

THE STATISTICS ACT, 1967

No. 38



of 1967

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SCHEDULE

AN ACT TO MAKE PROVISION FOR THE COLLECTION OF STATISTICAL DATA

Date of Assent : 11.10.67.

Date of Commencement: 13.10.67.

ENACTED by the Parliament of Botswana.

Short Title

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

Interpretation

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

“authorized officer” means an officer in the public service or any other person authorized in writing by the Director to perform any function under this Act;

“census” includes a sample survey;

“Director” means the Director of the Central Statistics Office;

“statistics” means statistics which may be collected in terms of section 3;

“undertaking” means any undertaking by way of trade or business whether or not the trade or business is carried on for profit and shall include the undertaking of any local or other public authority or statutory corporation and any farmer.

(2) Where an undertaking is wholly or partially carried on by means of branches situated at several premises, each branch of the undertaking shall, for the purposes of this Act, be deemed to be an undertaking unless the Minister otherwise directs.

Matters as to which Statistics may be collected

3. (1) Subject to the provisions of this Act and to the directions of the Minister, statistics may be collected at such times, in such places or areas and in respect of such periods as may be prescribed, in relation to any aspect of all or any of the following matters, namely —

- (a) population; housing; vital occurrences; morbidity; temporary or permanent migration to, from or within the Republic;
- (b) primary production, including farming, forestry, fishing and mining operations, which shall also include farming, the raising and breeding of animals, whether domesticated or wild, hunting and trapping, the gathering of animal products and of unprepared forest products; breeding of fish; quarrying; the exploitation of deposits of soil, sand, clay and gravel;
- (c) secondary production, including manufacture, assembly and repair; the generation and distribution of electricity and the production and distribution of gas; the supply of water; the operation of abattoirs; the publishing of newspapers, periodicals, books and other printed-matter;
- (d) construction and related activities, including civil engineering works and repairs; demolition of buildings and structures and the clearing and levelling of land; soil erosion and water conservation works and borehole sinking;
- (e) internal trade, including the distribution of goods; external trade;
- (f) the provision of services, of whatever nature, to consumers in the trade, the State and private sectors of the economy, including banking, finance

and insurance ; land, sea and air transport ; travel and tourism ; communication ; storage ; catering service ; accomodation ; health and health institutions ; education, training and instruction ; personal and professional services ; recreation and amusement ; laundry and cleaning service ; sanitary service ;

- (g) activities of associations promoting business, professional or national interests ;
- (h) prices of goods and services ; hiring of accomodation, including rents and charges for accommodation ;
- (i) national accounts ; capital formation ; savings and investment ; balance of payments and flow of funds ;
- (j) ownership, development, occupation, use and transfer of land and other immovable property, mortgages ;
- (k) labour relations, including trade unions, employers' organizations, industrial councils and industrial disputes ;
- (l) employment ; unemployment ; remuneration ; service hours and conditions ;
- (m) the public administrative, financial, industrial and commercial activities (not elsewhere specified) of the Government and local authorities and the activities of institutions established by them or by or in pursuance of any law ;
- (n) injuries ; accidents ;
- (o) social matters and activities, of whatever nature including religious and welfare organizations aid societies, sports clubs and cultural societies crime, administration of justice and enforcement of law ;
- (p) family and household surveys, including surveys of family and household budgets ; and
- (q) any other matter prescribed by the Minister by notice in the Gazette .

(2) The statistics which may be collected under subsection(1) may include financial statistics in relation to any matters mentioned therein.

(3) The Minister may enter into arrangements with the Government of any neighbouring territory as to any matter necessary or convenient for the purposes of carrying out his functions under the Act.

Census of Production, Distribution, Agriculture, etc.

4. (1) The Minister may for the purpose of providing from time to time general statistical surveys of the state of the economy or any sector thereof, take a census of —

- (a) production ;
- (b) distribution and other services ;

(c) farming, including –

- (i) the situation, area, description and extent of land used for farming, and the payment of rates and taxes thereon ;
- (ii) the names and addresses of the owner or occupiers of the land, whether the land or any part thereof is let, if let, the area leased and the rental obtained ;
- (iii) the character and use of different parts of the land, the time at which any use thereof was begun or will become fully effective and their produce at any time during the period to which the census relates ;
- (iv) fixed and other equipment, livestock, and the stocks of farming produce and requisites held in respect of the land, and the provision and maintenance of such equipment, livestock and requisites and the provision of farming services for the benefit of the land ;
- (v) the methods and operations used on the land, the marketing or other disposal of the produce thereof, any payment received under any enactment in respect of such produce ;
- (vi) the number and description of persons employed on, or employed by the occupier in disposing of the produce of, the land and the remuneration paid to, the hours worked by, persons so employed or persons of different description.

(2) Any person carrying on an undertaking may be required by notice given in such form as may be prescribed to furnish returns for the purpose of a census under this section ; and together with such notice he shall be issued with such forms as are required for the census.

(3) Any person carrying on an undertaking may be required to furnish returns for the purposes of a census under this section ; and the census may either be taken to cover all undertakings in the field of production, distribution and other services, or farming, or may be confined to such classes or descriptions of those undertakings as may be prescribed ; and without prejudice to the generality of the provisions of this subsection, the Minister may by notice in the Gazette exempt from the obligation to furnish returns for the purposes of such census, either wholly or to the prescribed extent, and either unconditionally or subject to prescribed conditions, any persons or any prescribed class or description of persons.

(4) The Minister shall prescribe the matters about which a person may be required to furnish returns for the purposes of any census under this section, the time within which any return is required to be made, and the period to which any census relates.

(5) A census under this section may be conducted in conjunction with a census under the provisions of the Census Proclamation (Chapter 45).

Duty of Prescribed Person

5. For the purpose of enabling statistics to be collected otherwise than by way of census taken under the provisions of section 4 every prescribed person shall, when required by the Director or an authorized officer furnish, in the form (if any) supplied by that officer, or in the absence of such form, or where the person concerned is unable for any reason to complete such form, verbally, the particulars or information required by the relevant regulations relating to the matter in respect of which such particulars are or such information is so required.

Duty of Persons to Answer Questions

6. Every person shall, to the best of his knowledge and belief, answer, all such questions put to him by the Director or any authorized officer as are necessary for obtaining any information required for the collection of statistics in accordance with the provisions of section 4 or 5.

Compilation, Analysis, Tabulation and Publication of Statistics

7. (1) The Director shall cause statistics collected in pursuance of the provisions of this Act to be compiled, analysed and tabulated and may, subject to the provisions of 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) Anything published in accordance with the provisions of subsection (1) shall be laid before the National Assembly within fourteen days of publication.

Restriction on Publication

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

- (a) no individual return or part thereof, made for the purpose 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 of answers so arranged as to enable identification of such particulars with any person, undertaking or business,

shall 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 consent in writing 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 that 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 which

is the only undertaking or business within its 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.

Limitations on Right to Require Information

9. (1) Nothing contained in this Act shall 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 any authorized 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.

(2) No person shall be required to supply any information under this Act which involves the disclosure of any technical process or trade secret in or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

(3) No person shall be required under the provisions of this Act to furnish any balance sheet or profit and loss account :

Provided that the provisions of this subsection shall not prevent the requiring of information by reason only that it is or might be contained as an item in such a balance sheet or account.

Letters etc, as to Statistics to be Transmitted Post Free

10. All letters, parcels and packets and all telegraphic messages relating to statistics shall, if marked with the words "Statistics" and "On Botswana Government Service", and when transmitted to or by the Director or an authorised officer be free of postal telegraphic or other charges made for their conveyance or transmission.

Punishment of Officers for Certain Acts

11. (1) Any person, being a person employed in the execution of any function under this Act, who —

- (a) puts an improper or offensive question to any person, or
- (b) knowingly makes false return or compiles for issue any false statistics or information, or
- (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 ; or
- (d) by virtue of such employment becomes possessed of any information which might exert influence upon or effect 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 the provisions of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or both such fine and imprisonment.

Duty to notify Undertakings

12. If the Director publishes, by advertisement in the Gazette, and in such newspapers as may appear to him to be sufficient for notifying the persons concerned a list of the classes or descriptions of undertakings in relation to which returns will be required for the purposes of a particular census or inquiry under this Act, it shall be the duty of every person carrying on an undertaking of any such class or description as aforesaid who has not received notice under section 4 (2) or who has not been required to supply particulars or information under the provisions of section 5 in relation to that census or inquiry to inform such person as may be specified in the advertisement within such period, being not less than twenty-one days after the date of publication of the advertisement, as may be specified therein, that he is carrying out an undertaking as aforesaid, and to give to that person such prescribed particulars of the undertaking as may be so specified.

Authentication of Forms, Notices and Other Documents

13. Every form, notice or other document given or issued by an officer under this Act shall be sufficiently authenticated if the name of the officer by whom it is given or issued has been printed or stamp thereon.

Regulations

14. (1) The Minister may make regulations either generally or with respect to any class or description of persons or undertakings and in relation to any class or description of statistics —

- (a) prescribing anything which, in terms of this Act is to or may be prescribed ;
- (b) prescribing the forms and documents to be used in connexion with the collecting of statistics ;
- (c) prescribing the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act ;
- (d) prescribing the manner and form in which, and the times and places at which, and the persons by whom and to whom statistical information shall be furnished ;
- (e) prescribing the fees payable by persons requiring statistical information from the Government ;

(f) providing for the appointment of advisory committees and the fees or allowances payable to their members ;

(g) generally for the better carrying out of the provisions of this Act.

(2) Any regulation 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 fifty rand or, in the case of a continuing failure, to a fine not exceeding two rand for every day during which such failure continues.

Oath of Secrecy

15. Every authorized officer other than an officer in the public service shall before entering upon his duties make and subscribe the oath or affirmation set out in the Schedule before a Commissioner of Oaths or before the Director who is hereby authorized to administer such oath.

Offences

16. Any person who —

(a) hinders or obstructs the Director or an authorized officer in the execution of any of his functions under this Act ; or

(b) refuses or neglects —

(i) to 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) to answer any questions or inquiries put to him under the authority of this Act ; or

(c) without lawful authority destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act ;

(d) makes in any form or document filled in or supplied in pursuance of this Act or in answer to any question put to him under authority of this Act, any statement which is false in any material particular, or having no reasonable ground for believing the same to be true ;

(e) publishes or shows anything in contravention of the provisions of section 8 of the Act ;

(f) contravenes the provisions of section 12 unless he can show he did not know and had reasonable cause for not knowing that he was required to give information or particulars under the provisions of that section ;

(g) discloses or makes known any matter or thing in contravention of an oath or affirmation made under the provisions of section 15 ;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

SCHEDULE

I, do swear
(solemnly affirm) that I will faithfully and honestly fulfil my duties as an authorized officer under the Statistics Act, 1967, in conformity with the requirements of that Act and that I will not, without authority in writing by the Director of the Central Statistics Office, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

.....

SWORN to (Affirmed) and SIGNED this

day of 19.....

BEFORE ME

.....
Commissioner of Oaths/Director of
the Central Statistics
Office.

Passed by the National Assembly this day the 31st August, 1967.

G. T. MATENGE,
Clerk of the National Assembly.