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No. 9 of 2006

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

4th December, 2006

AN ACT to provide for the establishment of the Statistical Institute of Belize; and for the exercise by or on behalf of that Institute of regulatory functions regarding the collection, compilation, analysis and publication of official statistics; to repeal the Statistics Act, Chapter 158 of the Substantive Laws of Belize, Revised Edition 2000 – 2003; and to provide for matters connected therewith or incidental thereto.

(Gazetted 9th December, 2006.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-

PART 1
PRELIMINARY

Short title.

1. This Act may be cited as the
STATISTICAL INSTITUTE OF BELIZE ACT, 2006.

Interpretation.

2. In this Act, unless the context otherwise requires –

“advisory committee” means an advisory committee appointed by the Board under section 14 of the Act;

“Board” means the Board of Directors of the Institute established under section 7 of this Act;

“Chairperson” means –

- (a) in respect of the Board, the Chairperson of the Board and includes, in the circumstances specified in section 7 (2) of this Act, the Deputy Chairperson of the Board or some other member of the Board appointed to act as Chairperson under that section; or
- (b) in respect of an advisory committee, the Chairperson of the advisory committee;

“confidential data” means data obtained by the Institute for the production of official statistics when such data allow statistical units to be identified directly or indirectly, thereby disclosing individual information;

“copy” means the reproduction of a record or any part thereof by writing, photocopying, electronic, or some other means;

“Director-General” means the officer of the Institute appointed under section 17 of this Act;

“directorates” means directorates established pursuant to Regulations made by the Minister under section 43 of this Act;

“employee” means an employee of the Institute;

“financial year” in respect of the Institute, means a period of twelve months ending on the 31st March of each year:

Provided that the first financial year of the Institute shall commence immediately on the coming into force of this Act and shall end on the 31st March of the next following year;

“functions” includes powers and duties;

“impartiality” means the objective and independent manner of producing official statistics free from any pressure from political or other interest groups, particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out and implies the availability of statistics to all users;

“Institute” means the Statistical Institute of Belize established by section 3;

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“local authority” means the Belize City Council, established under the Belize City Council Act, the Belmopan City Council established under the Belmopan City Council Act, any Town Council established under the Town Councils Act, or any Village Council established under the Village Councils Act;

“Minister” means the Minister responsible for statistics;

“official statistics” means information obtained by processing data in order to characterize collective phenomena in a considered population in the framework of implementation of the business plan of the Institute;

“population” means any set or subset of statistical units, whether such units are natural persons, legal persons or any other economic unit;

“premises” includes any dwelling, building, place, vessel or aircraft within or on territory which falls under the jurisdiction of Belize;

“prescribed” means prescribed by Regulations or Orders made under this Act;

“production of official statistics” means all the activities necessary for the preparation, collection, storage processing, compilation, analysis and dissemination of statistical information;

“public authority” means any government department, local authority, official board or committee and any other public body established by law;

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“public officer”, has the same meaning as is assigned to it by section 131 of the Belize Constitution, but does not include a Judge or a Magistrate;

“record” includes any paper, photographic, electronic, or other mode of recording or storing information and any form, schedule, questionnaire, or any other such document;

“reliability” means that the statistics shall reflect as faithfully as possible the reality which they are designed to represent and implies that scientific criteria are used for the selection of sources, methods and procedures;

“statistics” includes, in addition to numerical data, all other information which is necessary for the collection, compilation, analysis and interpretation of data.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

Establishment of the Institute.

3. (1) There shall be and is hereby established an autonomous body to be known as the Statistical Institute of Belize.

Body Corporate.

4. (1) The Institute shall be a body corporate having perpetual succession and a common seal, and subject to the provisions of this Act shall have power to acquire, hold and dispose of movable and immovable property of any kind, to enter into contracts, and to exercise any of the functions entrusted to it by or in accordance with the provisions of this Act, and discharge any duties incidental or ancillary to, or consequential upon, the performance of its functions.

(2) The Institute may sue or be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Institute shall be authenticated by the signatures of the Chairman and one other director authorized by the Board to act for that purpose, and shall not be affixed except by the authority of a resolution of the Board, and the seal thus authenticated shall be judicially and officially noticed.

(4) All documents made by the Institute other than those required by law to be made under seal shall be signified under the hand of the Chairman and one other Director.

(5) The Institute shall have its principal office at such place in Belize as the Board may decide, and may establish foreign offices and other offices within Belize as it considers necessary.

Functions of the Institute.

5. (1) The functions of the Institute shall be the collection, compilation, extraction, analysis and release of official statistics relating to demographic, social, environmental, economic and general activities and conditions of Belize as specified in the First Schedule.

First Schedule.

(2) Without prejudice to the generality of subsection (1), the Institute shall -

- (a) provide on an impartial basis, quantitative and representative information about the economic, demographic, gender, social and environmental situation in Belize, to all users including the National Assembly, the Government, institutions, undertakings, social and economic operators, academic institutions and bodies and the general public and where possible such data should be provided on a regional basis;
- (b) produce data and statistics subject to the principles of reliability, objectivity, relevance, statistical confidentiality, transparency, specificity, and proportionality, which mirror as faithfully as possible the real situation;
- (c) disseminate data and statistics to the public and the users thereof in a neutral and impartial way, focusing on the phenomena which are essential for decision makers and honouring the citizens' rights to public information.
- (d) supply the information necessary to evaluate the quality of official statistics, and make accessible to the public the methods used for their production, and how the principles, under which such statistics are gathered, are complied with;
- (e) provide such technical explanations of statistics produced to avoid erroneous interpretation;
- (f) conduct research on and further develop statistical methodology and technology;
- (g) monitor and coordinate the carrying out of tasks with statistical implications imposed on other public bodies;

- (h) coordinate the production of official statistics' systems, including the necessary methodologies, with a view to ensuring timelines and standardization of information, efficiency and to meeting users' requirements, as well as to provide appropriate classifications and conformity with international requirements and standards;
- (i) collect the necessary information, compile the results at appropriate levels and break-downs, and disseminate them to users.
- (j) Conduct censuses in accordance with the Census Act;
- (k) Be the only authorized Institute which can approve the official status of any data or other statistical information published by any other public body;
- (l) Have authority, for the purpose of discharging its functions under paragraph (k), to approve the processes of data collection, compilation and analysis by any public body.

Sampling
First Schedule.

6. (1) Statistics relating to all or any of the matters set out in the First Schedule may be collected by sampling, in place of a full enumeration, where the use of that method is considered appropriate.

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

PART III **ADMINISTRATION**

Board of Directors.

7. (1) The Institute shall have a Board of Directors, which shall be the principal policy making instrument of the Institute, and shall consist of

- (a) the Chief Executive Officer, Ministry responsible for Health or his representative;

- (b) the Chief Executive Officer, Ministry responsible for Education or his representative;
- (c) the Chief Executive Officer, Ministry responsible for Economic Development or his representative;
- (d) the Financial Secretary or his representative;
- (e) the Governor, Central Bank of Belize or his representative;
- (f) the President, National Trade Union Congress of Belize or his representative;
- (g) the President, Belize Chamber of Commerce and Industry or his representative;
- (h) the President, University of Belize or his representative;
- (i) the President, Belize Business Bureau or his representative;
- (j) a representative of civil society, appointed by the Minister; and
- (k) the Director-General, *ex officio*.

(2) The Board shall, at the first meeting of the Board, elect one of its number to be Chairperson and another member to be Deputy Chairperson.

(3) The Deputy Chairperson shall, in the absence of the Chairperson, or where the Chairperson is for any reason unable to perform his functions, or where there is a vacancy in the Office of Chairperson, have all the powers and perform all the functions of the Chairperson.

(4) The members of the Board, other than the Director-General, shall be appointed by the Minister for a term of three years, but the members so appointed may be re-appointed on the expiration of their term of office.

(5) The Board shall employ the services of an employee of the Institute as secretary of the Board on such terms and conditions and for such period as it shall deem appropriate.

(6) It shall be the duty of the secretary to make the necessary preparations for the meetings of the Board, take minutes of those meetings, and keep records of decisions and other policy records of the Board.

(7) The names of all the members of the Board, and any change in such membership, shall be published in the *Gazette*.

(8) The Chairperson and members of the Board, except the Director-General, shall be paid such honoraria as the Minister may determine.

Disqualifications to be a member of the Board.

8. (1) A person shall not be eligible to be appointed or to hold office as Chairperson or as a member of the Board if he –

(a) is a Minister, Minister of State, a member of the National Assembly, a political standard bearer, or a member of any local authority; or

(b) is a Judge or a Magistrate ; or

(c) is legally incapacitated; or

(d) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(e) has committed an offence involving fraud or other dishonesty, or has contravened any law designed to protect members of the public against financial loss due to dishonesty, incompetence or malpractice by persons involved in business activities or in carrying on a profession, or has engaged in any business practice appearing to the Minister to be deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflects discredit on his method of conducting business or his profession; or

(f) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Board:

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and such declaration and waiver are published in the *Gazette*; or

(g) is otherwise not a fit and proper person to hold that office.

(2) In determining whether a person is a fit and proper person under subsection (1) (g), the Minister shall have regard to that person's probity, to his competence and soundness of judgment for fulfilling the responsibilities of that office, to the diligence with which he is fulfilling or is likely to fulfill those responsibilities, and to whether the interests of any person are, or are likely to be in any way, threatened, by his holding that office.

(3) Any person whom the Minister has appointed or proposes to appoint as a member of the Board shall, whenever requested by the Minister to do so, furnish to him such information as the Minister considers necessary for the performance of the Minister's duties under subsection (1) or subsection (2).

(4) A member of the Board of Directors, other than the Director-General may be, removed from office by the Minister on the written recommendation of the Board, on the ground of inability to perform the functions of his office, whether due to infirmity of mind or of body, or to any other cause, or for misbehaviour; and for the purposes of this subsection absence from three consecutive meetings of the Board may be deemed to amount to misbehaviour.

(5) Any member of the Board, other than the Director-General, may resign from office by letter addressed to the Minister.

(6) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint another suitably qualified person to be a temporary member of the Board; and any person so appointed shall cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

Declaration of interest by members of the Board.

9. Any member of the Board who has any direct or indirect interest in any contract made or proposed to be made by the Board, not being an interest which disqualifies such member from

remaining a member, shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

Meetings of the Board.

10. (1) Subject to any other provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet at least once every three months, at such place and time as the Board may determine.

(3) The Board may exercise its functions notwithstanding any vacancy in its membership, as long as such vacancies do not exceed three in number.

(4) Meetings of the Board shall be convened by the Chairperson or, in his absence, by the Deputy Chairperson, either on his own initiative or at the written request of any three of the other members of the Board.

(5) Decisions of the Board shall be taken by a simple majority of votes of the members present and voting, and, in the event of an equality of votes, the Chairperson or other person presiding at that meeting shall have a second or casting vote.

(6) A quorum for any meeting of the Board shall be six Directors, of whom one shall be the Director-General.

(7) Subject to the provisions of this section, no act or proceeding of the Board shall be held invalid merely by reason of any vacancy among its members.

Functions of the Board.

11. (1) The Board shall perform the following functions -

(a) examine and submit, for the approval of the Minister, the business plan and financial estimates drawn up by the Director-General for the administration of the Institute;

- (b) regulate and generally supervise the production of official statistics in accordance with international requirements and standards;
- (c) discuss and advise on statistical matters, including methodologies, relating to the collection, compilation and dissemination of statistics;
- (d) establish priorities in responding to the demand for official statistics;
- (e) liaise between the Institute and other public bodies concerning the supply of data and the coordination of activities with statistical implications;
- (f) coordinate, subject to the final decision of the Minister, on the resolution of any conflicts which may arise between the Institute and other public authorities relating to the extraction of statistics from records or the co-ordination of statistical activities;
- (g) publish the business plan after its approval by the Minister;
- (h) disseminate the knowledge of official statistics;
- (i) Consider and comment, where necessary, on the yearly report submitted by the Director-General on the work of the Institute as required by section 17 (4) (g).

(2) For the better performance of its functions, the Institute may execute contracts and establish forms of collaboration and understandings with other local and foreign statutory bodies, government departments, international organizations, and other entities which exercise regulatory, supervisory or licensing powers, under any law, in Belize or abroad, in gathering, collecting, analyzing or disseminating statistics, which could be directly or indirectly beneficial to the Institute.

(3) The members of the Board, other than the Director-General, shall not have access to confidential information pertaining to any individual person, household or undertaking.

(4) Nothing in subsection (1) shall be construed as enabling the Board to exercise any power or function already assigned to the Director-General under this Act.

(5) The Board and employees of the Institute shall not take instructions from the Government or any other authority, political parties, or any other interest groups, in the selection of data sources, statistical methods and procedures, in the contents, form and time of dissemination, and in the application of statistical confidentiality.

Powers of
Institute.

12. (1) The Institute shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions under this Act.

(2) In particular, but with limiting the generality of its powers under subsection (1) above, the Institute may do all or any of the following things:

- (a) acquire by purchase, lease, exchange, bailment, gift, or otherwise any interest in land or any other form of property;
- (b) engage any person or body to undertake the management, alteration, development, improvement, repair or maintenance of any of its property;
- (c) enter into agreements with any government agency or private sector organisation in order to carry out its functions;
- (d) enter into technical cooperation agreements with other regional or international organizations with similar objectives;
- (e) publish reports, recommendations and other information relating to any functions of the Institute or the national statistical system;
- (f) appoint officers and other persons to carry out its duties under this Act.

Policy directives of the
Minister.

13. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Board directions in writing of a general character, not inconsistent

with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Institute, by or under this Act, and the Board shall, as soon as may be, give effect to all such directions.

(2) The Institute shall afford to the Minister, through the Board, facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Board fails to comply with any directions issued under this section, the Prime Minister may make an Order published in the *Gazette* transferring to the Minister in whole or in part any of the functions of the Board.

Appointment of
advisory committees.

14. (1) In order to effectively carry out its functions and discharge its duties, it shall be lawful for the Board to establish or appoint advisory committees made up of qualified persons charged with the duty of analyzing, evaluating, investigating, commenting and reporting their findings to the Board on any area or areas referred to them by the Board.

(2) In appointing or establishing an advisory committee under subsection (1), the Board shall -

- (a) appoint a member of the Board, or some other suitably qualified person, to be the Chairperson of the advisory committee;
- (b) clearly state in writing that the meetings of the advisory committee shall be governed by rules made by the Board for that purpose;
- (c) clearly state in writing that the advisory committee shall report its proceedings and findings to the Board, and that the decisions of the advisory committee shall be subject to the approval of the Board; and.
- (d) Clearly state in writing the duration of the advisory committee and its terms of reference.

- Validity of acts and proceedings of the Board.
15. All acts and proceedings of the Board shall be valid notwithstanding any vacancy in the membership of the Board or any defect in the appointment of any member thereof.
- Protection for action taken under this Act.
16. No civil or criminal proceedings shall lie -
- (a) against the Board for any act which in good faith is done or purported to be done by the Board under this Act; or
 - (b) against the Chairperson of the Board or an advisory committee, or against any member, officer or employee thereof, for any act which in good faith is done or purported to be done by the Chairperson, member, officer or employee under this Act or on the direction of the Board.

PART IV
OFFICERS AND EMPLOYEES OF THE INSTITUTE

- Director-General.
17. (1) The Institute shall be headed by a Director-General, appointed by the Governor-General on the advice of the Prime Minister given after consultation with the Leader of the Opposition.
- (2) The Director-General shall be responsible for the day-to-day administration of the operations and affairs of the Institute in accordance with general policy guidelines which may be issued by the Board from time to time.
- (3) The Director-General shall be appointed for a period of five years and, at the expiration of his term of office, shall be eligible for re-appointment for a further like period.
- (4) Subject to subsection (2), the Director-General shall perform his functions and discharge his duties independent of the control of any person or authority, and in so doing shall -
- (a) maintain the integrity and validity of official statistics and public confidence in them;
 - (b) decide, on the basis of professional and ethical considerations, the scope and purpose of the statistics provided for in the business plan, and on the methods and procedures for the collection,

compilation, storage, presentation and publication of data;

- (c) be responsible for the observance of the provisions of this Act relating to confidentiality;
- (d) ensure that the Institute is equipped with the necessary information technology facilities for the efficient processing of statistical information;
- (e) draw up draft business plans in accordance with commercial norms and procedures;
- (f) represent the Institute at international conferences and in any dealings with international organizations or agencies;
- (g) submit an annual report on the work of the Institute to the Board, for approval;
- (h) develop the necessary strategies for the implementation of the objectives of the Board;
- (i) advise the Board on any matter it may refer to him or on any matter which he considers necessary or expedient; and
- (j) carry out such other duties as the Board may assign to him from time to time.

(5) The Director-General may resign his office by writing under his hand addressed to the Governor-General.

(6) The Director-General shall not be a public officer.

Deputy Director-General.

18. (1) The Board shall appoint a suitably qualified person to be the Deputy Director-General of the Institute, subject to such terms and conditions as the Board may approve from time to time.

(2) The Deputy Director-General shall be subject to the direction and control of the Director-General, and shall perform such functions and discharge such duties as may be assigned to him by the Director-General from time to time.

(3) On the occurrence from any cause of a vacancy in

the office of Director-General, whether by reason of death, resignation, or otherwise, and in the case of absence from duty of the Director-General, from whatever cause arising, and so long as any such vacancy or absence continues, the Deputy Director-General shall have and may exercise all the functions, duties, and powers of the Director-General.

(4) The fact that the Deputy Director-General exercises any function, duty, or power of the Director-General shall be conclusive evidence of the authority of the Deputy Director-General to do so.

Appointment of other employees of the Institute.

19. (1) The Director-General shall, subject to the provisions of this Act and any policy guidelines which may be made from time to time by the Board, appoint such officers and employees of the Institute as may be necessary.

(2) Without prejudice to the generality of subsection (1), the Director-General may, in writing, appoint persons for a specified period of time to perform statistical work of any nature which may necessitate access to data collected under the provisions of this Act.

(3) A person appointed pursuant to subsection (2) shall discharge any duties and perform any functions assigned to him from time to time by the Director-General or specified in his letter of appointment.

Oath of secrecy.

Second Schedule.

20. Every person appointed by the Institute shall, before assuming the duties of his office, subscribe to the oath of secrecy set out in the Second Schedule to this Act.

Certificate of appointment.

21. (1) Every officer or employee of the Institute who, under this Act, is required or entitled to -

- (a) demand the completion and return of any document or the provision of any information by any person or undertaking, whether orally or in writing; or
- (b) copy, inspect or take extracts from, or collect or receive, any document relating to any person or undertaking; or
- (c) enter any premises,

shall be provided with a certificate of appointment signed, stamped and printed by the Director-General.

(2) Every officer or employee of the Institute referred to in subsection (1) shall be required to carry his certificate of appointment at all times when performing the functions provided in that subsection, and to produce it when requested to do so by any person.

Declaration of pensionable posts.

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22. (1) The post of Director-General, Deputy Director-General, and the posts of other officers and employees appointed pursuant to section 19 above who are on the administrative, technical, professional, clerical and secretarial staff shall be pensionable under the Pensions Act, notwithstanding anything to the contrary in that Act or any other enactment. Persons holding ancillary posts of the semi-skilled or unskilled category shall be entitled to retirement benefits under the Government (Open Vote) Workers Regulations.

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(2) Where an officer in the public service is transferred to an office under the Institute and he retires or resigns on pension from, or dies while in the service of, the Institute, his service in the public service shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for a gratuity or pension under the Pensions Act.

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(3) Notwithstanding any contrary provision in the Pensions Act or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the Institute is transferred to a pensionable post in the public service, his service under the Institute shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act.

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(4) When making payment for a pension or gratuity in respect of officers referred to in subsection (2) and (3) above, the Government shall pay the whole pension or gratuity, but the Institute shall contribute to the Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Institute.

Regulations relating to staff.

23. (1) Subject to the provisions of this Act, the Board may make Regulations determining generally the conditions of service of employees of the Institute, and in particular, may make regulations relating to -

- (a) the appointment, dismissal, discipline, hours of work, pay and leave of such employees;
- (b) appeals by employees against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities, salaries or benefits to the employees and their dependents; and
- (d) the establishment and maintenance of superannuation funds and provident funds and the contributions payable thereto and the benefits received therefrom.

(2) Regulations made under subsection (1) shall not apply to the Director-General and the Deputy Director-General.

Training of employees.

24. The Institute may, for the purpose of advancement of the skills of its employees, provide such assistance and facilities as may be necessary for training, education and research.

Right to form trade unions.

25. The Institute shall recognize the right of its employees to form or belong to trade unions for the protection of their interests.

PART V **FINANCIAL PROVISIONS**

Transfer of property.

26. The Minister responsible for Finance may, by Order published in the *Gazette*, transfer to the Institute any property belonging to the Government which appears to him to be necessary or useful to the Institute for carrying out its functions under this Act, and such property shall vest in the Institute by virtue of the Order and without further assurance.

Loans by Government.

27. The Government may lend the Institute such sums as the Minister responsible for Finance certifies are required to enable the Institute to commence or continue its functions, to be repaid by the Institute at such times and by such methods as the said Minister shall determine.

Powers to borrow money.

28. The Institute may, with the consent of the Minister responsible for Finance, borrow money either within Belize or elsewhere for the purposes of carrying out its duties, powers and functions under this Act.

Funds and resources.

29. The funds and resources of the Institute shall consist of the following:-

- (a) such sums as may be provided for the purpose from time to time by the National Assembly;
- (b) such sums as may be made available under sections 27 and 28;
- (c) such sums as may accrue to the Institute from the conduct of its business under this Act, including sales of books, anonymised databases, documents or journals published by the Institute and all sums recovered in payment of fees, charges, or administrative fines imposed by the Institute under this Act or by Regulations;
- (d) grants, donations, benefactions and endowments from any source including regional and international organizations; and
- (e) all other sums or property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.

Audit and accounts.

30. (1) The Institute shall keep accounts of its transactions and all such accounts shall be audited by an auditor to be appointed by the Board.

(2) The members, officers, agents and employee of the Institute shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of the Institute and shall give to the auditor on request all such information as may be within their knowledge in relation to the operations of the Institute and the Board.

(3) The Institute shall, with the approval of the Board, write off bad debts.

Annual reports.

31. (1) The Institute shall, not later than six months from the end of the financial year ending on the 31st March of each year, submit to the Minister a report for the preceding financial year containing -

- (a) a balance sheet and a complete statement of profits and losses duly audited; and
- (b) the report of the auditor.
- (2) The Minister shall lay the report at the table of the House of Representatives at the next sitting of that House held after the Minister received the report.
- Submission of budget estimates.
32. (1) The Institute shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister responsible for Finance, through the Minister, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the Minister responsible for Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary.
- (2) Except with the approval of the Minister responsible for Finance, no further sum shall be expended during any financial year other than that provided in the estimates relating to such financial year.
- Tax exemptions.
CAP. 46.
33. (1) Notwithstanding anything contained in the Income and Business Tax Act, the income, revenue and other receipts of the Institute shall be exempt from the payment of income tax and business tax.
- (2) All instruments executed by or on behalf of the Institute shall be exempt from stamp duty.
- (3) Notwithstanding anything contained in any Act, all material, apparatus or equipment of any kind imported into Belize by the Institute for the purpose of carrying on its business shall be free of all customs duty and any other tax whatever.
- Charitable status.
CAP. 250.
34. The Institute shall have the status of a charity for all the purposes of any law for the time being affecting charities, and in particular the Companies Act.
- Financial Regulations.
35. The Board may from time to time make Regulations
- (a) requiring the day-to-day deposit of the funds of the Institute into a bank or financial institution in Belize approved by the Board;

- (b) requiring the grant of any contract by the Institute exceeding three hundred thousand dollars in any single instance to be made with the written approval of the Minister of Finance;
- (c) designating the officers of the Institute who shall have custody of the funds of the Institute, and shall sign cheques and other instruments on behalf of the Institute;
- (d) specifying the total amount which may be maintained by the Institute at any one time as petty cash.

PART VI

COLLECTION OF INFORMATION AND ACCESS TO RECORDS

Collection of information.

36. The Director-General may prepare forms, questionnaires and other records for the collection of statistics and information under this Act and the instructions necessary for their proper completion, and shall specify the date or period within which these completed forms, questionnaires and other records or the required information shall be returned to the Institute.

Provision of information.

37. (1) Notwithstanding anything contained in any other law enjoining secrecy, the Director-General or an officer or employee of the Institute may, for the purposes of obtaining statistical information relating to any matter specified in the First Schedule, require any person or undertaking to -

First Schedule.

- (a) complete a form, questionnaire or other record;
- (b) answer any questions; and
- (c) provide any information or records,

and any information so obtained shall be subject to the restrictions on use and prohibition on disclosure of information specified in sections 41 and 42.

(2) A person or undertaking referred to in subsection (1) shall grant access to an officer or employee of the Institute to any records or information referred to in that subsection.

- (3) In prescribing a requirement on persons and

undertakings to provide information under subsection (1), the Director-General shall specify in particular -

- (a) the general nature of the information required;
- (b) the frequency with which it is to be provided;
- (c) the persons or undertakings, or classes of persons or undertakings, required to provide it; and
- (d) whether any officers or employees of the Institute should be given access to the records or information.

(4) In the case of the holding of any census, the relevant order shall be prescribed by the Minister, acting on the advice of the Board, in accordance with the Census Act.

CAP. 155

Request for information.

38. (1) For the purposes of section 37 above, a request to provide information shall be sufficient -

- (a) in the case of an individual person, if a notice addressed to that person is delivered to his last known place of residence, employment or business;
- (b) in the case of an undertaking, if a notice is delivered to the premises from which it operates or conducts its affairs using its trading name, or to any individual person involved in its management, including a receiver, liquidator or administrator, at his place of business or residence.

(2) Where the information which a person or undertaking claims to have provided in compliance with a request by the Director-General is not in possession of the Institute, the Director-General may by delivery of a further notice direct that person or undertaking to provide that information within a period specified in the further notice.

PART VII
INSPECTION OF RECORDS AND PROTECTION OF COLLECTED INFORMATION

Requests of information from public authorities.

39. (1) The Director-General may -

- (a) on delivery of a notice, request any public authority to allow officers or employees of the Institute at all reasonable times to access, inspect and take copies of or extracts from any records in its charge;
- (b) on delivery of a notice, request any public authority to provide the Institute, if any such officer or employee so requires, with copies of extracts from any such record, and the public authority shall, subject to subsection (2) of this section, comply with any such request free of charge; and
- (c) request any public authority to consult and cooperate with him for the purpose of assessing the potential of the records of the public authority as a source of statistical information and where appropriate and practicable, developing its recording methods and systems for statistical purposes, and the public authority shall comply with any such request, in so far as its resources permit.

(2) If any public authority intends to carry out activities with statistical implications, it shall first consult, for the purposes of coordination, with the Institute, and accept any recommendations the Institute may make.

(3) The Director-General or any public authority may request the Board to conciliate on and, when agreement cannot be reached, to make recommendations to the Minister for his decision on proposals made by the Director-General under subsection (1) or (2) of this section.

- (4) Subsections (1) and (2) of this section -
 - (a) shall not apply to records pertaining to a court or to prison administration;
 - (b) shall in all other cases have effect notwithstanding anything contained in any enactment other than provisions for the protection of public order, the security of Belize or the privacy of any person.

Agreements relating to collection, etc., of information.

40. (1) It shall be lawful for the Institute to enter into agreements with Government Ministries or Departments, local authorities or other public or private bodies or organizations providing for the joint collection of information, data or statistics

by the Government Ministries or Departments, local authorities or public or private bodies or organizations and the Institute if allowed or authorized by law.

(2) Where any information, statistics or data referred to in an agreement provided under subsection (1) is obtained from or furnished by a respondent, the respondent shall, before providing or furnishing the information, statistics or data, be informed by the Director-General, by notice in writing, that the information, statistics or information is being jointly collected by the Institute and the Government Ministry or Department, or the local authority or public or private body or organization, as the case may be.

(3) An agreement referred to in subsection (1) shall be of no effect if a respondent referred to in subsection (2) objects to the joint collection of the information, statistics or data, unless the provisions of some other law provides otherwise.

(4) An employee or officer of a Government Ministry or Department, or a local authority or public or private body or organization shall, if engaged in the joint collection of information, statistics or data pursuant to an agreement referred to in subsection (1), subscribe to an oath of secrecy provided in the Second Schedule.

Second Schedule.

Restrictions on use of information.

41. All information furnished by any person, undertaking or public authority under this Act, shall be used only for the purpose of statistical compilation and analysis.

Prohibition of disclosure of information.

42. No information obtained in any way under this Act which can be related to an identifiable person or undertaking shall, except with the written consent of that person or undertaking or the personal representative or next-of-kin of that person, if he be deceased, be disseminated, shown or communicated to any person or body except -

- (a) for the purpose of a prosecution for an offence under this Act; or
- (b) to officers or employees of the Institute in the course of their duties under this Act.

(2) The Minister may from time to time, with the concurrence of the Board, by Regulations, prescribe such further prohibitions on the disclosure of identifiable records or information obtained under this Act, as he may deem appropriate.

(3) The Director-General may, by Order published in the *Gazette*, authorize the following information to be disclosed:-

- (a) information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;
- (b) information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;
- (c) information available to the public under any law;
- (d) information relating to any hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate the particulars to any individual patient, inmate or other person in the care of any such institution;
- (e) information in the form of an index or list of individual establishments, firms or businesses, showing any, some or all the following in relation to them:
 - (i) their names and addresses;
 - (ii) the telephone numbers at which they may be reached in relation to statistical matters;
 - (iii) the official language in which they prefer to be addressed in relation to statistical matters;
 - (iv) the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business; or
 - (v) whether they are within specific ranges of numbers of employees or persons engaged by them or constituting their work force;
- (f) information relating to a local authority or other statutory authority;

(g) details of external trade, movement of ships and cargo handled at ports;

(h) information relating to any carrier or public utility provider.

(4) In this section,

“carrier” means any person or association of persons that owns, operates or manages an undertaking that carries or moves persons or commodities by any form of land, sea or air transport;

“public utility” means any person or association of persons that owns, operates or manages an undertaking

(a) for the supply of petroleum or petroleum products by pipeline;

(b) for the supply, transmission or distribution of gas, electricity, steam or water;

(c) for the collection and disposal of garbage or sewage or for the control of pollution;

(d) for the transmission, emission, reception or conveyance of information by any telecommunication system; or

(e) for the provision of postal services.

(5) Subject to subsections (6) and (7) and with the approval of the Board, the Director-General may disclose information in the form of individual statistical records solely for *bona fide* research or statistical purposes provided that -

(a) all identifying information such as name and address 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.

(6) Every person to whom any statistical records are disclosed pursuant to this subsection shall -

- (a) not attempt to identify any 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 organization;
- (d) when required by the Director-General, return all documents made available to him to the Director-General; and
- (e) comply with any directions given by the Director-General relating to the records.

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

Power to make Regulations.
First Schedule.

43. (1) The Minister may, after consultation with the Board, by Order published in the *Gazette*, add to, vary, or amend the First Schedule.

(2) The Minister may, after consultation with the Board, make Regulations in respect of any of the functions of the Institute, and for the establishment of directorates which may be required to be established under this Act, and for the better carrying out of any of the provisions of this Act.

PART VIII **OFFENCES AND PENALTIES**

Offences

44. Any person who -
- (a) willfully or negligently prevents or obstructs the Director-General or any other authorized officer of the Institute from carrying out his duties under the provisions of this Act;
 - (b) misuses information provided under this Act or willfully or negligently discloses information relating to any identifiable person or undertaking;

- (c) unreasonably refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form that the person is required to fill in and to return the same as required of him;
- (d) knowingly give false or misleading information or otherwise deceives an authorized officer of the Institute in the execution of his duties;
- (e) not being an authorized officer of the Institute, represents himself as being an authorized officer of the Institute or makes an inquiry under the authority of this Act when the person is not an authorized officer of the Institute; or
- (f) willfully destroys, damages or falsifies any document or record issued for the collection of statistics in compliance with a requirement made under section 36 or 37; or
- (g) having the custody or charge of any documents or records that are maintained in any Government Department or by any local authority, statutory board, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of the information, refuses or neglects to grant access to the information to any employee of the Institute for the purpose by the Director-General,

commits an offence and shall be liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Unlawful exercise of statutory functions.

45. Any officer or employee of the Institute who -
- (a) acts in contravention of the oath of secrecy referred to in this Act; or
 - (b) in the pretended performance of his functions as employee or officer, obtains or attempts to obtain, from a person or undertaking, any information

which he is not lawfully entitled to obtain from that person or undertaking; or

- (c) deserts from his duty, or willfully makes any false declaration, statement or return in the performance of his duties;
- (d) willfully fails to return to the Institute a document or record collected from a person or undertaking under this Act, or fails to keep any document or record containing information collected under this Act in his custody in such manner as to ensure that unauthorized persons do not have access thereto; or
- (e) willfully discloses or divulges directly or indirectly to any person not entitled under this Act to receive the same information obtained by him in the course of his employment that might exert an influence on or affect the market value of any stocks, bonds or other security or any product or article; or
- (f) uses any information described in paragraph (c) for the purpose of speculating in any stocks, bonds or other security or any product or article,

shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Limitation period.

46. Any proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within but not later than two years after the time when the subject matter of the proceedings arose, or two years after the time when the commission of the offence first became known to the Institute.

PART IX **REPEALS AND SAVINGS**

Repeals.
CAP.158.

47. (1) On the commencement of this Act, the Statistics Act shall stand repealed.

CAP. 158.

(2) Notwithstanding the repeal of the Statistics Act, all subsidiary legislation made thereunder shall continue in full force

and effect until repealed by subsidiary legislation made under this Act.

CAP. 158

(3) Notwithstanding the repeal of the Statistics Act, all data, information and statistics collected or compiled under the Statistics Act shall be treated as data, statistics and information collected or compiled under this Act.

Commencement.

48. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

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FIRST SCHEDULE

[Sections 5, 6, 37 and 43]

MATTERS IN RESPECT OF WHICH STATISTICS MAY BE COLLECTED, PREPARED AND PUBLISHED

- (a) Population and housing.
- (b) Immigration and emigration, internal and external passenger movement and tourism.
- (c) Vital occurrences, morbidity, health and nutrition.
- (d) Social matters including education, sports, public entertainment, social security and welfare, criminal and judicial matters, juvenile delinquency, public information, public administration and government.
- (e) Land tenure, occupation and condition of land and the procedure thereof, occupation and condition of buildings, rent payable or receivable in respect of land and buildings and the annual value of land and buildings.
- (f) Environmental and related statistics.

- (g) Primary and secondary production, including construction, building, personal and other services, power, machinery, transport equipment, water and electricity.
- (h) Industry and merchandising.
- (i) Stocks of manufactured and unmanufactured goods.
- (j) Livestock.
- (k) Imports and exports.
- (l) Trade and commerce.
- (m) Transport and communication in all forms by land, water and air, including post, telephones, telegraph, radio and electronic transmission, and includes e-commerce and the use of the internet.
- (n) Occupations, employment, unemployment and payrolls.
- (o) Salaries, wages, hours and conditions of work.
- (p) Industrial disturbances and disputes.
- (q) Injuries, accidents and compensation.
- (r) Wholesale and retail prices and cost of living.
- (s) Banking and finance, including external balance of payments.
- (t) Associations, including voluntary associations, societies or corporations for profit or otherwise.
- (u) Marine, fire, life, accident and other insurance.
- (v) Incomes, earnings, profits, interests, fees and other payments for services rendered.
- (w) National income, output and expenditure and capital formation.
- (x) Broadcasting and audiovisual works.
- (y) Any other matter so determined by the Minister after consultation with the Board, except for opinion polls.

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SECOND SCHEDULE

[Sections 20, 40 and 42]

OATH OF SECRECY

I, _____, swear*/solemnly affirm* that I will faithfully and honestly fulfill my duties as _____ in conformity with the requirements of the Statistical Institute of Belize Act and of all orders made thereunder, and that I will not, except in the performance of my duties under that Act and such orders, disclose or make known during my service as _____ or at any time thereafter, any matter which comes to my knowledge relating to any person, household or undertaking by reason of my service as _____. (So help me God)*

Before me _____
Director-General

*** Delete the inapplicable.**