

STATISTICS ACT**Principal Act**

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| Act. No. 1970-27 | <i>Commencement</i> | 18.12.1970 |
| | <i>Assent</i> | 17.12.1970 |

| Amending enactment | Relevant current provisions | Commencement date |
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| Act. 1972-18 2007-17 | s.8(2) ss. 3(3), 5(1), 6, 7, 10(1), 12 | 14.6.2007 |

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AN ACT TO PROVIDE FOR THE COLLECTION, COMPILATION, ANALYSIS AND PUBLICATION OF CERTAIN STATISTICAL INFORMATION AND FOR MATTERS RELATING THERETO.

Title.

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

Interpretation.

2. In this Act, unless the context otherwise requires,—

“authorized officer” means any person appointed as such under section 3;

“Government Statistician” means a person appointed as such under section 3;

“person”, where it is used in relation to a person furnishing or required to furnish particulars or information under this Act, includes all or any of the individuals constituting a firm or the person having the control or management of a partnership business, and, in the case of a company or corporation, association or body or society of persons, includes any director, manager or secretary of the company or corporation or head (by whatever names called) of the association or body of persons or society;

“statistics” means information in connection with, or incidental to any order made under section 5;

“undertaking” means any undertaking by way of a trade or business whether or not the trade or business is carried on for profit.

Establishment of a Statistics Office and appointment of officers.

- 3.(1) There is hereby established a Statistics Office.
- (2) The Statistics Office shall be under the control and management of the Government Statistician.
- (3) The Government may appoint a Government Statistician who shall have the powers and functions conferred on him by this Act.
- (4) The Government Statistician may, in writing, appoint any person to be an authorized officer for the purposes of this Act.

Duties and powers.

- 4.(1) It shall be the duty of the Government Statistician—

- (a) to collect, compile and analyse information relating to the commercial, industrial, agricultural, social, economic and general activities and conditions of the people of Gibraltar;
- (b) to obtain the information necessary for the appreciation of economic and social trends;
- (c) to collaborate with departments of Government in the collection, compilation, analysis and publication of statistical records of administration;
- (d) generally to organize a co-ordinated scheme of social and economic statistics relating to Gibraltar in accordance with the provisions of this Act.

(2) It shall be the duty of the Government Statistician to make such arrangements and to do all such things as are necessary for the performance of his duties under this Act.

Collection of statistics.

5.(1) The Government may by order direct the Government Statistician to collect statistics relating to such matters as may be specified in such order, and in making any such order may—

- (a) regulate the method of collecting statistics;
- (b) prescribe the forms of return, form or other document to be used for the purpose of such collection;
- (c) provide for the presentation to the Parliament of a report of the proceedings in connection with the collection of such statistics and a summary of the statistics obtained;
- (d) provide generally for carrying such order into effect.

(2) No order shall be made under subsection (1) unless a draft thereof has been laid before the Parliament and has been approved by resolution of the Parliament.

Tabulation of statistics.

6. The Government Statistician shall cause the statistics collected under this Act to be compiled, tabulated and analysed and, subject to the provisions of this Act, and to the approval of the Government, cause abstracts thereof to be published.

Delegation of functions.

7. The Government Statistician may, with the approval of the Government, delegate in writing to an authorized officer his powers and functions under this Act.

Restriction on publication.

8.(1) Except for the purposes of a prosecution under this Act—

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

shall be published, admitted in evidence 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 such return or giving such answer, or, in the case of an undertaking or business, from the owner for the time being of the undertaking or business:

Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract or other document, without such consent where the particulars in such 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, so however, that in no case shall such particulars enable identification of the costs of production, the capital employed or profits arising in any such undertaking or business.

(2) Subsection (1) shall have effect as if reference in it to the execution of a duty under this Act included a reference to the execution of a Community obligation to a Community institution.

(3) In subsection (2)—

“Community obligation” and “Community institution” have the same meanings as in the European Communities Act.

Powers to obtain particulars.

9.(1) Where any statistics are being collected in accordance with the provisions of this Act, an authorized 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 Government Statistician may consider necessary or desirable in relation to the collection of such statistics; and for such purposes, such person shall, to the best of his knowledge and belief, fill up such forms, make such returns, answer such questions and give all such information, in such manner and within such reasonable time, as may be required by the authorized officer.

(2) An authorized officer may require any person to supply him with particulars either by interviewing such person personally or by leaving at the last known address or posting to the last known address, of such person a form having thereon a notice requiring the form to be filled up 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 authorized officer, required to be supplied by any person—

- (a) such document shall in every instance refer to the order under Section 5 under which it is issued and shall state generally the purpose for which such particulars are required; and
- (b) it shall be presumed until the contrary is proved that any document complying with the provisions of paragraph (a) of this subsection has been issued by an authorized officer.

Access to public and other records.

10.(1) Where the Government has given his approval to or directed the collection statistics relating to any matter and where the Government Statistician is of opinion that there can be obtained from any Government records or documents or from any records or documents belonging 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 compilation or correction of such statistics, any person who has the custody of any such records shall grant access thereto to the Government Statistician or any authorized officer for the obtaining therefrom of such information.

(2) Nothing in this Act shall be deemed to authorize the release to any person or publication of any information the release or publication of which is prohibited or controlled by any other Act.

Offences and penalties.

11.(1) A person who, being employed in the execution of any duty under this Act,—

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- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon or affect the market value of any share, interest, production or article, and before such information is made public, directly or indirectly uses such information for personal gain;
 - (b) 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;
 - (c) knowingly compiles for issue any false statistics or information,

is guilty of an offence and is liable on conviction to imprisonment for two years or to a fine of £300.

(2) A person who, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates such information to any person is guilty of an offence and is liable on conviction to imprisonment for two years or to a fine of £300.

(3) A person who—

- (a) hinders, or obstructs the Government Statistician or an authorized 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 enquiries lawfully asked him, under the authority of this Act;
- (c) knowingly makes in any return, form or other document, filled up or supplied under this Act, or in any answer to any question or enquiry asked him under the authority of 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) refuses without reasonable cause to grant access to records and documents in accordance with the provisions of section 10 of this Act,

is guilty of an offence and is liable on conviction to a fine of £100 for the first offence and to a fine of £500 or imprisonment for one year for a second and every subsequent offence.

Regulations.

12. The Government 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 regulation—

- (a) prescribing the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under the provisions of this Act;
- (b) prescribing a tariff of fees to be paid to the Government Statistics Office for the furnishing of statistics compiled under this Act, and for any special information or report supplied or special investigation carried out by that office.

Oath of secrecy.

13. Every person employed in the execution of any duty under this Act shall, before entering on his duties, make and subscribe before a magistrate an oath in the form set out in the Schedule.

Prosecutions

14. No prosecution for an offence against this Act shall be commenced without the consent of the Attorney-General.

SCHEDULE

Section 13.

FORM OF OATH OF SECRECY

I.....
do swear that I will faithfully and honestly fulfil my duties as
..... in conformity with the
requirements of 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,

Magistrate.