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Statistics Act, 1967

Act 14 of 1967

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Statistics Act, 1967

Act 14 of 1967

Commenced on 27 October 1967

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

An Act to provide for the collection, analysis and publication of statistical information, and for other matters incidental thereto.

1. Short title

This Act may be cited as the Statistics Act, 1967.

2. Interpretation

In this Act, unless the context otherwise requires—

“**authorised officer**” means a public officer or other person employed in connection with any business of the Central Statistical Office;

“**Central Statistical Office**” means the department responsible for statistics in the Prime Minister’s office;

“**director**” means the head of the Central Statistical office;

“**Minister**” means the Prime Minister;

“**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 control or management of a partnership business, and, in the case of a company or corporation, association, society or body of persons, includes any director, manager or head (by whatever name called) of such association, body of persons or society;

“**statistics**” means the information which may be collected in connection with and incidental to any census or general statistical survey or all or any of the matters specified in, or prescribed under, [section 3](#);

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

[Amended A.16/1969; L.N.53/1970]

3. Matters as to which statistics may be collected

Subject to this Act and the directions of the Minister, statistics may be collected at such times or during such periods as may be prescribed in relation to all or any of the following—

- (a) population and housing;
- (b) vital, social, educational, labour and industrial matters, including rates of wages, cost of living, prices of commodities and rents of habitations;
- (c) local government;
- (d) employment and unemployment;
- (e) imports and exports;
- (f) immigration and emigration;

- (g) posts, telegraphs and telephones;
- (h) factories, mines and productive industries generally;
- (j) agricultural, horticultural, viticultural, dairying and pastoral industries;
- [Please note: numbering as in original.]*
- (k) banking, insurance and finance;
- (l) tenure, occupation and use of land;
- (m) forestry and fishing;
- (n) commercial and professional undertakings;
- (o) salaries, wages, bonuses, fees, allowances and any other payments and honoraria for services rendered;
- (p) income, earnings, profits and interest;
- (q) health;
- (r) transport and communications in all forms, and
- (s) such other matters as the Minister may prescribe by notice in the *Gazette*.

4. Compilation, analysis, tabulation and publication of statistics

- (1) The Director shall cause statistics collected in pursuance of this Act to be compiled, analysed and tabulated and may, subject to this Act and the directions of the Minister, cause statistics or abstracts thereof to be published with or without observations thereon and in such manner as he may determine.
- (2) All statistics or abstracts thereof, prepared for publication and any observations thereon, shall be laid on the tables of both Houses of Parliament within fourteen days after such publication if Parliament is in session, or, if Parliament is not sitting, within fourteen days after the commencement of its next ensuing sitting.

5. Power to obtain information

- (1) For the purpose of enabling statistics to be collected, every person shall to the best of his knowledge, when required by the director or an authorised officer to do so, fill in a form and supply, in accordance with the instructions contained in or accompanying it, the particulars specified therein.
- (2) Every person when so required shall, to the best of his knowledge and belief, answer all such questions put to him by the director or an authorised officer as are necessary for obtaining any information required for the collection of statistics.

6. Access to premises

Any person occupying any land, house, enclosure or other place shall allow the director or an authorised officer such access thereto as he may require for obtaining any information required for the collection of statistics, 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 purpose of carrying out his duties under this Act.

7. Access to public and other records

Notwithstanding any other law, any person having the custody or charge of any public records or documents, or of the records or documents of any local authority, corporation, partnership, firm, company,

society, association or person from which, in the opinion of the director, information in respect of or 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 the director or an authorised officer access to such records or documents for the purpose of obtaining therefrom such information.

8. Restriction on publication

Except for the purposes of a prosecution under this Act any—

- (a) individual return or part thereof, made for the purposes of this Act;
- (b) answer given to any question put for the purposes of this Act;
- (c) report, abstract or other document, containing particulars comprised in any such return or answers so arranged as to enable identification of such particulars with any person, undertaking or business;

shall not be published, admitted in evidence in any civil or criminal proceedings 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 such undertaking or business:

Provided that this section shall not prevent or restrict the publication of any 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 sphere of activities, if such particulars do not enable the costs of production, the capital employed or profits arising in any such undertaking or business to be identified.

9. Restriction on disclosure in certain cases

This Act shall not affect or be deemed to affect any enactment relating to the disclosure or non-disclosure of any official, secret or confidential information, evidence or document, and any person required by the director or an authorised officer to supply any information, to give any evidence or to produce any document, shall be entitled, in respect of such information, evidence or document, to plead the same privilege before the director or an authorised officer as before a court of competent jurisdiction.

10. Letters as to statistics to be transmitted post free

All letters, parcels and packets and all telegraphic messages relating to statistics transmitted to or by the Director or an authorised officer, shall be free of postal, telegraphic or other charge made by the director of posts and telecommunications of Swaziland, if marked with the words: "Statistics— on Government Service".

11. Punishment of officers for certain acts

- (1) Any person, employed in the execution of any duty under this Act, shall be guilty of an offence and liable, on conviction to a fine not exceeding six hundred emalangeni or imprisonment not exceeding two years or both, if he—
 - (a) puts an improper or offensive question to any person;
 - (b) knowingly makes a false return or for issue compiles any false statistic or information;
 - (c) asks, receives or takes, in respect of or in connection with his employment under this Act from any person, other than an officer of the Government duly authorised thereto, any payment or reward;
 - (d) by virtue of such employment, becomes possessed of any information which might exert influence upon or affect the market value of any share, interest, product or article, and

- before such information is made public, directly or indirectly uses such information for personal gain; or
- (e) divulges or communicates to any person otherwise than in the ordinary course of such employment any information furnished in pursuance of this Act.

12. Offences

- (1) A person shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangeni or to imprisonment not exceeding one year, if he—
- (a) hinders or obstructs the director or an authorised officer in the execution of any of their powers under this Act;
- (b) refuses or neglects to—
- (i) fill in and supply the particulars required in any return, form or other document which by this Act he is required to fill in and supply; or
- (ii) answer any questions or enquiries asked him under the authority of this Act; or,
- (c) without lawful authority destroys, defaces, mutilates any return, form or other document containing particulars collected under this Act.
- (2) Any person who in any form or document filled in or supplied in pursuance of this Act or in answer to any question put to him under the authority of this Act, makes any statement which is false in any material particular, knowing it to be false or having no reasonable cause for believing it to be true, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangeni or imprisonment not exceeding one year.
- (3) Any person who forges any form or document which is used or prescribed under this Act or utters such document knowing it to be forged, shall be guilty of an offence and liable on conviction to the penalties which may be imposed for the crime of fraud.
- (4) Any person who is in possession of any information which to his knowledge has been disclosed in contravention of this Act, and who publishes or communicates it to any person shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangeni or to imprisonment not exceeding one year.

13. Regulations

- (1) The Minister may make regulations generally for the better carrying out of this Act, and, in particular, but without prejudice to the generality of the powers hereby conferred, such regulations may prescribe the—
- (a) particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act;
- (b) manner and form in which, the time and places at which, and the persons by whom and to whom, such particulars and information shall be furnished; and
- (c) fees to be paid to the Government for furnishing statistics compiled under this Act.
- (2) Such regulations may also require particulars and information to be furnished as to the addresses and occupations of persons by persons in prescribed areas and in respect of such areas.
- (3) Any regulation made under this section may provide that any person who, without reasonable cause, fails to comply therewith shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred emalangeni or in or in default of payment thereof to imprisonment not exceeding six months.

14. Oath of secrecy (Schedule)

- (1) Every person employed in the execution of any duty under this Act shall before entering upon his duties make and subscribe before a Commissioner of Oaths or before the director, who is hereby authorised to administer such oath, the oath or affirmation set out in the Schedule.
- (2) A person who, in the execution of any duty under this Act, fails to comply with or contravenes any term or condition of his oath or affirmation shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangeni or imprisonment not exceeding one year or both.

Schedule

I, _____ do swear (solemnly affirm) that I will faithfully and honestly fulfil my duties as _____ in conformity with the requirements of the Statistics Act, No. 14 of 1967, and that I will not disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such, except when authorised so to do for the purposes of such Act.

SO HELP ME GOD

(to be omitted in affirmation)

SWORN to (Affirmed) and SIGNED this _____ day of _____ 20 _____

BEFORE ME _____