



MONTSERRAT

CHAPTER 6.02

STATISTICS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

STATISTICS ACT

Act 2 of 1973 .. in force 3 May 1973

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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S.R.O. 37/2010 .. in force 26 August 2010

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CHAPTER 6.02

STATISTICS ACT

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CHAPTER 6.02

STATISTICS ACT

(Acts 2 of 1973 and 9 of 2011)

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

Commencement

[3 May 1973]

Short title

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

Interpretation

2. In this Act unless the context otherwise requires—

“**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 name called) of the association or body of persons or society;

“**Statistical Officer**” means the public officer appointed by the Deputy Governor* to be in charge of the Statistics Office in Montserrat;
(Amended by Act 9 of 2011)

“**statistics**” means information in connection with or incidental to any census or all or any of the matters specified in the First Schedule to this Act;

“**Statistics Office**” means that office in the Government of Montserrat dealing with statistics generally and having the functions set out in section 3;

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

Functions of Statistics Office

3. For the purpose of this Act there shall be a Statistics Office the duties of which shall be—

* See Montserrat Constitution Order 2010

- (a) to take any census in Montserrat;
- (b) to collect, compile, analyse, abstract and publish statistical information relating to the social, agricultural, mining, commercial, industrial, economic and general activities and conditions of the inhabitants of Montserrat;
- (c) to collaborate with the departments of Government in the collection, compilation, analysis and publication of statistical records of administrations and departments; and
- (d) generally to organize a co-ordinated scheme of social and economic statistics relating to Montserrat.

Delegation of functions

4. The Statistical Officer may delegate in writing his powers and functions under this Act.

Power to direct taking of population census

5. The Governor acting on the advice of Cabinet may by Order published in the *Gazette* direct that a census shall be taken for Montserrat or any part thereof, or any class of inhabitants thereof, and any such Order may prescribe—

- (a) the date or dates on or between which such census is to be taken;
- (b) the persons by whom and with respect to whom the returns for the purpose of such census are to be made; and
- (c) the particulars to be stated in such returns and the information to be obtained and compiled in such census.

(Amended by Act 9 of 2011)

Collection and compilation of statistics

6. (1) Subject to the provisions of this Act, the Statistical Officer may, and on the direction of the Governor acting on the advice of Cabinet shall, collect, whether in conjunction with any census or not, statistics relating to all or any of the matters set out in the First Schedule to this Act either in Montserrat generally or in any part thereof. *(Amended by Act 9 of 2011)*

(2) The Statistical Officer shall cause the statistics collected under this Act to be compiled, tabulated and analysed and, subject to the provisions of this Act, may cause such statistics or abstracts thereof to be published, with or without comments thereon, in such manner as he may determine.

Power to obtain information

7. (1) It shall be lawful for the Statistical Officer or any person acting on his behalf to require any person—

- (a) to furnish, in such form and manner and within such time as may be specified by any notice in writing, such periodical or other information, estimates or returns, concerning such of the matters set out in the First Schedule to this Act as may be so specified; and
- (b) to supply him with particulars either by interviewing such person personally or by leaving at the last known address or by posting under registered cover to the last known address of such person a form having thereon a notice, requiring such form to be completed and returned in the manner and within the time specified in the notice.

and any notice under this subsection shall state that it is served in exercise of the powers conferred by this subsection.

(2) Any person having the custody or charge of any public records or documents, or of the records or documents of any corporation, person, partnership, firm, company, society or association from which, in the opinion of the Statistical Officer, information in respect of the matter in relation to which the collection of statistics is required can be obtained or which would aid in the completion or correction of such statistics, shall grant to the Statistical Officer or any officer acting on his behalf, access to such records or documents for the purpose of obtaining therefrom such information.

(3) The Statistical Officer may, by advertisement in the *Gazette* and in such newspapers circulating in Montserrat in not less than two consecutive issues thereof, publish a list of any classes or descriptions of businesses or callings in relation to which particulars or information will be required for the purpose of any statistical inquiry under this Act and upon such publication it shall be the duty of every person carrying on a business or calling of any such class or description as aforesaid who has not received a notice under subsection (1) to inform the Statistical Officer or any person specified in the advertisement within such period, being not less than twenty eight days after the date of publication of the advertisement, as may be specified therein, that he is carrying on such a business or calling as specified, and to give the Statistical Officer such particulars or information of the business or calling as may be specified.

Power of entry

8. The Statistical Officer, or any person acting on his behalf, may, after giving such notice as may be prescribed, upon production of his authorization, for any purpose—

- (a) connected with the taking of a census; or

(b) connected with the collection of other statistics;

enter at such time as may be prescribed, any dwelling house or any premises where persons are employed or any premises where it appears to him likely that persons are employed, and in either such case may make such enquiries as may be necessary for the performance of his duties.

Restriction on publication

9. Except for the purpose 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 purpose 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 written consent 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 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.

Offences and penalties

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

- (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, product or article, and before such information is made public in accordance, with the provisions of this Act, 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; or

- (c) knowingly compiles for issue any false statistics or information;

shall be guilty of an offence against this Act and shall be liable on conviction on indictment therefor to imprisonment for a term of two years or to a fine of \$1,000 or to both such imprisonment and such fine.

(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 be guilty of an offence against this Act and shall be liable on conviction on indictment therefor to imprisonment for a term of two years or to a fine of \$1,000 or to both such imprisonment and such fine.

(3) Any person who—

- (a) hinders or obstructs the Statistical Officer or any duly authorized person in the execution of any power conferred or duly imposed under this Act;
- (b) refuses or neglects to fill up and supply the particulars required in any schedule, form or other document lawfully left with or sent to him, or who refuses or neglects to answer any question or inquiry addressed to him under the authority of this Act, or supply the information required in accordance with section 7(3);
- (c) knowingly makes in any schedule, form or other document filled up or supplied pursuant to this Act, or in any answer to any question asked him under the authority of this Act, any statement which is untrue in any material particular; or
- (d) without lawful authority, destroys, defaces or mutilates any schedule, form or other document containing particulars collected under this Act, or writes or makes on any schedule, form or other document issued for the purposes of this Act and furnished to the Statistical Officer, any indecent, obscene, blasphemous or insulting remarks, drawing or other matter;

shall be guilty of an offence against this Act and shall be liable on summary conviction therefor to a fine of \$250.

(4) Any person who fails to comply with any of the provisions of this Act shall be guilty of an offence against this Act and shall, where no special penalty is provided by this Act, be liable on summary conviction therefor to a fine of \$250, and in any case where the offence is a continuing offence, such person shall be liable to a further penalty of \$10 for each day during which the offence continues.

Regulations

11. (1) The Governor acting on the advice of Cabinet may make regulations generally for the purpose of carrying out the provisions of this

Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) the particulars and information to be furnished on the taking of a census or concerning any matter in respect of which statistics may be collected under the provisions of this Act;
- (b) the manner and form in which and the times and places at which, such particulars and information shall be furnished;
- (c) the manner in which notices shall be given to persons on whose premises entry is desired;
- (d) the times at which entry may be effected on premises;
- (e) any other matter or thing which is to be or may be prescribed for the purpose of better and more fully carrying out the purposes of this Act.

(Amended by Act 9 of 2011)

(2) Regulations made under this section shall have no force or effect until published in the *Gazette*.

Oath of secrecy

12. (1) Subject to the provisions of subsection (2), every person employed in the execution of any duty under this Act shall before entering on his duties take an oath or make an affirmation in the form in the Second Schedule to this Act and such oath or affirmation shall be administered by the Statistical Officer.

(2) The Statistical Officer shall before entering on his functions or duties under this Act take an oath or make an affirmation in the form in the Second Schedule to this Act, and such oath or affirmation shall be administered by the Attorney General.

Power to revoke or amend First Schedule

13. The Governor acting on the advice of Cabinet may from time to time by Order published in the *Gazette* revoke or amend the First Schedule to this Act and may substitute a new Schedule therefor. *(Amended by Act 9 of 2011)*

Repeal and Saving

14. The Census Act is hereby repealed:

Provided, however, that all rules, regulations or orders made or given under the Act hereby repealed and in force at the time of coming into operation of this Act shall be deemed to have been made and given under this Act and shall continue in force until other provision shall be made by virtue of this Act.

FIRST SCHEDULE

(Section 7)

1. Population and housing
 2. Vital occurrences and morbidity
 3. Immigration and emigration
 4. Internal and External Trade
 5. Primary and secondary production
 6. Agriculture, including dairy farming, horticulture, pastoral and allied industries
 7. Fishing
 8. Factories, mines and productive industries generally
 9. Employment, unemployment and underemployment
 10. Income, earnings, profits and interest
 11. Social, educational, labour and industrial matters including co-operative groups and societies, associations of employers, employees and other persons generally
 12. Industrial disturbances and disputes
 13. Banking, finance and insurance—
assets, liabilities, deposits, withdrawals, remittances (including inter-bank transactions), currency dealings, currency in circulation:
Provided that, no information may be sought concerning any individual account
 14. Commercial and professional undertakings
 15. Distributive trades
 16. Health
 17. Transport and communication in all forms, by land, water and air
 18. Wholesale and retail prices of commodities, rent and cost of living
 19. Injuries, accidents and compensation
 20. Stocks of manufactured and unmanufactured goods
 21. Land tenure and the occupation and use of land
 22. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure
 23. Debts outstanding, fixed capital assets and plant (including the acquisition and disposal of those assets and plants)
 24. Such other matters as may from time to time be prescribed
-

SECOND SCHEDULE*(Section 12)***OATH OF OFFICE AND OF SECRECY**

I,, do swear (or solemnly and sincerely declare and affirm) that I will faithfully and honestly fulfil my duties as in conformity with the requirements of the Statistics Act, and that I will not without due authority in that behalf disclose or make known any matter or thing which may come to my knowledge by reason of my employment as such.

Sworn (or declared) before me this day of, 20..... .

.....
ATTORNEY GENERAL

.....
STATISTICAL OFFICER

STATISTICS (POPULATION CENSUS) ORDER – SECTION 5

(S.R.O. 9/1980)

Commencement

[29 February 1980]

Short title

1. This Order may be cited as the Statistics (Population Census) Order.

Census of population

2. It is directed that a census of population shall be taken in respect of all the inhabitants of Montserrat.

Date of census

3. The census described in paragraph 2 shall be taken on 12 May, 1980.

Information to be taken

4. The information specified in the Schedule shall be obtained and compiled in the census described in paragraph 2.
-

SCHEDULE

All Persons:

- (a) Name of individual
- (b) Number of persons in household
- (c) Relationship to head of household
- (d) Sex
- (e) Age
- (f) Marital Status
- (g) Usual residence (including parish if in Montserrat)
- (h) Place of birth
- (i) Race
- (j) Religion
- (k) Number of years lived in present parish
- (l) Any parish previously lived in, in Montserrat (if applicable)
- (m) Year of immigration into Montserrat (if applicable)
- (n) Present school or university attendance (if applicable)
- (o) Level of Education attained
- (p) Occupation for which trained (or being trained)
- (q) Method by which vocational training acquired
- (r) Period of training
- (s) Past and present occupation
- (t) Economic situation
- (u) Hours worked

Females, Fourteen Years and Older Only:

- (a) Number of live born children
- (b) Age when first live child born
- (c) Age when last live child born
- (d) Number of live births or still births in last year
- (e) Marital Status
- (f) Duration of union

Head of Household Only:

- (a) Type of dwelling
- (b) Type of tenure
- (c) Water supply
- (d) Toilet facilities
- (e) Year when dwelling built
- (f) Material of outer walls
- (g) Number of rooms
- (h) Type of fuel used for cooking

All Persons:

- (a) Where census night spent
-

STATISTICS (POPULATION CENSUS) ORDER – SECTION 5

(S.R.O. 37/2010)

Commencement

[26 August 2010]

Short title

1. This Order may be cited as the Statistics (Population Census) Order.

Interpretation

2. In this Order—

“**safe zone**” means all the areas of Montserrat that have not been declared an unsafe area under regulation 5 of the Emergency Powers Regulations.

Census of population and housing

3. A census shall be taken in respect of—

(a) all the inhabitants; and

(b) of houses and all other buildings in the safe zone on Montserrat,

on 12 May, 2011.

Information to be taken

4. The information specified in the Schedule shall be obtained and compiled in the census.
-

SCHEDULE**Household Characteristics**

Geographic and Internal Migration (all persons)

- Place of usual residence
- Place where present at census time
- Place of birth
- Duration of residence
- Place of previous residence

International Migration (all persons)

- Country of birth
- Citizenship
- Year of arrival in the country

Household and Family (all persons)

- Relationship to head of households
- Household and family composition

Demographic & Social (all persons)

- Sex
- Age
- Marital and union status
- Religion
- Ethnicity

Education (all persons)

- Literacy
- School attendance
- Educational attainment
- Educational qualification

Economic (fifteen+ years)

- Economic activity
- Activity status
- Occupation
- Industry
- Status in employment
- Income
- Place of work

Fertility & Infant Mortality (Females fifteen to forty nine years)

- Children ever born alive

Building & Living Quarters Characteristics

Address

- Occupancy status
- Number of occupants and names
- Type of Ownership
- Dwelling and contents insurance
- Number of rooms
- Number of bedrooms
- Main source of water supply
- Type of toilet facilities
- Garbage disposal
- Bathing facilities
- Availability of kitchen
- Fuel used for cooking
- Type of lighting
- Construction material of outer wall
- Roofing materials
- Year or period of construction
- Tenure of land
- Rental or owner occupied costs
- Availability of ICT devices
- Availability of durable household appliances
- Housing needs
- Ability to pay usual expenses
- Environmental issues
- Incidence of crime

Children living
Age of mother at birth of first born
child
Age of mother at birth of last born
child
Household deaths in past twelve
months
