

Consolidated Version of
STATISTICS ACT (Act 38 of 2000 – 2 April 2001)

as amended by

**THE ECONOMIC AND FINANCIAL MEASURES (MISCELLANEOUS PROVISIONS)
ACT (Act No.20 of 2011)**

Note:-The consolidated version of the amended Act is for information only. The authoritative version is the one published in the Government *Gazette* of Mauritius No.64 of 16 July 2011.

STATISTICS ACT

(Consolidated and Amended Version)

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Statistics Mauritius ^{1*}
 4. Director of Statistics
 5. Functions and powers of Director
 6. Authorised officer
 7. [*Collaboration of heads of Ministries, Departments and other bodies*] **Repealed** ^{2*}
 8. Joint collections
 9. Direction for taking of a census
 10. Collection of other statistical information ^{3*}
 11. Sampling
 12. Limitation on right to require information
 13. Power to obtain information and other particulars ^{4*}
 14. Access to public and other records
 15. Offences
 16. Limitation period
 17. Restriction on disclosure of information
 18. Disclosure and dissemination of information ^{5*}
 19. Disclosure for research or statistical purposes
 20. Security of recorded information
 21. Destruction of individual forms and returns
 22. Confidentiality ^{6*}
 23. The Board ^{7*}
 24. Functions of Board ^{8*}
 25. Meetings of Board ^{9*}
 26. [*Meetings of Council*] **Repealed** ^{10*}
 27. [*Committees of Council*] **Repealed** ^{11*}
 28. Regulations
 29. – 30. —
- First Schedule
Second Schedule
Third Schedule

STATISTICS ACT

1. Short title

This Act may be cited as the Statistics Act.

2. Interpretation

In this Act—

“authorised officer” means a person appointed as such under section 6; “census” means a census of population and dwellings;

“Bank of Mauritius” means the Bank of Mauritius established under section 3 of the Bank of Mauritius Act; ^{12*}

“Board” or “Statistics Board” means the Statistics Board referred to in section 23; ^{13*}

“census” means a census of population and dwellings;

“contractor” means a person appointed under contract for carrying out, on behalf of the Director, duties relating to the collection, compilation, analysis, abstraction, publication and dissemination of statistical information;

[“Council” means the Statistics Advisory Council established under section 23]; **Deleted** ^{14*}

“Director” means the Director of Statistics referred to in section 4;

“member” means a member of the Board and includes the Chair-person; ^{15*}

“Minister” means the Minister to whom responsibility for the subject of statistics is assigned;

“official statistics” means statistics produced by— ^{16*}

- (a) Statistics Mauritius;
- (b) the Bank of Mauritius;
- (c) the Ministry responsible for the subject of health; and
- (d) such other organisation as may be approved by the Board;

“public sector agency” means any Ministry or Government Department, local authority or statutory body; ^{17*}

“respondent” means a person who supplies, or is required to supply, statistical information;

“return” means a book, document, form, card, tape, disc or storage medium on which the information required is entered or recorded, or is required to be entered or recorded, for statistical purposes;

“sampling” means a statistical procedure whereby only a small proportion of the entire group is selected and its characteristics are statistically analysed to infer knowledge about the entire group; ^{18*}

“statistics” means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matter, which is compiled and analysed according to relevant scientific and statistical methodology; ^{19*}

“survey” includes a survey of undertakings or persons, whereby information is collected from all persons in a field of inquiry, or from a sample of them, wholly or primarily for statistical purposes;

“undertaking” means an undertaking by way of a trade or business, whether or not the trade or business is carried out for profit, and includes a public sector agency and any other form of organisation or body of persons, as well as a branch of an undertaking; ^{20, 21*}

“University of Mauritius” means the University of Mauritius referred to in section 3 of the University of Mauritius Act. ^{22*}

3. Statistics Mauritius ^{23*}

(1) The Central Statistics Office which, before the commencement of this section, was the Department of Government which was the central depository for all statistics produced in Mauritius, shall, at the commencement of this section, continue to be a Department of Government and shall be known as Statistics Mauritius.

(2) Statistics Mauritius shall constitute the central statistical authority and depository of all official statistics produced in Mauritius and, as such, shall collect, compile, analyse and disseminate accurate, relevant, timely and high quality statistics and related information on social, demographic, economic and financial activities to serve the needs of public and private users.

4. Director of Statistics

(1) There shall be a chief executive officer of the Statistics Mauritius who shall be known as the Director of Statistics. ^{24*}

(2) The Director shall be responsible for the administration and control of the Statistics Mauritius. ^{25*}

(3) In the discharge of his functions and the exercise of his powers under this Act, the Director shall act without fear or favour and shall not be subject to the direction or control of any other person or authority other than, in matters of discipline, the Public Service Commission. ^{26*}

5. Functions and powers of Director

(1) Subject to this Act, the Director— ^{27*}

(a) may take a census in Mauritius;

(b) may collect, compile, analyse, abstract, publish and otherwise disseminate statistics relating to the commercial, industrial, financial, agricultural, social, demographic and economic activities, and general conditions, of the people of Mauritius as specified in the First Schedule; ^{28, 29*}

- (c) shall coordinate and monitor statistical activities of all producers of official statistics including public sector agencies, to—^{30*}
- (i) ensure that approved statistical standards and procedures are applied;
 - (ii) ensure that standard concepts, definitions classifications are used to enhance harmonisation and comparability of statistics; and
 - (iii) minimise unnecessary overlapping and duplication in the collection and publication of statistical information;
- (d) shall collaborate with Ministries and Government Departments in the collection, compilation, analysis, publication and dissemination of statistical information, including statistics derived from the activities of those Ministries and Departments;
- (e) shall generally organise a coordinated scheme of social and economic statistics, and statistics of sustainable development, relating to Mauritius;
- (f) may conduct voluntary pilot surveys to test questionnaires and statistical procedures;
- (g) shall ensure the independence, accuracy, relevance, integrity, timeliness and professional standard of statistical information produced by Statistics Mauritius;^{31*}
- (h) shall ensure the security and confidentiality of information collected under this Act;
- (i) shall determine and exercise final responsibility for the discontinuance of a statistical collection of Statistics Mauritius;^{32*}
- (j) may determine the pricing policy of statistical products and services supplied by Statistics Mauritius;^{33, 34*}
- (k) shall cause the statistical information collected under this Act to be compiled, tabulated and analysed and, subject to this Act, may cause the statistical information or abstracts of them to be published and disseminated, with or without observations, in such manner and by such media as he may determine;^{35, 36*}
- (l) shall develop and maintain registers or lists which may be of use in producing statistics;^{37*}
- (m) shall facilitate the correct interpretation of statistics produced by Statistics Mauritius by presenting information on sources, methods and procedures of statistics in a transparent manner;^{38*}
- (n) shall convene meetings of users of official statistics to review user needs for such statistics;^{39*}
- (o) may hold other meetings and set up committees of statisticians, suppliers or users of statistics and other interested parties, for the purposes of this Act or for general educational purposes, on his own initiative or on request;^{40*}
- (p) may comment on erroneous interpretation and misuse of statistics;^{41*}
- (q) shall seek to ensure appropriate public awareness of statistical collections and activities of Statistics Mauritius;^{42*}
- (r) shall be the focal point of contact with international agencies on statistical matters;^{43*}

- (s) shall, with the approval of the Board, publish a Code of Practice for Official Statistics which shall be based on the values of the United Nations Fundamental Principles of Official Statistics and the African Charter on Statistics, and any other internationally accepted principles relating to statistics; ^{44*}
- (t) shall, at the request of the Board, assess and determine whether the Code of Practice for Official Statistics has been complied with in relation to any official statistics; ^{45*}
- (u) shall, with the approval of the Board publish, not later than 3 months after the end of every year, a list of official statistics; and ^{46*}
- (v) shall ensure that an assessment of the quality of official statistics is carried out by an independent and competent body at least once every 3 years. ^{47*}
- (2) The Director shall make the arrangements for, and do, all the things necessary for the performance of his duties under this Act, and may for that matter retain the services of an independent contractor.
- (3) The Director shall have the sole responsibility for deciding—
- (a) the procedure and method to be employed in the provision of; and
 - (b) the extent, form, and timing of publication and dissemination of, any statistics produced or to be produced by Statistics Mauritius. ^{48*}
- (4) The Director shall, for the purposes of this Act, set up an electronic system to receive process and analyse statistical information and to disseminate the required statistics. ^{49*}

6. Authorised officer

- (1) There shall be such number of officers as may be determined by the Director, to be known as “authorised officers”, who shall be public officers appointed to assist the Director in the performance of his duties.
- (2) A contractor or his employee or agent shall be treated as an authorised officer if he is performing duties under this Act.

7. Repealed ^{50*}

8. Joint collections ^{51*}

- (1) The Director may agree with a public sector agency, in relation to information that the public sector agency has authority to collect, that the information be collected jointly by Statistics Mauritius and the public sector agency, and that the information be exchanged between the agreeing parties, provided that—
- (a) —
 - (i) the respondent shall, by notice in writing, be informed that the information is being collected jointly by Statistics Mauritius with a public sector agency; and
 - (ii) the notice shall state the purposes for which the information will be collected; and

(b) the agreement shall be of no effect in relation to a respondent who gives notice in writing to the Director that he objects to the sharing of information by the parties to the joint collection.

(2) Where an employee of a public sector agency engages in the joint collection of information or the processing of information collected in the joint collection, he shall make a declaration of confidentiality similar to the declaration of confidentiality prescribed by section 22, in addition to any declaration of secrecy required under any other enactment.

9. Direction for taking of a census

(1) The President may, subject to the approval by resolution of the Assembly, by Order, direct that a census shall be taken for Mauritius, or any part of it, or any class of inhabitant, and the Order may specify—

- (a) the date or dates on or between which the census shall be taken; and
- (b) subject to subsection (2), the information to be obtained in the census.

(2) The Director shall not take a census until regulations have been made by the President prescribing—

- (a) the particulars and information to be furnished on the taking of the census; and
- (b) the manner and form in which, the times and places at which, and the persons by whom, the particulars and information shall be furnished.

(3) Regulations made under subsection (2) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding one year.

10. Collection of other statistical information ^{52*}

(1) On the recommendation of the Board, the Director may, from time to time, collect in Mauritius or any part of it, whether in conjunction with a census or not, statistical information relating to all or any of the matters set out in the First Schedule, other than the census referred to in section 9.

(2) The particulars and information to be furnished in relation to any matter in respect of which the statistical information is to be collected under subsection (1) and the frequency of the collection shall be subject to the prior approval of the Board.

11. Sampling

(1) Statistical information relating to the matters specified in the First Schedule may be collected by sampling, in place of a full enumeration, where the use of that method is considered appropriate. ^{53*}

(2) Sampling may also be used to test a questionnaire and a statistical procedure before finalisation.

(3) It shall not be a defence for a person who has failed to fill in a return, or to answer an inquiry, to aver that only a portion of a particular group of persons is required to fill in the return, or to answer the inquiry.

12. Limitation on right to require information

No person shall be required to supply any information under this Act which involves the disclosure of a 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.

13. Power to obtain information and other particulars ^{54*}

(1) Notwithstanding any other enactment but subject to this Act, the Director may, in relation to any of the matters specified in the First Schedule—

(a) by notice in writing, require a person to furnish, in such form and manner and within such time as may be specified in the notice, such information, estimates, return or particulars as may be required;

(b) by interviewing a person, require the person to furnish such information and particulars as may be lawfully required; and

(c) by notice in writing, require a person to fill in a form attached to the notice and to return it in such manner and within such time as may be specified in the notice.

(2) A notice under subsection (1)—

(a) may be served by delivering it to the person to whom it is addressed or by sending it electronically or by electronic mail, facsimile or registered post to the last known address of the person; and

(b) shall include a general statement of the purpose for which the information, estimate, return or particulars is required.

(3) Where any information, estimate, return or particulars is required of a person by a notice purporting to be issued by the Director, it shall, in any legal proceedings relating to the information, estimate, return, particulars or notice, be presumed—

(a) that the information, estimate, return or particulars may lawfully be required of that person under this Act; and

(b) that the notice was duly served in accordance with subsection (2)(a), unless the contrary is proved.

(4) The Director shall—

(a) by notification in the Gazette and in 2 daily newspapers in wide circulation in Mauritius; or

(b) where he is satisfied that local conditions so require, in such other manner as may appear to him to be most suitable for the notification in the area or areas concerned, publish a list of the classes or descriptions of undertakings in relation to which any information, estimate, return or particulars is required and the date by which such information, estimate, return or particulars shall be furnished.

(5) Any person who has in his possession any information, estimate, return or particulars which is referred to in a notification under subsection (4) shall, not later than the date specified in the notification, furnish the required information, estimate, return or particulars to the Director.

* Please refer to endnotes at Appendix I

(6) Where, in the opinion of the Director, statistical information generated, whether electronically or otherwise, by an undertaking which is required to provide such information gives a suitable database for the compilation of appropriate official statistics, the Director shall direct the undertaking to provide the statistical information to Statistics Mauritius.

(7) —

(a) Every public sector agency which sets up or changes its computer system to cater for its activities shall, before it sets up or changes the computer system, notify the Director of such event, where the computer system is, or is likely to be, used to collect or produce information or data which Statistics Mauritius requires for the purposes of this Act.

(b) On receipt of a notification under paragraph (a), the Director shall inform the public sector agency of the requirements of Statistics Mauritius to enable it to discharge, or assist it in discharging, its functions under the Act, and the public sector agency shall, as far as practicable, take into account those requirements when setting up or changing the computer system.

(8) Every public sector agency, which provides statistics in relation to its activities to the Director for the purposes of the integration of the statistics into official statistics, shall—

(a) ensure that the statistics are in conformity with the standards, classifications and procedures determined by Statistics Mauritius; and

(b) provide the Director with the administrative datasets and copies of the report on the compiled statistics, within one month of the date of its publication.

(9) —

(a) The Director may, with the agreement of a public sector agency, post his staff at the agency to advise and assist in the production of quality statistics.

(b) Any staff posted under paragraph (a) shall continue to be under the administrative control of the Director.

13A. Obligation to disclose information^{55*}

(1) Notwithstanding—

(a) section 155 of the Gambling Regulatory Authority Act, a specified person under that Act;

(b) section 8(2) of the Value Added Tax Act, an officer under that Act, shall, subject to subsection (2), comply with a request of the Director under section 13.

(2) A specified person or an officer, as the case may be, referred to in subsection (1), shall not disclose the name of an individual.

14. Access to public and other records

(1) Where the Board has given his approval to, or directed, the collection of statistical information relating to any matter, and where the Director is of opinion that there can be obtained from records of any public sector agency or other person, information sought in respect of the matter in relation to which the collection of statistical information has been approved, or directed, or information which would aid in the completion or correction of the statistical information, any person who has the custody of any of

* Please refer to endnotes at Appendix I

the records shall grant access to them to the Director or an authorised officer for the obtaining from them of the information. ^{56, 57, 58, 59*}

(2) Notwithstanding any other enactment but subject to section 26 of the Bank of Mauritius Act, section 64 of the Banking Act, section 154 of the Income Tax Act and section 13A, the Director shall, for the purposes of this Act, have access to— ^{60*}

- (a) any return, certificate, statement, document or other record obtained by or for any public sector agency in respect of any matter set out in the First Schedule;
- (b) any system including electronic system of a public sector agency to ensure more efficient public use of the data collected for administrative purposes.

15. Offences

(1) Any person, being a person employed in the execution of a duty under this Act, who—

- (a) deserts his duty, or wilfully makes a false declaration, statement or return in the performance of his duty, or compiles for issue any false statistics or information;
- (b) in the pretended performance of his duty, obtains, or seeks to obtain, information that the person is not duly authorised to obtain;
- (c) by virtue of his 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;
- (d) 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; or
- (e) asks, receives or takes, in respect of, or in connection with, his employment under this Act from any person, other than a public officer duly authorised to grant it, any payment or reward, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any other person shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(3) Any person who—

- (a) hinders or obstructs an authorised officer in the execution of his powers under this Act;
- (b) refuses or neglects—
 - (i) to fill up and supply the particulars required in a return, form or other document, lawfully left with or sent to him; or
 - (ii) to answer a question or inquiry under this Act;

- (c) knowingly makes in any return, form or other document filled up or supplied under this Act, in an answer to a question or inquiry under this Act, a statement which is untrue in any material particular;
- (d) without lawful authority, destroys, defaces or mutilates a return, form or other document containing particulars collected under this Act;
- (e) not being an authorised officer, assumes the quality of, or represents himself to be, an authorised officer, with intent to—
 - (i) obtain admission on any premises which he is not entitled to enter; or
 - (ii) do, or procure to be done, anything which he is not entitled to do or procure to be done;
- (f) refuses without reasonable cause to grant access to records and documents in accordance with section 14; or
- (g) contravenes this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding one year, and in the case of a continuing offence, to a fine not exceeding 1,000 rupees for every day during which the offence continues.

16. Limitation period

A prosecution may not be instituted later than 2 years after the time when the subject matter of the prosecution arose, or 2 years after the time when the commission of the offence first became known to the prosecutor.

17. Restriction on disclosure of information

- (1) Subject to subsection (2), and except for the purposes of a prosecution under this Act—
- (a) no individual return made for the purposes of this Act;
 - (b) no answer given to a question put for the purposes of this Act; and
 - (c) no report, abstract or other document, containing particulars comprised in the return or answer so arranged as to enable identification of the particulars with any person, undertaking or business, shall be published, admitted in evidence, disclosed to a Ministry or Government Department or shown to a person not employed in the execution of a duty under this Act, unless the previous consent in writing has been obtained from the person making the return or giving the answer, or, in the case of an undertaking or business, from the owner for the time being of the undertaking or business.
- (2) Nothing in this section shall prevent or restrict the publication of a report, abstract or other document without such consent, where the particulars in the 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 particular sphere of activities, but in no case shall the particulars enable identification of the costs of production, the capital employed or profits arising in any such undertaking or business.

18. Disclosure and dissemination of information ^{61*}

- (1) Statistics Mauritius shall, with respect to official statistics it produces— ^{62*}
- (a) provide updated information on the methods and procedures used to compile its official statistics;
 - (b) issue a data dissemination policy to be made publicly available; and
 - (c) provide data products and services on payment of such fees as may be prescribed.
- (2) Notwithstanding section 17, the Director may disclose— ^{63*}
- (a) information available to the public under an enactment or a public document;
 - (b) information in the form of an index or list of the names and addresses of individual undertakings or businesses, together with the telephone numbers at which they may be reached, in relation to statistical matters, the industrial classifications allotted to them, the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, and the number of persons engaged;
 - (c) details of external trade, movement of ships and aircraft, and cargo handled at ports; or
 - (d) information relating to a local authority or other statutory body.

19. Disclosure for research or statistical purposes

- (1) Subject to this section, the Director may disclose information in the form of individual statistical records solely for bona fide research or statistical purposes provided that— ^{64*}
- (a) all identifying information, such as names and addresses, has been removed; and
 - (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or undertaking or business to which it relates.
- (2) Every person to whom any statistical records are disclosed pursuant to this section shall—
- (a) not attempt to identify a particular person or undertaking or business;
 - (b) use the information for research or statistical purposes only;
 - (c) not disclose the information to any other person or organisation;
 - (d) when required by the Director, return all documents made available to him to the Director; and
 - (e) comply with any directions given by the Director relating to the records.
- (3) **Repealed** ^{65*}

20. Security of recorded information

Where the statistical information, which the Director collects under this Act from individual returns, worksheets, or any other confidential source, is to be copied or recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for the processing, storage, or reproduction of particulars, the Director shall take such steps as are necessary to ensure the security and confidentiality of the statistical information.

21. Destruction of individual forms and returns

The Director shall account for, and cause to be recycled or destroyed under strict supervision, all individual census and survey forms and returns used for the purposes of this Act, and containing the name and address of a person or undertaking or business, after the data have been processed and validated, but not later than 5 years after the date of completion of a census or survey. ^{66*}

22. Confidentiality ^{67*}

(1) Before performing any function under this Act—

- (a) every employee of a public sector agency shall, where he is engaged in the joint collection of information or the processing of information collected in the joint collection;
- (b) every person involved in the research or statistical project for which information is disclosed pursuant to section 19;
- (c) every public officer designated under section 24(5); and
- (d) every authorised officer, shall make a declaration of confidentiality in the form set out in the Second Schedule.

(2) Before performing any function under this Act or any regulations made under the Act, every member, every co-opted person under section 23(3)(b) and the Director shall take an oath of confidentiality in the form set out in the Third Schedule.

(3) Subject to subsection (4), every person referred to in subsections (1) and (2) who has access to the records of Statistics Mauritius shall maintain, during and after his period of service in Statistics Mauritius, the confidentiality of any matter relating to this Act and to any regulations made under this Act which comes to his knowledge.

(4) No person referred to in subsections (1) and (2) shall communicate to any other person any matter relating to this Act and to any regulations made under this Act which comes to his knowledge in the performance of his functions except—

- (a) for the purposes of administering this Act; or
- (b) where he otherwise complies with the provisions of this Act.

(5) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

23. The Board ^{68*}

(1) There shall be, for the purposes of this Act, a board which shall be known as the Statistics Board.

(2) The Board shall consist of—

- (a) a Chairperson, suitably qualified and experienced in the field of statistics, economics, social sciences, finance, management or related fields, appointed by the President, acting in accordance

with the advice of the Prime Minister tendered after the Prime Minister has consulted the Leader of the Opposition, on such terms and conditions as may be determined by the Prime Minister;

(b) the Financial Secretary or his representative;

(c) a Deputy Governor of the Bank of Mauritius or his representative;

(d) a representative of the private sector, appointed by the Minister on the advice of the Joint Economic Council;

(e) a qualified and suitable person having international experience on official statistics, appointed by the Minister;

(f) the Vice-Chancellor of the University of Mauritius or his representative; and

(g) the Director.

(3) —

(a) The members referred to in subsection (2)(d) and (e) shall be appointed by the Minister on such terms and conditions as he may determine.

(b) The Board may co-opt such other person as may be of assistance in relation to any matter before the Board.

(4) Any person co-opted under subsection (3)(b) shall have no right to vote on any matter before the Board.

(5) Every member shall be paid such fees as may be approved by the Minister.

(6) In the discharge of its functions and the exercise of its powers under this Act, the Board shall not be subject to the direction or control of any other person or authority.

(7) The President shall, on the advice of the Prime Minister, at any time, terminate the appointment of the Chairperson—

(a) on grounds of any misconduct, default or breach of trust in the discharge of his functions; or

(b) where he is subject to proceedings of such nature as to render desirable the termination of his appointment.

24. Functions of Board ^{69*}

(1) The functions of the Board shall be to—

(a) approve, coordinate and monitor statistical programmes of producers of official statistics in order to achieve consistency and efficiency, facilitate integration and promote comparability of data from different sources, avoid duplication, minimise respondent burden, and improve design of data collection and analysis;

(b) advise any producer of statistics on the policy, procedures and regulations relating to the development of official statistics;

(c) promote and safeguard the quality of official statistics, particularly in relation to their relevance, impartiality, accuracy and timeliness and their coherence;

* Please refer to endnotes at Appendix I

- (d) promote adherence to good practice including accessibility and international recommendations and standards, in particular, the United Nations Fundamental Principles of Official Statistics and the African Charter on Statistics and any other internationally accepted principles relating to statistics;
- (e) promote and protect the integrity of official statistics, including professional independence; and
- (f) do every act or thing that is required to be done by the Board under this Act.

(2) The Board may set up one or more committees and may delegate such of its functions under this Act to any committee or the Director as may be necessary to assist the Board in the discharge of its functions.

25. Meetings of Board ^{70*}

- (1) The Board shall meet as often as is necessary but at least once every quarter and at such time and place as the Chairperson may determine.
- (2) In the absence of the Chairperson at a meeting of the Board, the members present shall elect a member to act as Chairperson for that meeting.
- (3) At any meeting of the Board, 4 members shall constitute a quorum.
- (4) Subject to this section, the Board shall regulate its meetings in such manner as it thinks fit.
- (5) The Director shall provide the Board with such resources as are necessary for the effective performance of its functions.

26. Repealed ^{71*}

27. Repealed ^{72*}

28. Regulations

- (1) The Minister may make regulations for the purposes of this Act, and, in particular, but without prejudice to the generality of that power, may make regulations—
 - (a) Repealed ^{73*}
 - (b) Repealed ^{74*}
 - (c) for the levying of charges and the taking of fees; and
 - (d) amending the Schedules. ^{75*}

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding one year.

28A. Saving

A reference in any enactment to the Central Statistics Office shall, at the commencement of this Act, be construed as a reference to Statistics Mauritius under this Act. ^{76*}

29. – 30. —

First Schedule**[Sections 5, 10, 11, 13 and 14]^{77*}**

1. Population, vital occurrences and other demographic and social matters, including welfare and social protection^{78*}
2. Buildings, dwellings, and housing conditions
3. Internal and external migration
4. Health, quality of life, nutrition and morbidity^{79*}
5. Education, cultural and religious participation, sports and recreation
6. Good governance, law and order, anti-corruption, anti-money laundering, prevention of terrorism financing and other crimes^{80*}
7. Environment and climate change^{81*}
8. Labour, employment and unemployment, conditions of work, hours of work, salaries, wages, bonuses, fees, allowances and any other direct or indirect emoluments
9. Incomes, earnings, profits, interests and other emoluments, expenditure and taxation
10. Industrial disturbances and labour disputes
11. Occupational health and safety^{82*}
12. Household including family characteristics, conditions and activities
13. Small and medium industries, informal economic activities^{83*}
14. Land tenure, occupation and use of land, condition of land, transfers of land, mortgages or privileges on land, leases of land
15. Assets including savings, liabilities and wealth of persons and undertakings, prices of property
16. Prices of commodities and services at any or all transaction levels, rents, cost of living
17. Internal and external trade, visible and invisible, financial transactions with other countries, global business and freeport activities^{84*}

18. Internal and international travel and tourism
19. Economic, financial, production, manufacturing, consumption, sales, investment, stocks and other matters relating to undertakings including Ministries and Government Departments, local authorities and other statutory bodies
20. Agriculture including dairying, horticulture, pastoral and allied industries, hunting, forestry, fishing
21. Mines, quarries, wells and bore holes
22. Manufacturing
23. Construction
24. Energy and water ^{85*}
25. Wholesale and retail trade including agents and brokers, restaurants, hotels and accommodation, catering
26. Transportation, storage, warehousing and communications
27. Finance, insurance, real estate and business services
28. Community, social, welfare, religious and personal services
29. Gambling and lotteries ^{86*}
30. Local government
31. Transactions and financial positions with other countries and institutions abroad
32. Benevolent, charitable and other public collections of money ^{87*}
33. Government and public finance ^{88*}
34. Gender ^{89*}

Second Schedule ^{90*}

[Section 22(1)]

Declaration of confidentiality

I,....., being appointed do hereby declare that I shall maintain during or after my relationship with Statistics Mauritius the confidentiality of any matter relating to the Statistics Act and any regulations made under that Act which comes to my knowledge and shall not, on any account and, at any time, disclose directly or indirectly to any person, any matter or information relating to the affairs of Statistics Mauritius otherwise than for the purposes of the performance of my functions or the exercise of my powers under the Statistics Act and any regulations made under that Act.

Signature of declarant

Made before me this

Signature

Name

Director

Third Schedule ^{91*}

[Section 22(2)]

Oath of confidentiality

I,....., being appointed do hereby swear/solemnly affirm/declare that I shall maintain during or after my relationship with Statistics Mauritius the confidentiality of any matter relating to the Statistics Act and any regulations made under that Act which comes to my knowledge and shall not, on any account and, at any time, disclose directly or indirectly to any person, any matter or information relating to the affairs of Statistics Mauritius, otherwise than for the purposes of the performance of my functions or the exercise of my powers under the Statistics Act and any regulations made under that Act.

Sworn/solemnly affirmed/declared by the abovenamed before me at

..... this day of

Before me

District Magistrate

* Please refer to endnotes at Appendix I

APPENDIX I**Endnotes**

- ¹ THE ECONOMIC AND FINANCIAL MEASURES ACT 2011 w.e.f 31.08.2011 (EFM 2011) – repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
3. Central Statistics Office
- ² EFM 2011– Section 7 repealed
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
7. Collaboration of heads of Ministries, Departments and other bodies
- ³ EFM 2011 – Section 10 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
10. Collection of other statistics
- ⁴ EFM 2011 – Section 13 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
13. Power to obtain particulars
- ⁵ EFM 2011 – Section 18 deleted and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
18. Exception to restriction on disclosure
- ⁶ EFM 2011 – Section 22 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
22. Declaration of secrecy
- ⁷ EFM 2011 – Section 23 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
23. Establishment of Council
- ⁸ EFM 2011 – Section 24 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
24. Functions of Council
- ⁹ EFM 2011 – Section 25 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
25. Membership of Council

- 10 EFM 2011 – Section 26 repealed
Statistics Act (Act 38 of 2000 – 2 April 2001):-
26. Meetings of Council
- 11 EFM 2011 – Section 27 repealed
Statistics Act (Act 38 of 2000 – 2 April 2001):-
27. Committees of Council
- 12 EFM 2011 – In section 2, new definition (“Bank of Mauritius”) added
- 13 EFM 2011 – In section 2, new definition (“Board” or “Statistics Board”) added
- 14 EFM 2011 – In section 2, definition of “Council” deleted
Statistics Act (Act 38 of 2000 – 2 April 2001):-
“Council” means the Statistics Advisory Council established under section 23
- 15 EFM 2011 – In section 2, in the definition of “member”, the word “Council” deleted and replaced by the word “Board”
- 16 EFM 2011 – In section 2, new definition (“official statistics”) added
- 17 EFM 2011 – In section 2, new definition (“public sector agency”) added
- 18 EFM 2011 – In section 2, definition of “sampling” deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
“sampling” means a statistical procedure by which information relating to a whole field of inquiry is derived, by applying statistical techniques to information obtained, in respect of a proportion of the total number of persons or undertakings concerned in the field of inquiry;
- 19 EFM 2011 – In section 2, definition of “statistics” deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
“statistics” means information in connection with, or incidental to, a census or survey of the matters specified in the First Schedule, and includes information derived from records of administration kept by Ministries, Government Departments and statutory bodies;
- 20 EFM 2011 – In section 2, in the definition of “undertaking”, the words “Ministry or Government Department, a statutory body a local government body” deleted and replaced by the words “public sector agency”
- 21 EFM 2011 – In section 2, in the definition of “undertaking”, the full stop deleted and replaced by a semicolon
- 22 EFM 2011 – In section 2, new definition (“University of Mauritius”) added

- 23 EFM 2011 – Section 3 repealed and replaced
- Statistics Act (Act 38 of 2000 – 2 April 2001):-
- 3. Central Statistics Office**
- There shall be a Department of Government to be known as the Central Statistics Office which shall be the central depository for all statistics produced in Mauritius.*
- 24 EFM 2011 – In section 4, subsection (1), the words “the Central Statistics Office” replaced by the words “Statistics Mauritius”
- 25 EFM 2011 – In section 4, subsection (2), the words “the Central Statistics Office” replaced by the words “Statistics Mauritius”
- 26 EFM 2011 – In section 4, new subsection added
- 27 EFM 2011 – In subsection (1) of section 5, the words “The Director—” deleted and replaced by the words “Subject to this Act, the Director—”
- 28 EFM 2011 – In paragraph (b) of subsection (1) of section 5, the words “statistical information” deleted and replaced by the word “statistics”
- 29 EFM 2011 – In paragraph (b) of subsection (1) of section 5, the words “as specified in the First Schedule” added after the words “people of Mauritius”,
- 30 EFM 2011 – In paragraph (c) of subsection (1) of section 5, the words “in all Ministries and Government Departments, local authorities and other statutory bodies” deleted and replaced by the word “of all producers of official statistics including public sector agencies,”
- 31 EFM 2011 – In paragraph (g) of subsection (1) of section 5, the words “the Central Statistics Office” deleted and replaced by the word “Statistics Mauritius”
- 32 EFM 2011 – In paragraph (i) of subsection (1) of section 5, the words “of Statistics Mauritius” inserted after the words “statistical collection”
- 33 EFM 2011 – In paragraph (j) of subsection (1) of section 5, the words “the Central Statistics Office” deleted and replaced by the words “Statistics Mauritius”
- 34 EFM 2011 – In paragraph (j) of subsection (1) of section 5, the word “and” at the end of the paragraph deleted
- 35 EFM 2011 – In paragraph (k) of subsection (1) of section 5, the word “statistics” deleted and replaced by the words “statistical information”
- 36 EFM 2011 – In paragraph (k) of subsection (1) of section 5, the full stop deleted and replaced by a semicolon
- 37 EFM 2011 – In subsection (1) of section 5, new paragraph added

- 38 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 39 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 40 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 41 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 42 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 43 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 44 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 45 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 46 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 47 EFM 2011 – In subsection (1) of section 5, new paragraph added
- 48 EFM 2011 – In subsection (3)(b) of section 5, the words “the Central Statistics Office” deleted and replaced by the words “Statistics Mauritius”
- 49 EFM 2011 – In section 5, new subsection added
- 50 EFM 2011 – Section 7 repealed

Statistics Act (Act 38 of 2000 – 2 April 2001):-

7. Collaboration of heads of Ministries, Departments and other bodies

The head of a Ministry or Government Department, the clerk of every Court or tribunal administering criminal justice or, where there is no clerk, the Judge or Magistrate or other person presiding over the Court or tribunal, the officer in charge of every penitentiary and reformatory, and the administrative head of every local government body and other statutory body shall fill in and transmit, or cause to be filled in and transmitted, to the Director, such returns, at such times, in such manner and for such periods, as may be prescribed.

- 51 EFM 2011 – Section 8 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

8. Joint collections

(1) The Director may agree with a Ministry or Government Department, a local authority or other statutory body concerning information that they have authority to collect or is to be collected jointly by the Central Statistics Office and the Ministry or Government Department, the local authority or other statutory body, and that this information be exchanged between the agreeing parties provided that—

(a) the respondent shall, by notice in writing, be informed that the information is being collected jointly by the Central Statistics Office with a Ministry or Government Department, a local authority,

or other statutory body, which notice shall state the purposes to which the information will be put; and

(b) the agreement shall be of no effect in relation to a respondent who gives notice in writing to the Director that he objects to the sharing of information by the parties to the joint collection.

(2) Every employee of a Ministry or Government Department, a local authority or other statutory body shall, if engaged in the joint collection of information or the processing of information collected in a joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed by section 22, notwithstanding any declaration of secrecy made under any other enactment.

52 EFM 2011 – Section 10 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

10. Collection of other statistics

(1) Subject to subsection (2), and with the approval of the Minister the Director may, and on the direction of the Minister shall, collect in Mauritius or in any part of it, whether in conjunction with a census or not, statistics relating to the matters specified in the First Schedule.

(2) Subject to subsection (3), the Director shall not collect any statistics until regulations have been made under section 28 prescribing the particulars and information to be furnished in relation to the matter in respect of which the statistics are to be collected.

(3) Subsection (2) shall not apply to voluntary pilot surveys, to test questionnaires and to statistical procedures.

53 EFM 2011 – In section 11(1), the word “Statistics” deleted and replaced by the words “statistical information”

54 EFM 2011 – Section 13 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

13. Power to obtain particulars

(1) (a) Where a census is being taken or statistical information is being collected in accordance with this Act, an authorised officer may require a person from whom particulars may lawfully be required, to supply him with such particulars as may be prescribed, or such of those particulars as the Director may consider necessary or desirable, in relation to the taking of the census or the collection of the statistics.

(b) For the purposes specified in paragraph (a), the person shall, to the best of his knowledge, information and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such time, as may be specified by the authorised officer in accordance with regulations made under sections 9 and 28.

(2) An authorised officer may require a person to supply him with particulars by interviewing the person or by leaving at, or posting to, the last known address of the person, a form together with a

notice requiring the form to be completed and returned, in the manner and within the time specified in the notice.

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

(a) that the particulars may lawfully be required from that person in accordance with this Act; and

(b) that the document has been issued by an authorised officer.

55 EFM 2011 – After the new section 13, the following new section inserted—

13A. Obligation to disclose information

(1) Notwithstanding –

(a) section 155 of the Gambling Regulatory Authority Act, a specified person under that Act;

(b) section 8(2) of the Value Added Tax Act, an officer under that Act, shall, subject to subsection (2), comply with a request of the Director under section 13.

(2) A specified person or an officer, as the case may be, referred to in subsection (1), shall not disclose the name of an individual.

56 EFM 2011 – In section 14, the existing provision numbered as (1)

57 EFM 2011 – In section 14, the word “Minister” wherever it appeared deleted and replaced by the word “Board”

58 EFM 2011 – In section 14, the word “statistics” wherever it appeared deleted and replaced by the words “statistical information”

59 EFM 2011 – In section 14, the words “obtained from any— (a) Government record or document; or (b) record or document belonging to a local authority, other statutory body or person,” deleted and replaced by the words “obtained from records of any public sector agency or other person,”

60 EFM 2011 – In section 14, new subsection added

61 EFM 2011 – In section 18, heading deleted and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

18. Exception to restriction on disclosure

62 EFM 2011 – In section 18, new subsection inserted

63 EFM 2011 – In section 18, the existing provision numbered as (2)

64 EFM 2011 – In section 19, the words “and with the approval of the Minister” deleted

65 EFM 2011 – In section 19, subsection (3) repealed

Statistics Act (Act 38 of 2000 – 2 April 2001):-

(3) Every person involved in the research or statistical project for which information is disclosed pursuant to this section shall make the declaration of secrecy set out in the Second Schedule.

66 EFM 2011 – In section 21, the word “destroy” deleted and replaced by the words “cause to be recycled or destroyed”

67 EFM 2011 – Section 22 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

22. Declaration of secrecy

(1) Every person employed in the execution of a duty under this Act shall, before entering on his duty, make and subscribe a declaration of secrecy in the form set out in the Third Schedule.

(2) Every declaration of secrecy under this section shall be made before a Magistrate or the Director.

(3) Every declaration under this section shall be returned and recorded in such manner as the Director may determine.

68 EFM 2011 – Section 23 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

23. Establishment of Council

There is established for the purposes of this Act a Statistics Advisory Council.

69 EFM 2011 – Section 24 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

24. Functions of Council

(1) The functions of the Council shall be to advise the Minister with regard to—

(a) the improvement, extension, coordination and harmonisation of statistical activities in Mauritius;

(b) any gaps and deficiencies in the provision of statistical services in Mauritius;

(c) the actual and perceived integrity of, and public confidence and trust in, statistics produced in Mauritius;

(d) the setting-up of priorities and programmes of work to be adopted by the Central Statistics Office;

(e) the promotion of an environment which is supportive of the collection, production, dissemination and use of statistics;

(f) the maintenance of confidentiality and security of individual information;

(g) *the maintenance of independence, accuracy, relevance, integrity, timeliness and professional standard of statistical information produced in Mauritius;*

(h) *any matter referred to it by the Minister relating to statistical activities and provision of statistical services in Mauritius.*

(2) *The Director shall provide the Council with such resources as are necessary for the effective performance of its functions.*

(3) *The Council may issue public statements on a matter relating to its functions under this Act, after consultation with the Ministry or Government Department or other agency involved, if any, on the matter in question.*

70

EFM 2011 – Section 25 repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

25. Membership of Council

(1) *The Council shall consist of—*

(a) *a Chairperson;*

(b) *the Director or his representative; and*

(c) *not less than 10 nor more than 15 other members, with experience in statistical matters, broadly representative of groups or interests concerned with the production and use of statistics, including Ministries and Government Departments, employers, trade unions, specialists in information technology, economic, financial and banking interests, social interests, users and producers of statistics, academia and consumer organisations.*

(2) (a) *The Chairperson shall be appointed by the Prime Minister for a period of 3 years, and shall be eligible for reappointment for another period of 3 years.*

(b) *The members referred to in subsection (1) (c) shall be appointed by the Minister for a period of 2 years, and shall be eligible for reappointment for another period of 2 years.*

(3) *Every member shall be paid such fees and allowances as may be determined by the Minister.*

(4) *The office of a member shall become vacant where the member—*

(a) *has been absent, without leave of the Council, from 3 consecutive meetings of the Council; or*

(b) *becomes disqualified for membership of the Council for a reason specified in section 37 (3) of the Interpretation and General Clauses Act.*

71 EFM 2011 – Section 26 repealed

Statistics Act (Act 38 of 2000 – 2 April 2001):-

26. Meetings of Council

(1) The Council shall, at the request of the Chairperson, meet at such time and place as he may decide.

(2) Seven members of the Council shall constitute a quorum.

(3) The Council shall regulate its meetings in such manner as it thinks fit.

72 EFM 2011 – Section 27 repealed

Statistics Act (Act 38 of 2000 – 2 April 2001):-

27. Committees of Council

(1) The Council may appoint such committees as it thinks fit.

(2) The members of a committee of the Council may include persons who are not members of the Council.

73 EFM 2011 – In section 28(1), paragraph (a) repealed

Statistics Act (Act 38 of 2000 – 2 April 2001):-

(a) prescribing the particulars and information to be furnished in relation to a matter in respect of which statistics may be collected under this Act;

74 EFM 2011 – In section 28(1), paragraph (b) repealed

Statistics Act (Act 38 of 2000 – 2 April 2001):-

(b) prescribing the manner and form in which, the times and places at which, and the persons by whom, the particulars and information shall be furnished;

75 EFM 2011 – In paragraph (d) of section 28(1), the words “First Schedule” deleted and replaced by the word “Schedules”

76 EFM 2011 – In section 28, new section added

77 EFM 2011 – In the First Schedule, the words “[Sections 2, 10, 11 and 28]” deleted and replaced by the words “[Sections 5, 10, 11, 13 and 14]”

78 EFM 2011 – In the First Schedule, in item 1, the words “, including welfare and social protection” added after the words “social matters”

79 EFM 2011 – In the First Schedule, in item 4, the word “welfare” deleted and replaced by the words “quality of life, nutrition”

- 80 EFM 2011 – In the First Schedule, item 6 deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
6. Law enforcement, the administration of justice, punishment and rehabilitation measures
- 81 EFM 2011 – In the First Schedule, item 7 deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
7. Social and physical environment
- 82 EFM 2011 – In the First Schedule, item 11 deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
11. Accidents, injuries and compensation
- 83 EFM 2011 – In the First Schedule, item 13 deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
13. Handicrafts and rural industries
- 84 EFM 2011 – In the First Schedule, in item 17, the word “offshore” deleted and replaced by the words
“global business”
- 85 EFM 2011 – In the First Schedule, item 24 deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
24. Electric power, fuel, gas and water utilities
- 86 EFM 2011 – In the First Schedule, item 29 deleted and replaced
Statistics Act (Act 38 of 2000 – 2 April 2001):-
29. Sweepstakes, lotteries, charitable and other public collections of money
- 87 EFM 2011 – In the First Schedule, new item added
- 88 EFM 2011 – In the First Schedule, new item added
- 89 EFM 2011 – In the First Schedule, new item added

90 EFM 2011 – Second Schedule repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

Second Schedule

[Section 19]

I, solemnly and sincerely declare that I will faithfully and honestly fulfil my duties in connection with a research or statistical project under the Statistics Act and that I shall not without due authority in that behalf disclose or make known any matter or thing which comes to my knowledge by reason of my duties as such.

Before me

District Magistrate/Director of Statistics

91 EFM 2011 – Third Schedule repealed and replaced

Statistics Act (Act 38 of 2000 – 2 April 2001):-

Third Schedule

[Section 22]

I, solemnly and sincerely declare that I will faithfully and honestly fulfil my duties as authorised officer in conformity with the Statistics Act and that I shall not without due authority in that behalf disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

Before me

District Magistrate/Director of Statistics