

ACTS

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THE STATISTICS ACT, 2002

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SIGNED this 25th day of October, 2002.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 13



2002

Sierra Leone

The Statistics Act, 2002

Being an Act to establish Statistics Sierra Leone as a body corporate for the collection, compilation, analysis and dissemination of official and other statistics and to provide for other related matters. Short title.

/ / Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

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

“business” means any person carrying on a commercial activity whether corporate or unincorporated;

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1991

“Constitution” means the Constitution of the Republic of Sierra Leone, 1991;

“Council” means the Statistics Sierra Leone Council referred to in section 3;

“document” includes—

(a) a form, questionnaire, schedule, notice or report whether in printed or photographic form;

(b) a documentary recording or transcribed computer printout or record capable of being produced as a printout by a mechanical or electronic device;

(c) a medium or device by means of which information is recorded or stored;

“household” means a group of people who live together at least four nights a week, eat together and share resources, or a single person who lives alone;

“Minister” means the Minister responsible for development;

“officer”, in relation to Statistics Sierra Leone, means a member of the staff of Statistics Sierra Leone;

“official statistics” means statistics designated as official statistics by the Statistician-General;

“other organisation” means any non-governmental or non-profit organisation, voluntary association or other organisation other than a business or household;

“return” means a document completed by—

- (a) a respondent; or
- (b) an officer of Statistics Sierra Leone which produces statistics, for the purpose of producing official or other statistics;

“statistical collection” means the process of—

- (a) conducting a population or other census or a sample survey; or
- (b) collating administrative records or data for statistical purposes;

“Statistician-General” means the person appointed as Statistician-General under section 12;

“statistics” means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national, regional or local level, which is compiled and analysed according to relevant scientific and statistical methodology.

PART II—ESTABLISHMENT OF STATISTICS SIERRA LEONE

2. (1) There is hereby established a body to be known as **Establishment of Statistics Sierra Leone.**

(2) Statistics Sierra Leone shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing

of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) Statistics Sierra Leone shall have a common seal, the use of which shall be authenticated by the signatures of the Statistician-General and any other member of the Council designated in that behalf by the Council.

Statistics
Sierra Leone
Council.

3. (1) The governing body of Statistics Sierra Leone shall be a Council to be known as the Statistics Sierra Leone Council.

(2) The Council shall have responsibility—

- (a) to provide strategic guidance to the Statistician-General in all areas of statistics for which Statistics Sierra Leone is responsible, including the quality and improvement of data production in Sierra Leone; and
- (b) to advise the Minister on matters concerning government statistical policy.

Composition
of Council.

4. (1) The Council shall consist of a Chairman and the following other members :—

- (a) four members nominated by the Minister one each from the Northern Province, Southern Province, Eastern Province and the Western Area respectively;
- (b) the following persons or their representatives:—
 - (i) the Vice Chancellor, University of Sierra Leone;
 - (ii) the Governor, Bank of Sierra Leone;

- (iii) the President, Chamber of Commerce, Industry and Agriculture;
 - (iv) the Development Secretary;
 - (v) the Financial Secretary;
 - (vi) the Commissioner of Labour;
 - (vii) the Resident Representative, United Nations Development Programme;
 - (viii) the President, Sierra Leone Association of Journalists; and
- (c) the Statistician-General who shall be secretary to the Council.

(2) The Chairman and the members of the Council referred to in paragraph (a) of subsection (1) shall be appointed by the President, subject to the approval of Parliament, but no person shall be appointed if he is under a legal disability from holding public office.

5. (1) The Chairman and the members of the Council referred to in paragraph (a) of subsection (1) of section 4 shall hold office for a period of three years and shall be eligible for re-appointment.

Tenure of members of Council.

(2) A person shall cease to be a member of the Council on any of the following grounds:-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;

- (d) if he is convicted and sentenced for an offence which involves fraud and dishonesty;
- (e) if he fails to attend three consecutive meetings of the Council without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

Remuneration
of members of
Council.

6. The Chairman and the other members of the Council shall be entitled to such remuneration, fees and allowances as the Council may, after consultation with the Minister, determine.

Filling of
vacancies.

7. (1) Where the Chairman or a member of the Council dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office,

- (a) the members of the Council shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed, elected or nominated to the Council, as the case may be.

(2) Where a person is elected as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member as the case may be, and shall, subject to this Act, be eligible for re-appointment, re-election or re-nomination, as the case may be.

Meetings of
Council.

8. (1) The Council shall meet, for the dispatch of business at such time and place as the Chairman may decide but shall meet at least once every two months.

(2) The Chairman shall, at the request in writing of not less than eight members of the Council, call an extraordinary meeting of the Council at such time and place as he may determine.

(3) The Chairman shall preside at the meetings of the Council and in his absence the members present shall elect one of their number to preside.

(4) The Council may at any time co-opt any person to act as an adviser at its meeting but the person co-opted shall not be entitled to vote on any matter for decision by the Council.

(5) A member of the Council who has any interest, whether direct or indirect in any matter being considered by the Council, shall disclose the nature of his interest to the Council and such disclosure shall be recorded in the minutes of the Council and such member shall not take part in any deliberation or decision of the Council relating to that matter; and a member who contravenes this subsection shall be guilty of misconduct and liable to be removed from the Council.

(6) The quorum at a meeting of the Council shall be eight.

(7) All questions proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and where the votes are equal the Chairman or the person presiding shall have a casting vote.

(8) Any proposal circulated among all members of the Council and agreed to in writing by a two-thirds majority of all such members shall be of the same force or effect as a decision made at a duly constituted meeting of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council:

Provided that, if a member of the Council requires that such proposal be placed before a meeting of the Council, this section shall not apply to such proposal.

(9) The Council shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in the proper form.

(10) Subject to this Act, the Council shall regulate the procedure at its meetings.

Committees of
Council.

9. (1) The Council may for the discharge of its functions appoint one or more Committees to perform such functions as the Council may determine.

(2) Without prejudice to the generality of subsection (1), the Council shall appoint a Statistical Coordinating Committee and a National Census Advisory Committee consisting of such members and performing such functions as the Council may determine.

(3) A Committee shall submit the report of its proceedings to the Council at such time as the Council may determine.

PART III—FUNCTIONS OF STATISTICS SIERRA LEONE

Functions of
Statistics
Sierra Leone.

10. (1) The object for which Statistics Sierra Leone is established is to serve as the central authority for the collection, processing, analysis and dissemination of accurate, clear, relevant, timely and high quality statistical information on social, demographic, economic and financial activities to serve the needs of users, including government and the general public.

(2) Without prejudice to the generality of subsection (1), it shall be the responsibility of Statistics Sierra Leone to-

- (a) supervise and manage a national population census to be conducted every ten years or at such shorter interval as may be determined by the President;
- (b) review and approve all definitions and classification schemes employed in statistical work with particular reference to issues of

-
- labour statistics, gender, disability, regional and similar socio-economic issues in accordance with appropriate national and international standards and classifications;
- (c) ensure the efficient and comprehensive collection, processing, analysis, documentation and storage of statistical information throughout Sierra Leone;
 - (d) compile, report and document statistical data as well as maintain libraries or archives of statistical publications and make them accessible to the public;
 - (e) impartially disseminate statistical information to government departments, other institutions and the general public;
 - (f) establish and maintain such offices in Sierra Leone necessary for the operations of Statistics Sierra Leone;
 - (g) promote co-ordination and integration of statistical activities of data collecting agencies including the Bank of Sierra Leone and the Ministry of Finance in accordance with recognised international technical standards in order to advance the quality, consistency, comparability and optimum use of official statistics and to avoid unnecessary duplication;
 - (h) create public awareness of statistical collection and other activities related to the collection of statistics;

- (i) designate statistics produced by Statistics Sierra Leone or other institutions as 'official statistics';
- (j) promote and develop statistical training;
- (k) protect respondents from undue burden and breaches of confidentiality;
- (l) furnish the Minister each year with a report in respect of the activities of Statistics Sierra Leone during that year, which report the Minister shall table before Parliament, and
- (m) do all other things that may promote the object of Statistics Sierra Leone stated in subsection (1).

(2) Statistics Sierra Leone may, at any time by writing, delegate to any person or authority any power conferred or duty imposed on Statistics Sierra Leone by this Act and impose conditions for such delegation.

Independence
of Statistics
Sierra Leone.

11. Subject to this Act, in the performance of its functions under this Act, Statistics Sierra Leone shall not be subject to the control or direction of any person or authority.

PART IV—EMPLOYEES OF STATISTICS SIERRA LEONE

Organization
of Statistics
Sierra Leone.

12. (1) Statistics Sierra Leone shall have an officer with the designation of Statistician-General, appointed by the President on the recommendation of the Minister and on such terms and conditions as the Council may determine.

(2) No person shall be appointed to be Statistician-General unless he has proven technical knowledge and ability in the collection, analysis and application of statistics.

(3) The Statistician-General shall be the chief executive officer of Statistics Sierra Leone and shall be responsible for the implementation of the decisions of the Council.

(4) Subject to the general supervision and control of the Council, the Statistician-General shall be responsible for-

- (a) the day-to-day administration of Statistics Sierra Leone;
- (b) the organization, discipline and control of the officers and other staff of Statistics Sierra Leone;
- (c) the management of the funds, property and business of Statistics Sierra Leone.

13. (1) There shall be appointed by the Council such other Other staff. employees as Statistics Sierra Leone may require for the efficient discharge of its functions under this Act.

(2) Other public officers may be transferred to or otherwise give assistance to Statistics Sierra Leone.

PART V-FINANCIAL PROVISIONS

14. The activities of Statistics Sierra Leone shall be financed by Funds. a fund consisting of—

- (a) monies appropriated by Parliament for the purposes of Statistics Sierra Leone;
- (b) gifts or donations from any person, organization or authority, whether local or external; and
- (c) any monies otherwise accruing to Statistics Sierra Leone in the course of its activities.

Financial year. **15.** The financial year of Statistics Sierra Leone shall be the same as the financial year of the Government.

Accounts and audit. **16.** (1) Statistics Sierra Leone shall keep proper books of accounts and proper records in relation to the accounts and shall prepare within a period of three months after the end of the financial year, a statement of its accounts in such form as the Auditor-General may direct.

(2) The books and accounts of Statistics Sierra Leone shall each year be audited by the Auditor-General or an auditor appointed by him and a report on the audit shall be submitted to the Council.

Annual Report. **17.** (1) The Council shall, within three months after the end of the financial year submit to the Minister a report on the functions, policy and programmes of Statistics Sierra Leone during that year.

(2) The report of Statistics Sierra Leone referred to in subsection (1), shall include a copy of the audited accounts of Statistics Sierra Leone together with the Auditor-General's report on it.

(3) The Minister shall table before Parliament within six months after the end of each financial year the report on the activities and operations of Statistics Sierra Leone during the preceeding year.

PART VI—MISCELLANEOUS PROVISIONS

Transfer of assets. **18.** There is hereby transferred to Statistics Sierra Leone, without more, the property and other assets of the Central Statistics Office which shall cease to exist in that name upon the coming into force of this Act.

Power to obtain information. **19.** (1) The Statistics Sierra Leone may, in performing its functions under this Act-

(a) by notice in writing require any person or organisation to furnish in such form and

manner and within such time as may be specified in the notice, periodical or other information, estimates or returns concerning such matters as may be so specified in that notice including the matters set out in the First Schedule;

- (b) interview any person or organisation and require that person or organisation to furnish such particulars as Statistics Sierra Leone may require,
- (c) by notice in writing, require any person or organisation to permit the inspection of any premises, records and stocks in order to obtain the required information;
- (d) by notice in writing, require any person to complete a form contained in the notice with particulars relating to any matter specified in the notice and to return it in such manner and within the time specified.

(3) A notice referred to in subsection (2)–

- (a) may be served by delivering it to the person to whom it is addressed or by sending it by registered post to his last known address;
- (b) shall state that it is served in exercise of the powers conferred by section 10 and shall include a general statement of the purpose for which the information, estimates, returns or particulars are required.

(4) When the person required to furnish information, estimates, returns or particulars under this Act is a company incorporated under the Companies Act, the

information, estimates, returns or particulars shall be furnished by a person specifically authorised for the purpose by that company.

(5) Subject to this section, every person shall, to the best of his knowledge and belief, answer when so required, all questions put to him orally or in writing by the Statistician-General or an officer of Statistics Sierra Leone authorised in that behalf, not later than the date specified by him in writing.

Confidentiality
and disclosure.

20. (1) Notwithstanding any law to the contrary, no return or other information collected by Statistics Sierra Leone for the purpose of official statistics that relates to—

- (a) an individual;
- (b) a household;
- (c) a business; or
- (d) any other organisation,

shall, subject to subsections (2) and (3), be disclosed to any unauthorised person.

(2) The return or other information referred to in subsection (1) may, subject to the directions of the Statistician-General, be disclosed—

- (a) to the Statistician-General and other officers of Statistics Sierra Leone who have taken the oath of confidentiality referred to in subsection (7);
- (b) to the person from whom such return or other information was collected or his representative;

- (c) where the information is already available to the public, to the business or other organisation concerned;
- (d) to the public in the form of lists of the names and addresses of individuals and organisations and their classifications by function, industry or activity, type of legal entity, and range of numbers of employees or other indicator of size; and
- (e) in the form of lists of the kinds of products produced, manufactured, stored, bought or sold, or services rendered, by businesses, or other organisations or classes thereof.

(3) The Statistician-General may, for statistical purposes, disclose to any person or organisation, information or data gathered in the course of a joint collection undertaken with such person or organisation, on condition that—

- (a) the name, address or any other means by which the respondents may be identified is deleted;
- (b) any person or organisation who is involved in the collection of, or who may use, that information or data, must first take an oath of confidentiality as provided in subsection (7), irrespective of whether he has taken an oath of confidentiality in terms of any other law; and
- (c) the Statistician-General is satisfied that the confidentiality of that information or data will not be impaired.

(4) Notwithstanding anything contained in any other law, an entry made by any person by virtue of this Act in any document or a return or its contents, is not admissible as evidence in legal proceedings, except for purposes of criminal proceedings under this Act.

(5) Information collected by any person, business or other organisation for his or its own purposes and communicated to Statistics Sierra Leone is subject to the same confidentiality requirements as information collected directly by Statistics Sierra Leone, irrespective of any other confidentiality requirements to which it may have been subject when it was collected.

(6) The results of the compilation and analysis of the statistical information collected under this Act may not be published or disseminated in a manner which is likely to enable the identification of a specific individual, business or other organisation, unless that person, business or organisation has consented to the publication or dissemination in that manner.

(7) The Statistician-General and every officer of Statistics Sierra Leone shall—

- (a) before assuming duty, take the oath of confidentiality set out in the Second Schedule, prohibiting disclosure of any information coming to his knowledge by reason of such duty before its release is authorised by the Statistician-General;
- (b) preserve and promote confidentiality in respect of all information that may come to their knowledge by reason of their employment.

Offences and penalties.

21. (1) Any officer of Statistics Sierra Leone who, in the course of his employment under this Act—

- (a) wilfully makes any false declaration, statement or return;
- (b) obtains or seeks to obtain information that he is not duly authorised to obtain;

- (c) puts to any person a question which he is not duly authorised to ask;
- (d) asks of, or receives or takes from, any person, business or other organisation, any payment or reward in connection with such employment, other than remuneration due to him as an employee;
- (e) wilfully discloses any data or information obtained in the course of such employment to a person not authorised to receive that information;
- (f) uses information obtained in the course of such employment for the purpose of speculating in any stock, bond or other security or any goods or services, before its release is authorised by the Statistician-General; or
- (g) contravenes any provision of this section;

commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who—

- (a) impersonates an officer of Statistics Sierra Leone for the purpose of unlawfully obtaining information from any person or body; or
- (b) represents himself to be making an entry or inspection or putting a question in accordance with section 19 when he is not an officer of Statistics Sierra Leone authorised under section 19,

commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any individual other than an employee of any business or other organisation who—

- (a) fails to answer or incites another person not to answer a question put to him as required under this Act or furnishes or incites another person to furnish an answer to such a question which is false or misleading in any material respect, knowing the answer to be false or misleading; or
- (b) wilfully obstructs the Statistician-General or any officer of Statistics Sierra Leone in the performance of any of his functions under this Act.

commits an offence and shall be liable on conviction—

- (i) in the case of an individual, to a fine not exceeding five hundred thousand leones, or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and
- (ii) in the case of a business or other organisation, to a fine not exceeding two million leones.

(4) Any individual, business or other organisation convicted of an offence under this section shall not be relieved of the obligation to supply the required information and if after 14 days from the date of sentencing for that offence, the information has still not been furnished,

that individual, business or other organisation commits a further offence and shall be liable on conviction, for each day after the expiry of that 14 day period—

- (a) in the case of an individual, to a fine not exceeding one hundred thousand leones; or
- (b) in the case of a business or other organisation, to a fine not exceeding five hundred thousand leones.

22. (1) Any reference in any legislation or official document in existence immediately before the commencement of this Act to the Director, Central Statistics Office shall be construed as a reference to the Statistician-General. References in other legislation or documents.

23. (1) The Statistics Act 1963 is hereby repealed.

Repeal and savings, Act No. 5 of 1963.

(2) The person who was the Director, Central Statistics Office, immediately before the commencement of this Act, shall act as the Statistician-General until the first Statistician-General is appointed in accordance with this Act.

24. The Council may, by statutory instrument, make regulations to give effect to this Act. Regulations.

FIRST SCHEDULE

Section 19 (1) (a)

STATISTICAL SUBJECTS

1. Population and housing
2. Births and deaths
3. Immigration and emigration
4. Internal and external trade
5. Primary and secondary production
6. Agriculture, livestock, horticulture and allied industries

7. Forestry
8. Fisheries
9. Factories, mines and productive industries generally
10. Employment and unemployment
11. Salaries, wages, bonuses, fees, allowances and any other payment and honoraria for services rendered
12. Income, earnings, profits and interest
13. Output, stocks, sales and deliveries and details relating to services rendered
14. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure
15. Sums outstanding, fixed capital assets and plant (including the acquisition and disposal of such assets and plant)
16. Social, educational, labour and industrial matters, including associations of employers, employees and other persons generally
17. Industrial disturbances and disputes
18. Banking, insurance and finance generally
19. Commercial and professional undertakings
20. Distributive trades
21. Health
22. Transport and communication in all forms by land, water or air
23. Wholesale and retail prices of commodities, rents and cost of living
24. Injuries, accidents and compensation
25. Land tenure, and the occupation and use of land
26. Central and Local Government
27. National accounts
28. Gender
29. Environment
30. Household income and expenditure
31. Tourism
32. Poverty

SECOND SCHEDULE

Section 20 (7)

FORM OF OATH

I.....do swear/affirm that I will faithfully and honestly fulfil my duties as.....in conformity with the requirements of the Statistics Act, 2002, and that except as provided in that Act I will not disclose or make known any matter or thing which comes to my knowledge in the course of such employment.

(So help me God/Allah) .

Sworn before me

at

on the

day of

20.....

PASSED in Parliament this 12th day of September, in the year of our Lord two thousand and two.

J. A. CARPENTER,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.