

special information or report supplied by the Bureau;

- (d) any oath to be taken and the manner of taking such oath by any person appointed or required to perform any duties under this Act.

Repeal of
Act 15 of
2005

25. The National Statistics Bureau Act, 2005 is repealed.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 6th July, 2010.



Veronique Bresson
Clerk to the National Assembly

NATIONAL BUREAU OF STATISTICS ACT, 2010

(Act No. 14 of 2010)

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

Sections

1. Short title
2. Interpretation

PART II - ESTABLISHMENT OF THE NATIONAL BUREAU OF STATISTICS

3. Establishment of the Bureau
4. Objectives and functions of the Bureau
5. Board of Directors of the Bureau
6. Functions of the Board
7. Board meetings
8. Disclosure of interest
9. Committees of the Board
10. Chief Executive Officer
11. Deputy Chief Executive Officer
12. Staff of the Bureau
13. Budget and annual reports

PART III - IMPLEMENTATION

14. Authorised officers
15. Power to obtain particulars
16. Access to records
17. Power to enter premises
18. Restrictions on publication
19. Funds of the Bureau
20. Accounts and audit
21. Offences etc.
22. Application of certain sections of the Penal Code
23. Protection of acts done in good faith
24. Regulations
25. Repeal of Act 15 of 2005

- (c) knowingly makes in any return, form or other document filled up or supplied or in any answer to any question put to him under 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,

commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding R20,000 or to both such imprisonment and fine.

22. All members of the Board, officers and employees of the Bureau shall be deemed to be employed in the public service for the purposes of sections 91 to 96 of the Penal Code.

Application of certain sections of the Penal Code

23. No liability civil or criminal shall attach to the Bureau, a member of the Board or an officer or employee of the Bureau in respect of an act or omission made in good faith in the performance of the functions of the Bureau by such member, officer or employee as the case may be.

Protection of acts done in good faith

24. The Minister may make regulations generally for the better carrying into effect of the objects and provisions of this Act and in particular for prescribing —

Regulations

- (a) the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act;
- (b) the persons or classes of persons by whom such particulars and information shall be furnished;
- (c) fees to be paid to the Bureau for the furnishing of statistics compiled under this Act and for any

Offences etc.

21.(1) Any person who, being a person employed in the performance of any duty under this Act —

- (a) by virtue of such employment acquires any information which might exert an influence upon or affect the market of any share, interest, product 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 the person in the course of the person's employment;
- (c) knowingly compiles for issue any false statistics or information;
- (d) intentionally puts any offensive or improper question which a person may not lawfully be required to answer under the authority of this Act,

commits an offence and on conviction is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding R20,000 or to both such imprisonment and fine.

(2) Any person who —

- (a) hinders or obstructs the Chief Executive Officer or an authorised officer in the exercise of any powers under this Act;
- (b) refuses or neglects to fill up and furnish the information required in any return, form or other document left with or sent to him under this Act, or to answer any question put to him under this Act;



NATIONAL BUREAU OF STATISTICS ACT, 2010

(Act 14 of 2010)

I assent



J. A. Michel
President

9th July, 2010

AN ACT to provide for the establishment of the National Bureau of Statistics and to repeal the National Statistics Bureau Act (Act 15 of 2005)

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the National Bureau of Statistics Act, 2010. Short title

Interpretation

- 2.** In this Act —
- “authorised officer” means any officer authorised in writing by the Chief Executive Officer;
- “Board” means the Board of Directors of the Bureau appointed under section 5;
- “Bureau” means the National Bureau of Statistics established by section 3;
- “Chief Executive Officer” means the Chief Executive Officer appointed under section 10;
- “Chairperson” means the Chairperson of the Board;
- “Department of Government” includes any division or agency of the Government;
- “Minister” means the Minister charged with the administration of this Act;
- “respondent” means a natural person or a body corporate in respect of whom or which any information is required or provided pursuant to this Act;
- “National Statistics System” includes all public and private agencies in Seychelles responsible under any law or otherwise for gathering statistical data through censuses or surveys or through other activities;
- “census” means a statistical data gathering operation in which all units of interest of the whole country are enumerated;
- “statistical sample survey” means a statistical operation in which only a selected part and not all units of interest of the whole population are enumerated.

- 19.(1)** The funds of the Bureau shall consist of —
- (a) moneys granted under an Appropriation Act or otherwise by the National Assembly;
- (b) any moneys lawfully borrowed by the Bureau;
- (c) any money received by the Bureau as fees, interest, proceeds of sale of publications and other income;
- (d) any sums which may be donated to the Bureau.
- (2)** The funds of the Bureau shall be applied —
- (a) in the payment of emoluments of the Chief Executive Officer, members of the Board and staff of the Bureau;
- (b) in the payment or discharge of its debts;
- (c) in the payment of the expenses and discharging of the obligations of the Bureau.
- (3)** The funds of the Bureau not immediately required for the purposes of the Bureau may be invested in such manner as the Board thinks fit.
- 20.(1)** The Board shall keep proper books of accounts of the Bureau and shall prepare in respect of each financial year a statement of accounts.
- (2)** The financial year of the Bureau shall be the calendar year ending on 31st December.
- (3)** The accounts of the Bureau shall be audited by the Auditor General pursuant to article 158 of the Constitution.

Funds of
the BureauAccounts
and audit

person information on a matter in relation to which statistics are collected or information which should help complete or correct such statistics, any person who has the custody of such records or documents shall, upon being requested in writing by the Chief Executive Officer to do so, grant an authorised officer access to the records or documents.

Power to enter premises

17. An authorised officer may, at all reasonable times, for any purpose connected with the collection of statistics, enter any premises and inspect and make such enquiries as may be necessary for the performance of the officer's duties.

Restrictions on publication

18. Except for the purpose of a prosecution under this Act —

- (a) no individual return or part thereof made under 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,

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:

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 enables identification merely by reason of the fact that the particulars relate to an undertaking or business owned by the person which is the only undertaking or business within its particular sphere of activities.

PART II - ESTABLISHMENT OF THE NATIONAL BUREAU OF STATISTICS

3.(1) There is established the National Bureau of Statistics.

Establishment of the Bureau

(2) The Bureau shall be a body corporate.

4.(1) The Bureau shall be the principal agency for collecting, analysing and disseminating statistical data in Seychelles and shall be the custodian of statistical information.

Objectives and functions of the Bureau

(2) Without prejudice to the generality of subsection (1), the Bureau shall be responsible for —

- (a) planning, authorising, coordinating and supervising all official statistical programs undertaken within the National Statistical System, and establishing standards, and promoting the use of the best practices and methods in the production and dissemination of statistical information;
- (b) collecting, compiling, analysing, abstracting, publishing and disseminating statistical information and related material;
- (c) assisting Government Ministries and Departments in the collection, compilation and publication of statistical information, including statistics related to their activities;
- (d) eliminating the duplication of collection and compilation of information within the National Statistical System and promoting and developing a body of integrated social and economic statistics;
- (e) subject to section 18, sharing micro data with Government Ministries, Departments,

researchers and academics on payment of the prescribed fee;

- (f) providing advice and assistance to official bodies in relation to statistics; and
- (g) co-ordinating the activities of Seychelles and other countries and international organisations in the field of statistics and other related matters.

The Board of Directors of the Bureau

5.(1) The affairs of the Bureau shall be administered by a Board of Directors consisting of—

- (a) the Chairperson;
- (b) the Chief Executive Officer;
- (c) a representative of the Ministry of Finance;
- (d) a representative of the Ministry responsible for Statistics;
- (e) a representative of the Central Bank of Seychelles;
- (f) five other members appointed by the Minister and representing—
 - (i) the private sector;
 - (ii) civil society;
 - (iii) research institutions; and
 - (iv) the National Coordinating Agency for Population and Development.

(2) The Chairperson shall be appointed by the President, in consultation with the Minister, for a term not exceeding 3 years specified in the instrument of appointment. The Chairperson shall be eligible for re-appointment.

submit to the Minister a report on the operations of the Bureau during the period of 12 months preceding that date.

(3) The Minister shall cause the report referred to in subsection (1) to be presented to the National Assembly.

PART III - IMPLEMENTATION

14. The Chief Executive Officer may appoint persons as authorised officers for the purpose of the implementation of this Act.

Authorised officers

15.(1) For the purpose of collecting statistics under the provisions of this Act, an authorised officer may require any person from whom particulars may lawfully be required under this Act, to supply the authorised officer with such particulars as the Chief Executive Officer may consider necessary in relation to the collection of such statistics, and the person shall, to the best of his knowledge and belief, fill up such forms, make such returns, answer such questions and give such information as may be required by the authorised officer within the time and in the manner specified by the authorised officer.

Power to obtain particulars

(2) An authorised officer may require any person to supply particulars either by interviewing the person or by leaving at the last known address of the person or posting to that address a notice requiring the form annexed to the notice to be filled up and returned in the manner and within the time specified in the notice.

(3) Where any particulars are, by a notice issued by an authorised officer, required to be supplied by any person it shall be presumed until the contrary is proved that the particulars may lawfully be required from that person and that the document has been issued by an authorised officer.

16. Where the Chief Executive Officer is of the opinion that there can be obtained from any Government records or documents or from any records or documents belonging to any

Access to public records, etc

(3) The Board may, where it deems appropriate, co-opt any person to attend the deliberations of any committee.

Chief
Executive
Officer

10.(1) There shall be a Chief Executive Officer of the Bureau appointed by the President, in consultation with the Minister, on such terms and conditions as may be determined by the President.

(2) The Chief Executive Officer shall be appointed for such term not exceeding three years as the President may determine, and shall be eligible for reappointment.

(3) A person shall not be qualified for appointment as Chief Executive Officer unless the person has an advanced degree in a relevant field specified in section 5(5) and at least five years experience in the management of a public or private sector institution.

(4) The Chief Executive Officer shall be responsible for the day to day management and efficient functioning of the Bureau, management of the funds and property of the Bureau and the management of the staff of the Bureau.

Deputy
Chief
Executive
Officer

11. The President may appoint a Deputy Chief Executive Officer in consultation with the Minister on such terms and conditions and for such term as may be determined by the President.

Staff of the
Bureau

12. The Bureau shall appoint such officers and staff as may be necessary for the efficient discharge of the functions of the Bureau, on such terms and conditions as it may determine.

Budget and
annual
reports

13.(1) The Chief Executive Officer shall cause to be prepared in respect of each financial year an annual work program of the Bureau and the annual budget for the approval of the Board.

(2) The Chief Executive Officer shall as soon as practicable after 30th June in each calendar year prepare and

(3) The members of the Board shall be appointed for a term of 3 years or such shorter period as the Minister may determine and shall be eligible for re-appointment.

(4) The Chairperson or a member may —

- (a) at any time resign from office by giving notice in writing to the Minister;
- (b) be removed from office by the President on the recommendation of the Board if the member —
 - (i) has been absent from three consecutive meetings of the Board without leave of the Board;
 - (ii) is convicted of a criminal offence punishable with a term of imprisonment exceeding six months or a fine of or more than R1000;
 - (iii) is otherwise unable or unfit to discharge the member's functions.

(5) A person shall be qualified to be appointed under subsection (1) if the person has a university degree in —

- (a) statistics;
- (b) information technology;
- (c) economics;
- (d) social sciences; or
- (e) mathematics,

in addition to knowledge and experience in matters relating to the functions of the Board.

6.(1) The functions of the Board shall be—

- (a) to formulate policy and monitor the

- implementation of the Bureau's plans and programs;
- (b) to approve the annual budget and action plans of the Bureau;
 - (c) to make senior staff appointments;
 - (d) to determine from time to time the Bureau's structure, staffing levels and terms and conditions of service;
 - (e) to establish rules and procedures for —
 - (i) the appointment, career development and discipline of staff;
 - (ii) the purchase of goods and services and the disposal of assets;
 - (iii) the proper management of the Bureau's finances and assets;
 - (f) to keep the Minister informed of the activities and progress of the Bureau at quarterly intervals;
 - (g) to perform any other functions assigned by the Minister in consultation with the Board.

(2) The Board may, subject to such conditions and restrictions as it may impose, delegate any of its functions under subsection (1) to a committee of the Board or the Chief Executive Officer, except the power conferred by this subsection.

Board meetings

7.(1) The Board shall meet at least four times in a calendar year at such times and place as the Chairperson may determine.

(2) The quorum for a meeting of the Board shall be half the number of members holding office.

(3) The Chairperson shall preside at every meeting of the Board, and in the absence of the Chairperson, the members present shall elect one of their number to preside at that meeting.

(4) A decision of the Board shall be made by a simple majority of the members present and voting except that in the case of an equality of votes the Chairperson or the member presiding shall have a casting vote in addition to the original vote.

(5) Subject to the provisions of this Act, the Board may make rules to regulate its own proceedings generally, and in particular, regarding the holding of, and conduct of proceedings at, meetings, the notice to be given of meetings, the keeping of minutes and the custody, production and inspection of documents.

8.(1) If a member of the Board is directly or indirectly interested in any matter before the Board, the member shall at a meeting and as soon as practicable after the commencement of the meeting, disclose that fact and shall not take part in the deliberations on that matter, and shall not vote nor be counted in the quorum of the meeting.

Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who knowingly contravenes subsection (1) commits an offence and is liable to a fine of R1000 or to imprisonment for a term not exceeding six months.

9.(1) The Board may set up committees of the Board with such functions and responsibilities as it may delegate.

Committee of the Board

(2) The Board shall appoint a chairperson of a committee established under subsection (1) from among its members.