

P.N.D.C.L. 135

STATISTICAL SERVICE ACT, 1985

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## SCHEDULES

## FIRST SCHEDULE

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## P.N.D.C.L. 135

STATISTICAL SERVICE ACT, 1985<sup>1</sup>

**AN ACT pursuant to clause (1) of article 190 of the Constitution to provide for matters relating to the Statistical Service.**

*Establishment***1. Membership of Service**

The Statistical Service established pursuant to clause (1) of article 185 and clause (1) of article 190 of the Constitution is made up of

- (a) the personnel of the Central Bureau of Statistics established under the Statistics Act, 1961 (Act 37),
- (b) any other public officers that may be transferred or seconded to the Service, and
- (c) any other persons that may be employed for the Service.

**2. The Board**

(1) The governing body of the Service is the Statistical Service Board consisting of

- (a) the chairman and not more than five other members, and
- (b) the Government Statistician as an ex-officio member of the Board.

(2) The members of the Board shall be appointed by the President in accordance with article 186 of the Constitution.

**3. Functions of the Board**

The Board is responsible for

- (a) promoting the effective use of statistics and stimulating research activities in the fields of application of statistics;
- (b) ensuring that the Service collects and compiles socio-economic data on Ghana and presents them to relevant government agencies requiring that information;
- (c) advising the Government on the streamlining of departments of Government responsible for data collection;

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1. The Act was issued as the Statistical Service Law, 1985 (P.N.D.C.L. 135) made on 3rd December, 1985 and notified in the *Gazette* on 24th December, 1985.

- (d) determining the manner in which data may be compiled by a person or authority in Ghana; and
- (e) determining which data may be published and the manner in which the data is published.

#### **4. Tenure of office of members of Board**

(1) A member of the Board, other than the Government Statistician, shall hold office for a period not exceeding three years, and is eligible for re-appointment.

(2) A member of the Board may resign from office as a member in writing addressed to the President and may be removed from office by the President.

(3) Except as otherwise provided members of the Board hold office on the terms and conditions, including the payment of allowances or remuneration determined by the President.

#### **5. Meetings of the Board**

(1) The Board shall meet at least once in every three months, at the times and places determined by the chairman.

(2) A special meeting of the Board shall be called on a request signed by the Government Statistician addressed to the chairman of the Board.

(3) The chairman shall preside at the meetings of the Board and in the absence of the chairman, a member of the Board appointed by the members present from among themselves shall preside.

(4) The quorum of every meeting of the Board is four.

(5) The Board may co-opt a person to act as an adviser at its meeting but a person so co-opted is not entitled to vote at a meeting on a matter for decision by the Board.

(6) The validity of the proceedings of the Board shall not be affected by a vacancy in its membership or by a defect in the appointment of a member of the Board.

(7) Subject to the provisions of this Act, the Board shall regulate its own procedure.

#### **6. Committees of the Board**

The Board may for the performance of its functions appoint committees and may assign to a committee the functions that the Board may determine.

#### *Government Statistician*

#### **7. The Government Statistician**

The head of the Service is the Government Statistician who shall be appointed by the President in accordance with article 185 of the Constitution.

#### **8. Duties of Government Statistician**

(1) The functions of the Government Statistician are

- (a) to advise the Government and the Board on matters relating to statistics;
- (b) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, agricultural, social, financial, economic and any other activities and conditions of residents of Ghana;
- (c) to conduct statistical surveys, including a census in Ghana;
- (d) to organise a co-ordinated scheme of economic and social statistics relating to Ghana; and
- (e) to publish the socio-economic data on Ghana that the Board may permit.

(2) Subject to the supervision of the Board, the Government Statistician is responsible for the day-to-day administration of the Service.

### **9. Collaboration with organisations**

Public Services and other official or quasi-official organisations or any other organisation shall collaborate with the Government Statistician in the collection, compilation, analysis and publication of statistical records of or connected with the Public Services or those organisations.

### **10. Deputy of Government Statistician**

(1) There shall be two Deputy Government Statisticians who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The two Deputy Government Statisticians shall assist the Government Statistician in the performance of functions and shall perform any other functions that the Government Statistician may in consultation with the Board direct.

### **11. Staff of Service**

(1) Subject to article 195 of the Constitution the Board may in consultation with the Public Services Commission engage the staff necessary for the proper and efficient performance of its functions.

(2) The Board may on the recommendation of the Government Statistician engage the services of consultants and experts as are necessary for the performance of its functions.

(3) The staff, consultants and experts shall be engaged on the terms and conditions that the Board may determine.

(4) The Board may delegate a power of appointment conferred on it by this section to the Government Statistician.

### **12. Secretary to the Board**

(1) There shall be a secretary to the Board who shall be appointed by the Board.

(2) The secretary shall arrange the business of the Board and record and keep the minutes of the meetings of the Board.

(3) The secretary shall perform any other administrative functions that the Board may direct.

*Gathering Information***13. Population census**

(1) The President may direct that a census be taken for Ghana, or a part of Ghana, or a class of residents of Ghana.

(2) The direction may specify

- (a) the dates on or between which the census is to be taken, and
- (b) the information to be obtained in the census.

**14. Power to obtain information**

(1) The Government Statistician may by notice in writing request a person to furnish in the form and manner and within the time specified in the notice, any information, estimates or returns, concerning a matter set out in the First Schedule.

(2) A person having the custody or charge of any public records or documents, or of records or documents of a local authority,

- (a) from which information sought in the furtherance of the purposes of this Act can, in the opinion of the Government Statistician be obtained, or
- (b) which would aid in the completion or correction of information already obtained,

shall grant to the Government Statistician access to the records or documents for the purpose of obtaining the required information.

**15. Entry on premises for performance of duties under the Act**

(1) The Government Statistician, or a person authorised by the Government Statistician in writing, may within reasonable hours enter any premises for the performance of functions under this Act.

(2) A person who hinders or obstructs the Government Statistician or a person duly authorised by the Government Statistician, in the performance of a function under this Act, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**16. Information for Government Statistician**

(1) Where the Government Statistician by notice published in the *Gazette* specifies any classes or description of undertakings in respect of which returns are required for any of the purposes of this Act, but the person carrying on the particular undertaking has not received a notice under subsection (1) of section 14, that person shall on the publication of the notice in the *Gazette* furnish to the Government Statistician or the person authorised by the Government Statistician the particulars of the undertaking as required within the period specified in the notice.

(2) A person who wilfully fails to give an information or the particulars required under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

**17. Disclosure of information**

This Act does not affect a law relating to the disclosure or non-disclosure of an official, secret or confidential information or trade secret.

**18. Restriction on publication**

(1) Subject to this section, except with the prior consent in writing of the person making the return or giving the answer or in the case of an undertaking, the owner for the time being of the undertaking, a person shall not publish, or show to any other person not employed in the performance of a function under this Act any of the following:

- (a) an individual return or part of a return made for the purposes of this Act;
- (b) an answer given to a question put for the purposes of this Act;
- (c) a report, an abstract or any other document, containing particulars comprised in the return or an answer so arranged as to identify the particulars with a person or an undertaking.

(2) Subsection (1) does not apply to an information transmitted by the Government Statistician to the President, a Ministry, Department or any other Government organisation for the purpose of its functions.

(3) This section does not prevent or restrict the publication of a report, an abstract or any other document which would make identification of an undertaking possible merely by reason of the fact that the particulars relate to an undertaking which is the only undertaking within its particular sphere of activities, if the report, abstract or other document is so arranged as to disclose in respect of the undertaking, only the following information namely,

- (a) the quantity and the value of a description of goods manufactured, produced, exported or sold;
- (b) the number, the economic and social characteristic of employees employed;
- (c) the amount and extent of investment; and
- (d) any other information which has been furnished or supplied under this Act, to the publication of which the objection has not been made in writing by the person furnishing or supplying the information prior to the publication of the report, abstract or other document.

(4) This section does not require the disclosure to a Ministry, Department or any other Government organisation for the purposes of taxation, of an information acquired under this Act.

**19. Oath of secrecy**

A person employed to perform a function under this Act shall, before entering on the duties of office make and subscribe the oath or affirmation set out in the Second Schedule, before a District Magistrate or a Commissioner for Oaths.

**20. General penalties**

A person who

- (a) makes a statement which that person knows to be false or does not have a reason to believe to be true in a return or as estimate in response to a reasonable request for information for the purpose of this Act, or
- (b) refuses or neglects to give an information requested under this Act, or
- (c) refuses or neglects to supply any estimates, returns or any other information requested under section 16, or
- (d) being an employee in the Service, without lawful authority, in the ordinary course of the employment, uses information acquired by the employee in the course of employment, or
- (e) possessing an information which, to the knowledge of the person has been disclosed in contravention of this Act publishes or communicates the information to any other person, or
- (f) in the performance of a function under this Act, fails to comply with or contravenes a term or condition of the oath or affirmation taken under section 19, or
- (g) without lawful authority destroys, defaces or mutilates a schedule, form or any other document containing particulars obtained in pursuance of this Act, or
- (h) contravenes a provision of this Act in respect of which an offence has not been prescribed,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### *Miscellaneous*

#### **21. Administrative expenses**

The administrative expenses of the Statistical Service including the salaries, operational allowances, gratuities and pensions payable in respect of persons serving in the Service shall be a charge on the Consolidated Fund.

#### **22. Functions of the Service**

(1) The funds of the Service include

- (a) moneys provided to the Service by the Government,
- (b) proceeds accruing from the sale of Statistical Service publications, and
- (c) proceeds from other approved sources.

(2) The funds referred to in subsection (1) shall be vested in and accounted for by the Board.

#### **23. Annual report and estimates**

The Board shall submit to the President every year within six months after the end of each financial year

- (a) a report of its activities and operations during the preceding financial year, and
- (b) detailed estimates of its revenue and expenditure for the next financial year.

#### 24. Accounts

(1) The Service shall keep proper books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The financial year of the Service shall be the end of the 31st day of December in each year.

(3) The books and accounts of the Service shall be audited annually by the Auditor-General.

(4) The Board shall forward a copy of the Auditor-General's report to the President as soon as possible after receiving it.

#### 25. Transfer of assets and liabilities

*Spent.*<sup>2</sup>

#### 26. Amendment of First Schedule

The President in consultation with the Board may, by legislative instrument, amend the First Schedule.

#### 27. Regulations

The President may, by legislative instrument, make Regulations to give effect to this Act which shall include,

- (a) the particulars and information to be furnished on the taking of a census or concerning a matter in respect of which statistics may be collected under this Act,
- (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, and
- (c) the fees and charges to be paid to the Government Statistician for a special information or report supplied, or a special investigation carried out by the Government Statistician.

#### 28. Interpretation

In this Act, unless the context otherwise requires,

“Board” means the governing body of the Service;

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#### 2. The section reads as follows:

- “(1) All rights, assets and property vested in, or any manner held on behalf of or for the purposes of the Central Bureau of Statistics immediately before the commencement of this law shall be vested in the Service.
- (2) All liabilities and obligations subsisting against the Central Bureau of Statistics immediately before the commencement of this Law, shall thereafter continue to subsist against the Service.
- (3) Every contract in respect of any matter, being a contract between the Central Bureau of Statistics and any other party immediately before the commencement of this Law shall thereafter continue to subsist between the Service and such other party.”



“**functions**” includes power and duties;

“**Service**” means the Statistical Service established pursuant to clause (1) of article 185 and clause (1) of article 190 of the Constitution;

“**statistics**” means information in connection with or incidental to a census or general purpose statistical survey or all or any of the matters specified in the First Schedule.

## 29. Repeal of Act 37

*Spent.*<sup>3</sup>

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### SCHEDULES

#### FIRST SCHEDULE

[Section 15, 27 and 29]

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, livestock, horticulture, and allied industries
7. Forestry
8. Fisheries
9. Factories, mines and productive industries generally
10. Employment and unemployment
11. Salaries, wages, bonuses, fees, allowances and any other payment and honoraria for services rendered
12. Income, earnings, profits and interests
13. Output, stocks sales and deliveries and details relating to services provided
14. Orders, work in progress, outgoings and cost (including work given to contractors) and details of capital expenditure
15. Receipts outstanding, fixed capital assets and plant (including the acquisition and disposal of these assets and plant)
16. Social, educational, labour and industrial matters, including associations of employees, and other persons generally
17. Industrial disturbances and disputes
18. Banking, insurance and finance generally
19. Commercial and professional undertakings
20. Distributive trades
21. Health
22. Transport and communication in all forms by land, water or air
23. Wholesale and retail prices of commodities, rents and cost of living
24. Injuries, accidents compensation
25. Land tenure, and the occupation and use of land
26. Local Government

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3. The section provided for the repeal of the Statistical Act, 1961 (Act 37).

27. Any other areas of activity that the Council in consultation with the Board may from time to time specify

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SECOND SCHEDULE

[Section 20]

I, ..... solemnly swear (solemnly sincerely and truthfully affirm)\* that I will faithfully and honestly fulfil my duties as ..... in conformity with the requirements of the Statistical Service Act, 1985 and that I will not, without authority in writing by the Government Statistician, disclose or make known any matter or thing which comes to my knowledge reason of my employment as such.

\* Delete as appropriate.

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