

- (b) seek to develop transparent and meritorious ways of ensuring that the employees are managed and developed in a manner that would best contribute to meeting the Bureau's objectives.

(4) For the purpose of achieving efficiency in the performance of its functions, the Statistician-General shall approve and implement appropriate training schemes for the employees of the Bureau.

#### **PART V - STATISTICAL INFORMATION AND POWERS OF THE BUREAU**

Population and other censuses

19. (1) Subject to subsection (2), the Bureau shall cause a population census to be carried out in the year 2013 and every ten years thereafter, on such dates as shall be determined by the Secretary of State by Order published in the *Gazette*.

(2) The Secretary of State may, in consultation with the Council, by notice published in the *Gazette*, postpone the holding of a population census for such period as shall be stated in the notice if any difficulties arise which make it necessary.

(3) In addition to the census to be carried out under subsection (1), the Bureau shall, with the approval of the Secretary of State, cause a census to be carried out on any matter specified in the First Schedule on a date determined by the Council by Order published in the *Gazette*.

First Schedule

Collection of statistics  
First Schedule

20. (1) The Bureau shall collect statistics for The Gambia on matters specified in the First Schedule.

(2) The Secretary of State may, by Order published in the *Gazette*, amend the First Schedule.

Powers of the Bureau in the collection of statistics

21. (1) For the purpose of sections 19 and 20, the Bureau shall-

- (a) develop and maintain registers or lists for use in producing statistics;
- (b) notwithstanding the provisions of any other law to the contrary, have access to all statistical data gathered by any individual, department, business or other organisation, including administrative records or systems;
- (c) undertake any statistical collection directed by the Secretary of State;
- (d) formulate quality criteria and establish standards, classifications and procedures for statistics;
- (e) provide statistical advice to other organs of State;
- (f) advance the quality, consistency, comparability and optimum use of official statistics;
- (g) avoid unnecessary duplication in statistical matters;
- (h) endeavour to fulfil The Gambia's international statistics reporting obligation;

- (i) liaise with other countries and their statistical agencies and represent the Bureau internationally with regard to statistics matters;
- (j) establish and maintain such offices in such Local Government Areas as it considers necessary;
- (k) seek to ensure public awareness of statistical collections and activities; and
- (l) host the Conference; and
- (m) engage and collaborate in research and development of statistics as it considers necessary.

(2) In addition to the powers conferred under subsection (1), the Bureau may-

- (a) designate statistics produced by the Bureau, Departments or other organisations as official statistics;
- (b) subject to the approval of the Council, accept and determine the price for commissioned statistical work;
- (c) delegate any of its powers to any officer or person and impose conditions for the delegation;
- (d) by notice published in the *Gazette*, make rules for-

- (l) the returns, information, data and statistics to be furnished and collected in undertaking statistical collection,
- (ii) the manner and form in which, the times when and the places where, and the persons to whom and from whom statistics must be furnished and collected, and
- (iii) any other matter necessary for the effective collection of statistics and the effective functioning of the Bureau.

Conference  
for Official  
Statistics

22. (1) The Bureau shall organise an annual conference of statistics producers and users to be known as the Conference for Official Statistics.

(2) The Conference shall-

- (a) adopt uniform standards, common definitions, and indicators for official statistics;
- (b) agree on the periodic statistics and publications to be provided by the Bureau;
- (c) adopt guidelines for ensuring the relevance of official statistics;
- (d) advise the Bureau on any matter referred to the Conference for advice.

(3) The Statistician-General shall be the Secretary-General of the Conference.

(4) The Conference shall produce a Report that shall be submitted to the Council and the Secretary of State.

(5) Subject to the provisions of this Act and any regulations made under it, the Bureau shall take into consideration the recommendations of the Conference Report in its work programme.

## Coordination

23. (1) Notwithstanding the provisions of any other law to the contrary, a Department, statutory body or local government authority shall not-

- (a) undertake a new statistical collection; or
- (b) vary or discontinue a new statistical collection,

without the approval of the Statistician-General.

(2) After the coming into force of this Act, the Statistician-General -

- (a) shall review all statistical collections by Departments, statutory bodies, local government authorities and other organisations with a view to ensuring that the collections are consistent with this Act; and
- (b) may recommend to the Council the discontinuance, or transfer to the Bureau, of the statistical collection.

(3) The Council may, on the recommendation of the Statistician-General, and subject to any regulations made by the Secretary of State on the matter, stipulate that the provisions of subsections (1) and (2) do not apply to any specific Department, statutory body, local government authority or other organisation in any specific instance or class of instances.

(4) The Bureau shall advise all Departments, statutory bodies, local government authorities and other organisations regarding the application of appropriate quality criteria, standards, classifications and procedures for statistics.

(5) For the purposes of assisting the Bureau in the performance of the functions imposed by this Part, the head of any Department, statutory body, local government authority or other organisation shall -

- (a) within the period stipulated by the Bureau, supply the Bureau with information it may request regarding any official or other statistics for which the Department, statutory body, local government authority or other organisation is responsible;
- (b) advise the Bureau, from time to time, of any substantial changes in the information that has been so supplied;
- (c) grant, to any duly authorized officer, unhindered access, without charge, to such information or data of the Department, body, authority or organisation, as the Bureau may request: and

Duty to answer questions

- (d) allow any authorized officer of the Bureau to copy, without charge, any information or data which may be used in producing official statistics.

24. (1) The Statistician-General or other authorized officer may, in collecting any statistical information, put to any person any questions reasonably necessary for the collection of the statistics.

(2) A person, including a public officer, required to give any information under this Act, shall-

- (a) to the best of his or her knowledge and belief, complete all forms, answer all questions and give all necessary information as may be required; and
- (b) in accordance with the instructions pertaining to any document, not later than the date specified in that document-
  - (i) furnish all such information, and
  - (ii) sign any declaration,

as is required by that document.

25. (1) Except for the purpose of criminal prosecution under this Act, any return or information collected by the Bureau that relates to-

- (a) an individual;
- (b) a household;
- (c) a Department;

- (d) local government authority;
- (e) a business; or
- (f) any other organisation,

shall not, subject to this section, be disclosed.

(2) The return or other information referred under subsection (1) may, subject to the directions of the Statistician-General, be disclosed-

- (a) with the prior written consent of the person from whom the return or information was collected or from his or her representative;
- (b) where the information is already available to the public from the person, household, Department, local government authority, business or organisation concerned;
- (c) in the form of lists of names and addresses of individual organs of State and other organisations and their classifications by function, type of legal entity and range of numbers of members and employees, or other indicators of size;
- (d) in the form of lists of names and addresses of individual businesses and their classifications by industry or activity, type of legal entity, and range of numbers of employees or other indicator of size; or

Confidentiality and disclosure

- (e) in the form of lists of kinds of products produced, manufactured, stored, bought or sold, or services rendered, by businesses, organs of State or other organisations, or classes of businesses, organs or organisations.

(3) The Statistician-General or other authorized officer may, for statistical purposes, disclose to another Department information or data gathered in the course of a joint collection undertaken with that Department on condition that-

- (a) the name, address or any other means by which the respondents may be identified is deleted;
- (b) any person who is involved in the collection of, or who may use, that information or data, must first take an oath of confidentiality similar to the one provided for in the Second Schedule; and
- (c) the Statistician-General is satisfied that the confidentiality of that information or data will not be impaired.

(4) The results of the compilation and analysis of the statistical information collected under this Act shall not be published or disseminated in a manner which is likely to enable the identification of a specific individual, business or other organisation, unless that person, business or organisation has consented to the publication or dissemination in that manner.

Second  
Schedule

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## PART VI - FINANCIAL PROVISIONS

Funds of the  
Bureau

26. The funds of the Bureau shall consist of-

- (a) money appropriated, from time to time, by the National Assembly;
- (b) grants, gifts and donations from any source approved by the Secretary of State, provided that the terms and conditions attached to a grant or gift are not inconsistent with the functions of the Bureau;
- (c) any money that may become payable to the Bureau for services performed by the Bureau under this Act; and
- (d) such other monies as may accrue to the Bureau under this Act.

Estimates,  
accounts and  
audit

27. (1) The Bureau shall, within three months before the end of each financial year, make and submit to the Secretary of State, for approval, estimates of the income and expenditure of the Bureau for the ensuing year.

(2) The Bureau shall keep proper records and accounts of its incomes and expenditure.

(3) The Bureau shall prepare a statement of accounts in respect of each financial year.

(4) The Bureau shall, within three months of the end of each financial year, submit to the Auditor General for auditing, its statement of accounts for the preceding year.

(5) The audited accounts of the Bureau and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

Annual report

28. (1) The Council shall, not later than three months after the end of each financial year, submit to the Secretary of State, in respect of the financial year, an annual report on the activities of the Bureau.

(2) The report under subsection (2) shall include -

- (a) information with regard to the proceedings and policy of the Bureau;
- (b) a copy of the audited accounts of the Bureau in respect of that year, together with the Auditor General's report on the accounts; and
- (c) such other information as the Secretary of State may request in writing.

(3) The Secretary of State shall, as soon as possible after receiving the annual report, cause it to be laid before the National Assembly.

(4) The Statistician-General shall also, from time to time, provide the Secretary of State with such information relating to the affairs of the Bureau as the Secretary of State may request in writing.

29. The Bureau shall be exempted from such taxes and duties as the Secretary of State may determine.

Exemption from taxes and duties

Notice of action

30. (1) No action shall be brought against the Bureau unless at least one month's written notice of the intention to bring the action has been served on the Bureau by the intending plaintiff or his or her representative.

(2) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief, which he or she claims.

Service

31. The notice referred to in section 30 and any summons, notice or other document required or authorized to be served on the Bureau in connection with a suit by or against the Bureau may be served by delivering it to or sending it by registered post addressed to the Statistician-General.

Execution of judgment

32. In an action or a suit against the Bureau, no -

- (a) execution or attachment or process in the nature thereof shall be issued against the Bureau; or
- (b) sums of money, which may by judgment of the court be awarded against the Bureau shall be paid by the Bureau from its funds,

before the expiration of at least three months from the date of the judgment of the court.

Representation

33. In a suit pending before the court, the Bureau may be represented in court at any stage of the proceedings by any officer or other employee of the Bureau duly authorized in writing by the Bureau in that behalf.

Indemnity of  
officers

34. No officer or employee of the Bureau or any person acting on the direction of an officer or employee of the Bureau shall be liable in respect of any matter or thing done by him or her in good faith for the purposes of this Act.

### PART VIII - MISCELLANEOUS

Power to  
identify  
property

35. A person occupying any land, yard, enclosure, vehicle, vessel or building, including a dwelling house, shall allow an authorised officer to paint, mark or affix on or to the property in the occupation of the person, such letters marks or numbers as the Bureau may deem necessary for the purposes of any statistical operation.

Offences and  
penalties

36. (1) An officer of the Bureau who, in the course of his or her employment-

- (a) wilfully makes any false declaration, statement or return;
- (b) obtains or seeks to obtain information which he or she is not authorized to obtain;
- (c) puts to any person a question which he or she is not authorized to ask;
- (d) asks or takes from any person, department, business or organisation, any payment or reward in connection with the employment other than remuneration due to him or her under this Act;

(e) uses information obtained in the course of the employment for the purpose of speculating in any stock, security, bond or any goods or services, before the release of the information is authorized by the Statistician-General;

(f) wilfully discloses any data or information obtained in the course of the employment to a person not authorized to receive the information,

commits an offence.

(2) A person who-

- (a) impersonates an officer of the Bureau for the purpose of obtaining any information from any other person or body; or
- (b) represents himself or herself to be making an entry and inspection under this Act,

commits an offence.

(3) A person who, being in possession of any information which, to his or her knowledge, has been disclosed in contravention of this Act, publishes or communicates that information to any person, commits an offence.

(4) A person who-

- (a) refuses or neglects to-

- (i) answer any question or inquiry put to him or her under this Act, or
  - (ii) complete or provide, within such time as may be specified for the purpose, the particulars required in any return, form or other document left with or sent to that person;
- (b) hinders or obstructs an authorized officer in the lawful performance of any duty or in the lawful exercise of any power imposed or conferred on him or her under this Act;
- (c) knowingly or negligently makes in any return, form or other document completed by him or her under this Act or in answer to any question or enquiry put to or made of him or her under this Act, any statement which is untrue in any material particular; or
- (d) removes an identification mark affixed to any property under section 35,

commits an offence.

(5) A person who commits an offence under this section is liable on conviction to a fine of not less than twenty thousand dalasis or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

37. (1) The Statistician-General and every officer or person employed in carrying out any of the

Second  
Schedule

provisions of this Act, shall, before commencing his or her duties, subscribe the oath of confidentiality prescribed in the Second Schedule.

(2) The Statistician-General shall subscribe the oath before the Council and every other officer shall subscribe the oath before the Statistician-General or the Secretary to the Council as the case may be.

Regulations

38. (1) The Secretary of State may, on the recommendation of the Bureau, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Secretary of State may make regulations for-

- (a) the coordination of the statistical system, including guidelines and standards for statistical investigation and designation;
- (b) introducing procedures for the further safeguard of privacy and confidentiality;
- (c) prescribing penalties in respect of the contravention of any provisions of the regulations, including penalties to be paid to the Bureau;
- (d) prescribing fees for anything to be done by the Bureau in performing its functions under this Act; and



(e) the particulars and information to be given in relation to any matter in respect of which statistics may be collected under this Act.

Repeal and saving

39. (1) The Statistic Act, 1972 is hereby repealed and the Central Statistic Department shall cease to exist.

(2) A reference in legislation to the Central Statistics Department or to the Director of Statistics shall be construed as reference to the Bureau or the Statistician-General, respectively.

(3) The person for the time being occupying the position of Director of Central Statistics Department shall act as Statistician-General until the first Statistician-General is appointed under this Act.

(4) All assets which at the commencement of this Act were vested in the Central Statistics Department, are hereby transferred and vested in the Bureau.

(5) All liabilities of the Central Statistics Department at the commencement of this Act shall remain with and be discharged by the Government.

## SCHEDULES

### FIRST SCHEDULE (Sections 19 and 20)

Matters concerning which statistical information may be collected, compiled, analysed, abstracted and published.

1. Population
2. Vital occurrences and mortality
3. Immigration and emigration
4. Housing
5. Rents
6. Real property
7. Land tenure and the occupation and use of land
8. Finance
9. External finance
10. Capital investment
11. Savings
12. Salaries, wages, bonuses, fees, allowances and other payments and honoraria for services rendered
13. Income, earnings, profits and interest
14. Personal expenditure and consumption
15. Internal and external trade
16. Banking and insurance
17. Wholesale and retail trade including agents and brokers
18. Wholesale and retail prices of commodities
19. Tourism, hotels and allied industries
20. Manufacturing, building, construction and allied industries

21. Mining and quarrying, including the prospecting of metallic, non-metallic, petroleum and natural gaseous products
22. Agriculture, including animal husbandry, horticulture and allied industries
23. Forestry and logging
24. Hunting and fishing
25. Output, stocks, sales and deliveries of manufactured goods and details relating to services provided.
26. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure.
27. Sums outstanding, fixed capital assets and plant (including the acquisition and disposal of such assets and plants)
28. Storage and warehousing
29. Employment and unemployment
30. Social, educational, labour and industrial matters, including associations of employers, employees and other persons generally
31. Industrial disturbances and disputes
32. Injuries, accidents and compensation
33. Fuel, light and power
34. Water undertakings and sanitary services
35. Transport and communications
36. Central and Local Government including quasi-government
37. Community, business, recreation and personal services
38. Handicrafts and rural industries
39. Sweepstakes, lotteries, charitable and other public collections of money
40. Education and health
41. Environment
42. Governance

43. Law, order and safety
44. Poverty
45. Gender
46. Extra-territorial organisations and bodies
47. Any other matter that may be specified by the Secretary of State

#### SECOND SCHEDULE (Sections 25 and 37)

#### OATH OF SECRECY

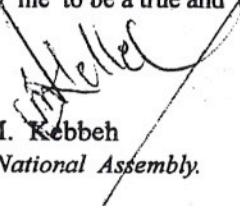
I.....do solemnly swear that I shall faithfully and honestly fulfil my duties as.....in conformity with the requirements of the Statistics Act, and the regulations made under the Act, and that I shall not without due authority reveal any information acquired by virtue of my said duties, nor, until such information is made public, directly or indirectly use it for personal gain.

PASSED in the National Assembly this Fifteenth day of December  
in the year of Our Lord Two Thousand and Five



D. C. M. Kebbeh  
*Clerk of the National Assembly.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill  
which has passed in the National Assembly, and found by me to be a true and correct  
copy of the said Bill.



D. C. M. Kebbeh  
*Clerk of the National Assembly.*