- (a) to cause or permit any information acquired in the performance of the duty to be used directly or indirectly for his or her personal gain;
- (b) without lawful authority (the proof of which lies on the Commissioner, officer or other person) to publish or communicate to any person, other than in the ordinary course of the person's employment, any information acquired in the performance of the duty;
- (c) knowingly to compile for issue any false statistics or other information; or
- (d) knowingly to request information from any person that he or she is not lawfully required to supply.

Penalty: A fine of £500 or imprisonment for 12 months, or both.

**(2)** For the purposes of subsection (1)(b), it is not 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 applies.

**(3)** Any person in possession of any information which the person knows has been disclosed in contravention of this Ordinance who unlawfully publishes or communicates the information to any other person commits an offence.

Penalty: A fine of £200 or imprisonment for 3 months, or both.

**(4)** It is an offence for a person—

- (a) wilfully to obstruct the Commissioner or any officer in the performance of any duty under this Ordinance;
- (b) to refuse or neglect without reasonable cause (the proof of which lies on the person)—
  - (i) to supply, within the time specified, any information required or requested in any form or other document left with the person at or sent to the person's last known address under section 6; or
  - (ii) to answer any question asked relating to information required for the purposes of this Ordinance;
- (c) knowingly to make in any return, form or other document completed or supplied, or in answer to any question or enquiry asked of the person for the purposes of this Ordinance any statement which is false and is calculated to deceive;
- (d) unlawfully to destroy or damage any return, form or other document containing information required for the purposes of this Ordinance; or
- (e) wilfully to refuse to grant reasonable facilities for the inspection of records or other documents in accordance with section 10.

Penalty: A fine of £500 or imprisonment for 6 months, or both.

**(5)** If a person is convicted of an offence under subsection (4), the Court may, in addition to any penalty imposed, order the person to take such action and within such a period as the Court considers appropriate for the purpose of complying with any outstanding obligation arising from any of the provisions of this Ordinance.

- (6) It is an offence for a person —
- (a) to impersonate or otherwise falsely represent himself or herself to be the Commissioner or an officer, or any other person lawfully having duties to perform under this Ordinance, and to purport to perform the functions of the Commissioner, officer or person; or
  - (b) unlawfully to attempt to obtain by any means any information required by this Ordinance to be supplied.

Penalty: A fine of £500 or imprisonment for 12 months, or both.

### **Regulations**

**13.** The Governor in Council may make regulations for the further and better execution of this Ordinance, and, without limiting this power, the 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);
  - (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 are to be furnished;
  - (f) the deletion from, variation of or addition to the list of matters contained or referred to in section 4(1)(a) with respect to statistical information to be collected;
  - (g) the manner in which statistical information or abstracts of it 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 a specified authority from compliance with all or any of the provisions of this Ordinance of any person or class of persons, businesses or other undertakings for a specified period of time and in specified circumstances;
  - (j) a penalty not exceeding a fine of £500 for breach of or failure to comply with any such regulations.
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