

CHAPTER 127
CENSUS AND STATISTICS ACT

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AN ACT

to provide for the taking of a census, for the collection of statistics and publication of statistical information, and for matters incidental to the foregoing.

[22nd April, 1955]

Act 10 of 1955,
Act 2 of 1963,
Act 57 of 1964,
Act 13 of 1994.
GN 83 of 1964,
GN 497 of 1964,
SI 171 of 1965.

PART I PRELIMINARY

1. Short title

This Act may be cited as the Census and Statistics Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**authorised officer**” means the Director and any person appointed as an authorised officer under the provisions of section 4;

“**Director**” means the Director of Census and Statistics.

PART II ADMINISTRATION

3. Appointment of Director

The Public Service Commission may appoint a Director of Census and Statistics who shall have such powers as are conferred and perform such duties as are imposed upon him by this Act.

[S 3 am by SI 171 of 1965.]

4. Appointment of authorised officers

(1) The Director may, in writing, appoint any person as an authorised officer for the purposes of this Act, and may in like manner delegate such power of appointment to any person.

(2) Any delegation made in terms of sub-section (1) may be revoked at any time by the Director and no such delegation shall affect the exercise by the Director of the power to appoint an authorised officer.

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5. Oath of secrecy

Every person employed in carrying out any of the provisions of this Act shall, before commencing his duties relating to such provisions, take and subscribe before a Magistrate or Commissioner for oaths such oath of secrecy as may be prescribed:

Provided that where such person has before the 24th October, 1964, taken and subscribed such an oath he shall, on and after that date, be deemed to have taken and subscribed the oath of secrecy required by this section.

[S 5 am by GN 83 of 1964; SI 171 of 1965.]

PART III CENSUS AND STATISTICS

6. Census

(1) A census shall be taken on such day in any year as the Minister may fix by *Gazette* notice.

(2) The census shall be taken—

- (a) of the number of persons or of any class of persons within Zambia or any part thereof; and
- (b) of such other particulars whatsoever;

as shall be prescribed.

[S 6 am by GN 83 of 1964.]

7. Statistics

(1) The Director may, with the approval of the Minister, and shall, whenever the Minister so directs, collect statistics for Zambia or any part thereof with respect to such matter as may be prescribed.

(2) Notwithstanding the provisions of sub-section (1), the Director shall not collect any such statistics until regulations have been made specifying the particulars and information to be furnished in relation to the matter with respect to which statistics are to be collected.

(3) The provisions of sub-sections (1) and (2) shall not apply to the collection by the Director, with the consent of the person concerned, of statistics in relation to any matter.

[S 7 am by GN 83 of 1964.]

8. Use of sampling methods

The Director may, if he deems fit, use sampling methods in the taking of any census in terms of section 6, or in the collection of statistics in terms of sub-sections (1) and (2) of section 7.

9. Power to obtain particulars

(1) Whenever a census is being taken in terms of section 6 or statistics are being collected in terms of sub-sections (1) and (2) of section 7, an authorised officer may require any person from whom particulars may lawfully be obtained under this Act 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 such census or the collection of such statistics.

(2) Any person required in terms of sub-section (1) to supply particulars shall give all such particulars in such manner and within such time as may be required by the authorised officer in terms of the provisions of this Act.

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

PART IV MISCELLANEOUS

10. General duties of Director

It shall be the duty of the Director, subject to the provisions of this Act, to—

- (a) carry out any census required to be taken in terms of section 6;
- (b) generally to organise a co-ordinated scheme of social and economic statistics relating to Zambia; and
- (c) submit a report to the Minister as soon as may be after the 30th June in each year on the work undertaken in terms of the provisions of this Act during the period of twelve months ending on that date.

[S 10 am by GN 83 of 1964.]

11. Restrictions on disclosure of information

(1) Except for the purposes of a prosecution for a contravention of any of the provisions of this Act—

- (a) no individual return made and no form submitted for the purpose of this Act or any part of such return or form and no answer given to any question put for the purposes of this Act; and
- (b) no report containing particulars comprised in any such return, form or answer and so arranged as to enable identification of the particulars with the person by whom or on whose behalf the return was made, form was submitted or answer was given;

shall be disclosed to any person who is not employed in carrying out the provisions of this Act without the written permission of the person by whom or on whose behalf the return was made, form was submitted or answer was given.

(2) Notwithstanding anything to the contrary contained in sub-section (1), the Minister may in writing authorise the disclosure, on such terms and conditions as he may specify in such authority, of any such individual return, such form, or any part of any such return or form, or such answer to questions to any person employed in the Department of Agriculture or in the Department of Veterinary Services.

[S 11 am by Act 2 of 1963; GN 83 of 1964.]

12. Powers of entry

(1) An authorised officer may at all reasonable times for any purpose connected with—

- (a) the taking of a census in terms of section 6, enter and inspect any land and any premises; and
- (b) the collection of statistics in terms of sub-sections (1) and (2) of section 7, enter and inspect any land and any premises other than a dwelling-house; and may make such inquiries as may be necessary for the performance of his duties under this Act.

(2) An authorised officer shall produce his written appointment as an authorised officer, or, in the case of the Director, proof of his appointment as Director, before exercising the powers conferred by sub-section (1) if required so to do by the owner, occupier, or person in charge of such land or premises.

13. Offences and penalties

(1) Any person employed in carrying out any of the provisions of this Act, who—

- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon or affect the market value of any share, property, product, or article and who, before such information is made public, directly or indirectly uses such information for personal gain;
- (b) without lawful authority, publishes or communicates any information acquired by him in the course of his employment to any other person; or
- (c) knowingly compiles for publication any false statistics or information;

shall be guilty of an offence and liable to a fine not exceeding three thousand penalty units or, in default of payment, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both.

(2) Any person to whom information has been disclosed in terms of sub-section (2) of section 11, who fails to comply with the terms and conditions on which such information was disclosed to him, shall be guilty of an offence and liable to the penalties prescribed in sub-section (1).

(3) Any person to whom any information has to his knowledge been disclosed in contravention of any provision of this Act, who publishes or communicates such information to any other person, shall be guilty of an offence and liable to the penalties prescribed in sub-section (1).

(4) Any person who—

(a) hinders or obstructs an authorised officer in the exercise of any of his powers or the discharge of any of his duties under this Act; or

(b) fails to—

(i) duly complete any return, form, or other document lawfully left with or sent to him;

(ii) transmit or deliver in accordance with such directions as may be contained therein or given to him by an authorised officer such return, form, or other document, duly completed; or

(iii) answer any questions lawfully asked him by an authorised officer; or

(c) contravenes or fails to comply with any provision of any regulation; or

(d) knowingly makes any statement which is untrue in any material particular in any return, form, or other document submitted by him in terms of the provisions of this Act or in any answer made by him to an authorised officer for the purposes of this Act; shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment for a period not exceeding six months.

[S 13 am by Act 13 of 1994.]

14. Regulations

(1) The Minister may, by statutory instrument, make regulations for any matter that may be prescribed and generally for the better carrying out of the objects and purposes of this Act.

(2) Without derogation from the generality of the foregoing, the Minister may make regulations—

(a) specifying the particulars and information to be given in relation to any matter in respect of which statistics may be collected in terms of sub-sections (1) and (2) of section 7; and

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

(3) Regulations made in terms of this section shall apply to Zambia or to such area or areas within Zambia as may be specified in the regulations and different regulations may be made in respect of different areas within Zambia and in respect of different classes of persons.

[S 14 am by GN 83 of 1964.]