



TRINIDAD AND TOBAGO

No. 26—1952

[L.S.]

I ASSENT,

H. E. RANCE,

Governor.

16th May, 1952.

AN ORDINANCE to provide for the taking of censuses and for the collection, compiling, analysis and publication of statistical information and for other matters relating thereto.

[22nd May, 1952.]

Commence-
ment

ENACTED by the Governor of Trinidad and Tobago with the Enactment advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Statistics Ordinance, Short title 1952.

Interpretation

2. (1) In this Ordinance—

“authorised official” includes the Statistician and any person authorised by him in writing under section 3 of this Ordinance;

“Statistician” means the head of the Statistical Department of the Government of the Colony;

“statistics” means information in connection with or incidental to any census or any of the matters specified in the First Schedule to this Ordinance;

“undertaking” means any undertaking by way of trade or business, whether or not the trade or business is carried on for profit; and the exercise and performance by a municipal or other public authority of the powers and duties of that authority shall be treated as a trade or business of that authority.

(2) Where an undertaking is wholly or partly carried on by means of branches situated at several premises, the Statistician or a competent authority may agree with the persons carrying on the undertaking that for the purposes of all or any of the provisions of this Ordinance a separate undertaking shall be deemed to be carried on at all or any of those branches by the branch manager or such other person as may be specified in the agreement.

Any such agreement may contain such supplemental provisions as may be expedient for giving effect thereto and shall continue in force for such term and shall be subject to such provisions as to variation and revocation as may be specified in the agreement.

Establishment
of Statistical
Department

3. (1) There shall be a Statistical Department with a Statistician at the head thereof and such other officers as may be appointed by the Governor at such salaries as the Governor, with the consent of the Legislative Council, may from time to time direct.

(2) Subject to the approval of the Governor, the Statistician may for the purpose of the performance of any of his duties under this Ordinance employ such persons in addition to the staff of the Statistical Department as may be necessary for the particular purpose.

(3) The Statistician may appoint in writing any person to be an authorised official for the purposes of this Ordinance.

4. (1) It shall be the duty of the Statistician—

Duties of
Statistician

- (a) to take any census in the Colony;
- (b) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, agricultural, mining, economic, social and general activities and conditions of the people of the Colony;
- (c) to collaborate with other Government Departments in the collection, compilation, analysis and publication of statistical records of administration;
- (d) generally to organize a co-ordinated scheme of economic and social statistics relating to the Colony, in accordance with the provisions of this Ordinance.

(2) Nothing contained in paragraph (c) of subsection (1) of this section shall be deemed to authorise the Statistician to inspect the returns of the income of any person submitted to the Commissioners of Income Tax: Provided that it shall be lawful for the Statistician or any person duly authorised by him to analyse summaries or abstracts of income tax returns prepared in such a manner by the Commissioners of Income Tax that the identity of any individual, company or undertaking is not revealed in any such summary or abstract, and to compile and publish data from such summaries or abstracts.

(3) It shall be the duty of the Statistician to make such arrangements and to do all such things as are necessary for the performance of his duties under this Ordinance.

5. The Governor may, subject to the approval to be signified by resolution of the Legislative Council, by order direct that a census shall be taken in the Colony, or any part thereof, of any class of inhabitant thereof, and any such order may specify—

Power to take
census

- (a) the dates on or between which such census is to be taken; and
- (b) the matters in respect of which information is to be obtained in such census.

6. With the approval of the Governor in Council, the Statistician may, and on the direction of the Governor in Council the Statistician shall, collect, whether in conjunction with any census or not, statistics relating to all or any of the matters

Collection of
statistics relating
to specified
matters

set out in the First Schedule to this Ordinance, either in the Colony generally or in any part thereof:

Provided that the Statistician shall not collect any such statistics until regulations have been made under section 13 of this Ordinance prescribing the particulars and information to be furnished and the purpose to be served thereby in relation to the matter in respect of which the statistics are to be collected.

Advisory
Committees

7. (1) The Governor in Council may appoint one or more committees, including persons engaged in, or otherwise conversant with the conditions of, various trades and businesses, for the purposes of advising the Statistician or any competent authority to whom functions have been delegated under section 17 of this Ordinance with regard to the preparation of the forms and instructions necessary for the collection, compilation, analysis, abstraction and publication of statistical information relating to the several activities specified in paragraph (b) of subsection (1) of section 4 of this Ordinance and to the conditions of the people of the Colony, and of advising the Governor in Council with regard to the making of regulations by the Governor in Council under this Ordinance, and of advising the Statistician or any competent authority or the Governor in Council with regard to such other matters as may be referred to such committee or committees.

(2) There may be paid to the members of any such committee such travelling and other allowances as the Governor in Council may determine.

(3) Committees may be appointed under this section to advise specially about any special forms, instructions or regulations or generally about any class or description of forms, instructions or regulations that may be assigned to them.

Publication of
statistics

8. The Statistician shall cause the statistics collected under this Ordinance to be compiled, tabulated and analysed and, subject to the provisions of this Ordinance, may cause such statistics or abstracts thereof to be published, with or without observations thereon, as the Governor in Council shall either generally or specially direct.

Restrictions on
publication of
individual
returns

9. (1) No individual estimate or return or part thereof and no information relating to any individual undertaking obtained under the provisions of this Ordinance shall, without the previous consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except for the purposes of any proceedings for an offence under this Ordinance.

(2) The following provisions shall have effect with respect to any report, summary or other communication to the public of information obtained under the provisions of this Ordinance:—

- (a) no such report, summary or communication shall disclose the number of returns received with respect to the production of any article if that number is less than five;
- (b) in compiling any such report, summary or communication, the Statistician shall so arrange it as to prevent any particulars published therein from being identified as being particulars relating to any individual person or undertaking except with the previous consent in writing of that person or the person carrying on that undertaking, as the case may be; but this provision shall not prevent the disclosure of the total quantity or value of any articles produced, sold or delivered, or the numbers and descriptions of persons employed, so however, that before making any such disclosure the Statistician shall have regard to any representations made to him by any person who alleges that such disclosure will enable particulars relating to him or to an undertaking carried on by him to be deduced therefrom:

Provided that where the number of returns received with respect to the production of any article is less than five, the Statistician shall, before making disclosure to the public of information in connection therewith, invite representations from the persons making such returns, which representations shall be made within fourteen days of the date of such invitation, and shall have the like regard to such representations as he is required to have to the representations hereinbefore in this paragraph referred to.

10. (1) Where any census is being undertaken or any other statistics are being collected in accordance with the provisions of this Ordinance, an authorised official may require any person from whom particulars may lawfully be required under this Ordinance to supply him only with such particulars as may be prescribed or such of those particulars as the Statistician may

Power to require persons to supply information

consider necessary or desirable in relation to the taking of such census or the collection of such statistics; and for such purposes such person shall, to the best of his knowledge and belief, fill up such forms, make such returns, answer such questions and give all such information, in such manner and within such time as may be required by the authorised official in accordance with the regulations made under section 13 of this Ordinance.

(2) (a) An authorised official may require any person to supply him with particulars either by interviewing such person personally or by leaving at the last known address, or posting to the last known address of such person, a form having thereon a notice requiring the form to be filled up and returned in the manner and within the time specified in the notice.

(b) If the Statistician publishes by notice in the *Royal Gazette* and in one or more local newspapers once a week for two weeks or twice for one week a list of any classes or descriptions of undertakings in relation to which returns will be required for any of the purposes of this Ordinance any person carrying on an undertaking of any such class or description as aforesaid who has not received a notice under paragraph (a) of this subsection shall inform such person as may be specified in the notice calling for the returns (and shall do so within such period of time as may be specified therein) that he is carrying on such an undertaking and shall give to that person such particulars of the undertaking as may be specified in the notice.

(3) Any person having the custody or charge of any public records or documents, or of the records or documents of any municipal or other public authority, from which information sought in furtherance of the purposes of this Ordinance can, in the opinion of the Government Statistician, be obtained, or which would aid in the completion or correction of information already obtained, shall grant to the Government Statistician access to such records or documents for the purpose of obtaining therefrom such information.

(4) (a) Where any particulars are, by any document purporting to have been issued by an authorised official, required to be supplied by any person, it shall be presumed until the contrary is proved—

- (i) that the particulars may lawfully be required from that person in accordance with the provisions of this Ordinance;

(ii) that the document has been issued by an authorised official.

(b) Where any document purporting to have been issued by an authorised official requires any particulars to be supplied by any person, that document shall state the purpose for which such particulars are to be supplied.

(5) (a) Nothing in this Ordinance contained shall affect or be deemed to affect any law relating to the disclosure or non-disclosure of any secret or confidential information evidence or document and any person required by the Statistician or by a person duly authorised by him 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 Statistician or such authorised person as before a Court of Law.

In particular nothing in this Ordinance shall be deemed to make it lawful for the Statistician or a person duly authorised by him to require of a banker the disclosure of particulars relating to the banking accounts of any individual or company or undertaking, or to require of any person or concern providing professional services the disclosure of information concerning the business or personal affairs of individual clients of such a person.

(b) A person shall not be required to supply any information under this Ordinance 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.

11. (1) Any authorised official may, for any purpose connected with the taking of a census, enter any premises where persons are employed, or any dwelling house. Power of entry

(2) Any authorised official may, for any purpose connected with the collection of labour statistics, enter, between the hours of 8 a.m. and 4 p.m. on any day, any premises where it appears to him likely that persons are employed: Provided that power of entry under this subsection shall be exercised only if no returns or inadequate returns have been supplied the Statistician in respect of such premises or if the Statistician is in doubt as to whether or not any persons are in fact employed at such premises.

(3) Any authorised official may, for any purpose connected with the collection of statistics relating to forestry, agriculture or the utilization of land, enter any land, other than the garden of a dwelling house or any enclosed area of land used exclusively for purposes other than the growing of forest products or crops or the keeping of livestock, or any building thereon other than a dwelling house or a building within the curtilage of a dwelling house, and inspect the crops, livestock and agricultural equipment thereon or therein.

(4) Any authorised official may, upon exercising his power of entry under this section, make such enquiries as he may deem necessary for the performance of his duties under this Ordinance.

(5) Whenever an authorised official other than the Statistician proposes to enter or has entered any premises under the authority of this section, he shall, in the case of premises other than a dwelling house, if so requested and, in the case of a dwelling house, whether requested or not, produce his authorisation for inspection by the occupier of the premises or by such person as is acting on behalf of such occupier.

Offences

12. (1) Any person, being a person employed in the execution of any duty under this Ordinance, who—

- (a) by virtue of such employment becomes possessed of any information which might exert an 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;
- (b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment;
- (c) knowingly compiles for issue any false statistics or information;
- (d) knowingly destroys, defaces or mutilates any document or suppresses any statistics without lawful authority;

shall be guilty of an offence against this Ordinance and shall on conviction on indictment therefor be liable to imprisonment for three years or to a fine of one thousand dollars or to both such imprisonment and fine or on summary conviction be liable

to imprisonment for six months or a fine of five hundred dollars or both such imprisonment and fine.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, who makes use of or publishes or communicates such information to any person shall be guilty of an offence against this Ordinance and shall on conviction on indictment therefor be liable to imprisonment for three years or to a fine of one thousand dollars or to both such imprisonment and fine or on summary conviction be liable to imprisonment for six months or a fine of five hundred dollars or both such imprisonment and fine.

(3) Any person who—

(a) hinders or obstructs an authorised official in the execution of any powers under this Ordinance;

(b) refuses or neglects—

(i) to fill up and supply the particulars required in any return, form or other document, lawfully left with or sent to him; or

(ii) to answer any questions or inquiries lawfully asked of him under the authority of this Ordinance;

(iii) fails to comply with the requirements of any notice issued by the Statistician under paragraph (b) of subsection 2 of section 10 of this Ordinance;

(c) knowingly makes in any return, form or other document, filled up or supplied under this Ordinance or in any answer to any question or inquiry asked him under the authority of this Ordinance, any statement which is untrue in any material particular;

(d) knowingly and wilfully makes frivolous, indecent or derogatory remarks on any return, form or other document lawfully left with or sent to him;

shall be guilty of an offence against this Ordinance and shall on summary conviction therefor be liable to imprisonment for six months or to a fine of five hundred dollars or to both such imprisonment and fine.

(4) Where a person is charged with an offence under subparagraph (iii) of paragraph (b) of subsection (3) of this section,

it shall be a defence for him to prove that he did not know and could not with reasonable diligence have ascertained that he was required to give the information or particulars to which the charge relates.

Regulations

13. (1) The Governor in Council may make regulations generally for the better carrying into effect of the provisions of this Ordinance and in particular, but without prejudice to, the generality of the foregoing, may make regulations—

- (a) prescribing the particulars and information to be furnished on the taking of a census or in relation to any matter in respect of which statistics may be collected under the provisions of this Ordinance;
- (b) prescribing the manner and form in which, the times and places at which, and the persons by whom such particulars and information shall be furnished;
- (c) prescribing the fees and charges to be paid to the Statistician for any special information or report supplied, or any special investigation carried out by the Statistician.

(2) The provisions contained in the Second Schedule to this Ordinance shall apply to all regulations made by the Governor in Council under this Ordinance.

Oath of Office

14. Every person employed in the execution of any duty under this Ordinance shall before entering on his duties make and subscribe before a Magistrate, or before a person authorised to take an oath, an oath in the form set out in the Third Schedule to this Ordinance.

This provision shall, however, not apply in the case of any person engaged temporarily for the collection of information which is not of a confidential nature.

Power to amend
First Schedule

15. The Governor may, subject to the approval to be signified by resolution of the Legislative Council, by order amend the First Schedule to this Ordinance.

Appeal against
requisition of
Statistician

16. (1) Any person being aggrieved by or through any demand or requisition of the Statistician may appeal to a Judge in Chambers against such demand or requisition upon giving notice in writing to the Statistician within 14 days of the date of such requisition or demand.

(2) Such appeal shall be by summons, and evidence shall be received at the hearing if tendered.

(3) Every person appealing shall attend before the Judge in person on the day and at the time fixed for the hearing of his appeal: Provided that if it be proved to the satisfaction of the Judge that, owing to absence from the Colony, sickness, or other reasonable cause, any person is prevented from attending in person at the hearing of his appeal on the day and at the time fixed for that purpose, the Judge may postpone the hearing of the appeal for such reasonable time as he thinks necessary for the attendance of the appellant, or he may admit the appeal to be made by any agent, clerk, or servant of the appellant, on his behalf.

(4) Seven clear days' notice shall, unless rules made hereunder otherwise provide, be given to the Statistician of the date fixed for the hearing of the appeal.

(5) Unless the Judge is satisfied that—

(a) the information requisitioned is necessary for the lawful purpose expressly specified,

(b) the giving of such information cannot cause injury to the business, profession, or reputation of the person giving it should the same be disclosed to third parties,

(c) it is reasonable and not oppressive to require the information requisitioned to be answered,

he may direct that it need not be complied with.

(6) The onus of proving that the demand or requisition is unreasonable or oppressive shall be on the appellant.

(7) All appeals shall be heard in camera, unless the Judge shall, on the application of the appellant, otherwise direct.

(8) The costs of the appeal shall be in the discretion of the Judge hearing the appeal and shall be a sum fixed by the Judge.

(9) The decision of the Judge hearing the appeal shall be final.

(10) Rules governing such appeals and providing for the method of tendering evidence may be made in like manner as rules may be made under and for the purposes of the Judicature Ordinance. Ch. 3. No. 1.

Delegation of
functions by
Statistician

17. (1) The Statistician may, subject to the approval of the Governor in Council, delegate any of his functions under paragraph (b) of subsection (1) of section 4 of this Ordinance to a competent authority: Provided that no such competent authority shall exercise any such delegated functions until the appropriate regulations subject to which the Statistician could have exercised such functions have been made: Provided further that every such competent authority shall exercise such functions in accordance with the provisions of this Ordinance which apply to the exercise by the Statistician of his functions.

(2) For the purposes of this section, each of the following public officers, that is to say, the Registrar General, the Director of Agriculture, and the Petroleum Technologist, shall be a competent authority: Provided that the Governor in Council may appoint any other public officer as a competent authority for the purposes of this section, either in substitution for any public officer, or in addition to the public officers, specified in this subsection.

No prosecution
without consent
of Attorney
General

18. A prosecution for an offence under this Ordinance shall not be instituted except by or with the consent of the Attorney General.

Repeal

19. The Census Ordinance, 1946, and the Labour Statistics Ordinance, 1947, are hereby repealed.

FIRST SCHEDULE

(Sections 6 and 15)

STATISTICS

1. Population and housing.
2. Vital occurrences and morbidity.
3. Immigration and emigration.
4. Internal and external trade.
5. Primary and secondary production.
6. Agriculture, including dairying, horticulture, pastoral and allied industries
7. Forestry and fishing.
8. Factories, mines and productive industries generally.
9. Employment and unemployment.
10. Salaries, wages, bonuses, fees, allowances and any other payments and honoraria for services rendered.
11. Income, earnings, profits and interest.

12. Social, educational, labour and industrial matters, including co-operative groups and societies associations of employers, employees, and other persons generally.
13. Industrial disturbances and disputes.
14. Banking, insurance and finance generally.
15. Commercial and professional undertakings.
16. Distributive trades.
17. Health.
18. Transport and communication in all forms by land, water and air.
19. Wholesale and retail prices of commodities, rents and cost of living.
20. Injuries, accidents and compensation.
21. Stocks of manufactured and unmanufactured goods.
22. Sweepstakes, lotteries, charitable and other public collections of money.
23. Land tenure, and the occupation and use of land.
24. Local Government.
25. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure.
26. Debts outstanding, fixed capital assets and plant (including the acquisition and disposal of those assets and plants).

SECOND SCHEDULE

(Section 13 (2))

PROCEDURE FOR MAKING REGULATIONS

1. Before the Governor in Council makes any Regulations he shall publish in the *Royal Gazette* and in such other manner as he may think best adapted for informing persons affected notice of the proposal to make the Regulations and of the place where copies of the draft Regulations may be obtained and of the time, which shall not be less than twenty-eight days, within which any objection made with respect to the draft Regulations by or behalf of persons or undertakings affected must be sent to the Governor in Council.

2. Every objection must be in writing and state—
 - (a) the specific grounds of objection; and
 - (b) the omissions, additions or modifications asked for.

3. The Governor in Council shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time and he may, if he thinks fit, amend the draft Regulations and after doing so he shall cause the amended draft Regulations to be published as hereinbefore set out.

THIRD SCHEDULE

(Section 14)

FORM OF OATH

I,, solemnly swear that
 I will faithfully and honestly fulfil my duties as
 in conformity with the requirements of the Statistics Ordinance, 1952, and
 that I will not without due authority in that behalf disclose or make known
 any matter or thing which comes to my knowledge by reason of my employ-
 ment as such.

Passed in Council this second day of May in the year of
 Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL
Clerk of the Council.