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## Census Act, 1904

Act 9 of 1904

Legislation as at 1 December 1998

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## Census Act, 1904

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# eSwatini

## Census Act, 1904

### Act 9 of 1904

Commenced on 8 February 1904

*[This is the version of this document at 1 December 1998.]*

**An Act to provide for the taking of a census from time to time.**

#### 1. Short

This Act may be cited as the Census Act, 1904.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

“**approved form**” means a form approved under [section 5](#);

“**assistant census commissioner**” means the person appointed as such under [section 4](#);

*[Added K.O-I-C. 29/1975]*

“**census commissioner**” means the person appointed as such under [section 4](#);

“**census day**” means the day or days specified for the taking of a census under [section 3](#);

“**deputy census commissioner**” means the person appointed as such under [section 4](#);

*[Added K.O-I-C. 29/1975]*

“**dwelling**” means a house, hut, booth, tent or other building or structure, or car, caravan, car or other vehicle, in or under which a person habitually sleeps;

“**livestock**” means—

- (a) bulls, oxen, cows, heifers and calves,
- (b) sheep, gotas, horses, mules, asses, pigs, dogs, domesticated wild animals, and birds, including poultry, and
- (c) such other animals as the Minister may, by notice in the *Gazette*, declare to be livestock;

“**Minister**” means the Minister for Finance.

*[Amended L.2/1966; K.O-I-C. 29/1975]*

#### 3. Orders as to census

- (1) The Minister may, by notice in the *Gazette*, order that a census, as to the prescribed matters, be taken between such times, and on such day or days, as he shall specify in such notice.
- (2) Notwithstanding subsection (1) such census may be taken during such shorter period as is sufficient.

*[Amended L.2/1966]*

#### 4. Census commissioner, deputy census commissioner and assistant census commissioner

- (1) The Minister may by notice in the *Gazette* appoint a census commissioner, a deputy census commissioner and an assistant census commissioner.
- (2) The function of the census commissioner shall be to superintend the taking of a census and the functions of the deputy census commissioner and the assistant census commissioner shall be to execute duties assigned to them by the census commissioner.

Provided that if the census commissioner is, for any cause, unable to perform the functions of his office those functions shall be performed by the deputy census commissioner.

And provided further that if the census commissioner and the deputy census commissioner are, for any cause, unable to perform the functions of the census commissioner those functions shall be performed by the assistant census commissioner.

*[Amended K.O-I-C. 29/1975]*

#### 5. Forms for the census

Subject to [section 6](#), the Minister may approve forms for the purpose for a census.

*[Amended L.2/1966]*

#### 6. Rules

- (1) The Minister may make rules, to be published in the *Gazette*—
  - (a) as to the functions of census officers;
  - (b) providing for specified approved forms to be used for specified purposes in relation to a census;
  - (c) specifying the particulars to be furnished, by or on behalf of the occupier of every dwelling in Swaziland, in respect of all persons who, on the night of census day—
    - (i) slept at such dwelling; or
    - (ii) were ordinarily resident there but temporarily resident outside Swaziland;
  - (d) specifying the particulars to be furnished, by every person who, on census day, has charge of livestock, in respect of that livestock;
  - (e) providing for the ascertainment of the number of—
    - (i) persons and livestock travelling, and
    - (ii) articles of produce or commerce, being conveyed,on census day, within Swaziland; and for obtaining the prescribed particulars in respect of such persons, livestock and articles;
  - (f) providing for the collection of statistics relating to—
    - (i) agriculture, education, religious denominations, employment and non-employment, and earnings from employment;
    - (ii) industrial, mining and commercial establishments or undertakings;
    - (iii) friendly and building societies and trade unions and other societies formed for lawful objects; and
    - (iv) such other matters, whether or not of the same kind as the foregoing, as may be specified;

- (g) as to the mode which information shall be obtained for the purposes of the census; and
  - (h) generally, for the better carrying out of the objects of this Act.
- (2) Rules made under this section may provide for penalties for offences against such rules, but any penalty shall not exceed a fine of one hundred emalangeni or imprisonment for three months.

*[Amended L.2/1966]*

## **7. Appointment of enumerators and supervisors**

The census commissioner may in writing appoint any persons as enumerator or supervisor or in such other capacity as may be necessary to take or aid in taking or to supervise the taking of the census and may at any time revoke such appointment.

*[Amended L.2/1966]*

## **8. Who are census officers**

The census commissioner and every person appointed under section 4 or 7 shall be a census officer.

## **9. Occupier to allow access and permit affixing of numbers**

Every person occupying any land, house, enclosure or other place shall allow any census officer such access thereto as he may require for the purpose of the census and as may be reasonable and shall allow him to paint, mark or affix on or to the property in the occupation of such person such letters, marks or numbers as may be necessary for the purposes of such census.

## **10. Asking of questions by census officers**

Every census officer may ask all such questions of all persons as by rule made in this behalf by the Minister as he may be directed to ask.

*[Amended L.2/1966]*

## **11. Obligation to answer questions**

Every person of whom any question is asked under section 10 shall answer such question to the best of his knowledge and belief.

## **12. Schedule to be left at dwelling houses and filled up by the householders**

- (1) Subject to such rules as the census commissioner may make in this behalf, any census officer may leave a schedule in the form prescribed, or cause it to be left, at any dwelling for the purpose of its being filled up by the occupier of such dwelling or of any specified part thereof.

*[Amended L.2/1966]*

- (2) When any such schedule has been so left the occupier of the dwelling or part to which it relates shall fill it up to the best of his knowledge and belief so far as regards the inmates of such dwelling, or part as the case may be, at the time of the taking of census and shall sign his name thereto and when so required shall deliver the schedule so filled up and signed to a census officer, or such other person as the census commissioner may direct.

*[Amended L.2/1966]*

**13. Schedules to be delivered to and filled up by keeper of prison, etc.**

- (1) Subject to such rules as the Minister may make, any census officer may, if so required by the census commissioner, deliver or cause to be delivered to—
  - (a) every person in charge of a lunatic asylum, hospital, prison, police station, reformatory, lock-up, or of any public charitable religious or educational institution; or to
  - (b) every keeper, secretary or manager of any hotel, boarding-house, lodging-house or club;a schedule in the prescribed form to be filled up in relation to the person who at the time of the taking of census are under his charge or inmates of his dwelling.
- (2) The person to whom the schedule is so delivered shall fill it up or cause it to be filled up to the best of his knowledge and belief so far as regards the inmates of such lunatic asylum, hospital, prison, police station, reformatory, lock-up or public charitable religious or educational institution or such hotel, boarding-house, lodging-house or club at the time aforesaid and shall sign his name thereto and when so required shall deliver the schedule so filled up and signed to a census officer, or to such other person as the census commissioner may direct.

*[Amended L.2/1966]*

**14. Enumeration of military forces, travellers, etc.**

The census commissioner shall obtain, by such ways and means as shall appear to him best adapted for such purpose, the information required by this Act or by the rules made by the Minister with respect to—

- (a) any body of men belonging to His Majesty's military forces;
- (b) all persons who during the time appointed for taking any census were travelling or for any other reason were not abiding in any house of which account is to be taken by the census officers as aforesaid;

and shall include such information in the abstract to be made by him as hereinafter provided.

**15. Schedules to be delivered to superintendents of estates and managers of mines and filled up by them**

Every supervisor shall deliver schedules in the prescribed form or cause them to be delivered to any superintendent or person in charge of any mine or estate on which labourers are employed and such superintendent or person in charge shall fill them up with the particulars required therein.

**16. Enumerator to deliver schedules and returns to supervisor**

Every enumerator shall deliver to the supervisor all schedules and all such returns as may be required by the census commissioner on or before a day to be appointed for such purpose by the census commissioner and it shall be the duty of such supervisor to verify them and to transmit them forthwith to the census commissioner.

**17. Abstract to be made and published**

The Census Commissioner shall upon the receipt of the schedule and returns cause an abstract of them to be made and shall forward it to the Minister within such time as may be appointed by the Minister and it shall be printed and published for general information.

## 18. Penalties for census officers

Any census officer who—

- (a) without sufficient cause refuses or neglects to act as such or to use reasonable diligence and care in performing any duty imposed upon him;
- (b) wilfully puts an offensive or improper question or knowingly makes any false return;
- (c) asks, receives or takes from any person other than an authorised public officer any payment or reward;
- (d) divulges, otherwise than for prescribed statistical purposes and in a form not identifiable with a particular person, information obtained during the performance of his functions as a census officer;

*[Amended L.2/1966]*

shall be guilty of an offence and liable on conviction to a penalty not exceeding two hundred emalangeni or in default of payment thereof to imprisonment not exceeding six months or both.

## 19. Penalties

Any person shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or to imprisonment not exceeding three months, if he—

- (a) refuses to answer to the best of his knowledge and belief any question asked of him by an enumerator which he is legally bound to answer or wilfully makes a false answer thereto;
- (b) makes, signs, delivers or causes to be made, signed or delivered, any wilfully false or incorrect schedule, statement or return;
- (c) refuses to allow the enumerator such reasonable access to any land, house, enclosure or other place as he is required by this Act to allow;
- (d) removes, obliterates, alters or injures before the expiry of ninety days from the time of the taking of census letters, marks or numbers which have been painted, marked or affixed for the purposes of the census;

*[Amended K.O-I-C. 29/1975]*

- (e) refuses or neglects to comply with this Act.

## 20. Records of census not admissible in evidence

Notwithstanding anything in this Act, no entry in any book, register or record made by a census officer or by any other person in the discharge of his duty under this Act shall be admissible as evidence in any civil or in any criminal proceeding save and except a prosecution instituted under this Act in respect of such entry against the person who made, signed or delivered it or caused it to be made, signed or delivered.