

CHAPTER 351
THE STATISTICS ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title.
2. Application.
3. Interpretation.

PART II
THE NATIONAL BUREAU OF STATISTICS AND
THE GOVERNING BOARD

(a) The National Bureau of Statistics

4. Continuation of Bureau.
5. Integrity of Bureau.
6. Functions of Bureau.

(b) Governing Board

7. Establishment and composition of Board.
8. Functions of Board.
9. Appointment of Statistician General.
10. Termination of appointment.
11. Functions of Statistician General.
12. Acting Statistician General.
13. Other staff.
14. Oath of secrecy.
15. Authorised officers.
16. Exemption from liability.
17. National Statistical System and its coordination.
18. Mandate to collect official statistics.
19. Delegation of powers to collect official statistics.
20. Producers of official statistics.

PART III
COLLECTION AND DISSEMINATION OF INFORMATION

21. Decennial Population and Housing Census.
22. Collection of statistics.
23. Joint collections.
24. Sampling.
25. Establishment of Technical Committee.
26. Principles guiding collection and dissemination of statistical information.
27. Right of Bureau to challenge Statistical information from other sources.
28. Right to challenge statistics produced by Bureau.
29. Right to publish findings.
30. Determination by Technical Committee.
31. Restriction on disclosure of information.
32. Exemption on disclosure.
33. Disclosure of unidentified information.
34. Security of recorded information.
35. Destruction of individual forms and returns.
36. Power to obtain particulars.
37. Access to public and other records.

PART IV
FINANCIAL PROVISIONS

38. Funds of Bureau.
39. Estimates.
40. Accounts.
41. Audit.
42. Annual Performance Report.

PART V
OFFENCES AND PENALTIES

43. Offences and penalties.

PART VI
MISCELLANEOUS PROVISIONS

44. Regulations.
45. Repeal and savings.
46. Inconsistency with other legislation.

SCHEDULES

CHAPTER 351

THE STATISTICS ACT

An Act to repeal the Statistics Act, to establish the National Bureau of Statistics, and the Statistics Governing Board, to provide for the coordination of the National Statistical System, and to make better provisions in relation to their functions and for other related matters.

[2nd November, 2015]

[GN. No. 491 of 2015]

Acts Nos.
9 of 2015
8 of 2018
9 of 2019

PART I

PRELIMINARY PROVISIONS

- | | |
|---|---|
| Short title | 1. This Act may be cited as the Statistics Act. |
| Application | 2. This Act shall apply to Mainland Tanzania in all matters specified in the Third Schedule and shall apply to Tanzania Zanzibar in respect of population and housing census. |
| Interpretation
Acts Nos.
8 of 2018 ss. 21,
22
9 of 2019 s. 56 | 3. In this Act unless the context otherwise requires-
“agency or agencies” include research institutions, non governmental organisations, development partners or any other user or producer of statistics;
“authorised officer” means a person appointed as such under section 15;
“Board” means the National Bureau of Statistics Board established under section 7;
“Bureau” means the National Bureau of Statistics referred to in this Act;
“census” means a statistical operation in which all units of the population are enumerated; |

- “government institutions” includes ministries, government departments, regional administration and local government authorities;
- “international standards” means standards or guidelines for producing statistical information prescribed in the African Charter on Statistics, 2009, the Fundamental Principles of Official Statistics of the United Nations, other standards issued by recognised international organisations and includes international best practices;
- “Minister” means the Minister responsible for statistics;
- “national standards” means standards or guidelines for producing statistical information issued by the Bureau;
- “National Statistical System” means a system coordinated by the Bureau which involves data providers, producers or users of statistics, research and training institutions;
- “official statistics” means statistics produced, validated, compiled and disseminated by or under the authority of the Bureau;
- “population and housing census” means a census conducted by Bureau under section 21;
- “respondent” means any person who supplies or is required to supply statistical information;
- “return” means any book, document, form, card, tape, disc or storage media in which the information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;
- “sampling” means a statistical procedure by which information relating to a whole field of inquiring 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;
- “staff” means any staff employed by the Bureau;
- “statistical information” means any organised data obtained from census, surveys or administrative data;
- “statistical unit” means a section, division or department established in any Government institutions responsible for the execution of statistical functions;

“statistician” means a person who possess a degree in statistics;

“Statistician General” means the Chief Executive Officer of the Bureau appointed under section 9;

“statistics” means data required for the production of organised statistical information, obtained from census and statistical surveys or administrative records;

“survey” means method of collecting data from a sample of population with a national, regional or district level coverage; and

“undertaking” means any statistical activity by way of a trade or business whether or not the trade or business is carried out for profit, and includes a Ministry or Government Department, statutory body, local government body, or any other form of organisation or body of persons or any part thereof.

PART II

THE NATIONAL BUREAU OF STATISTICS AND THE GOVERNING BOARD

(a) The National Bureau of Statistics

Continuation of
Bureau

4.–(1) There shall continue to exist the National Bureau of Statistics known in its acronym as “NBS”.

(2) The Bureau shall be an autonomous public office under the Ministry responsible for Statistics.

Integrity of
Bureau
Act No.
8 of 2018 s. 21

5. In order to protect and enhance the integrity and impartiality of official statistics, the Bureau shall exercise professional independence in the way it collects, processes, analyses and disseminates official statistics.

Functions of
Bureau
Acts Nos.
8 of 2018 s. 21
9 of 2019 s. 57

6.–(1) The Bureau shall be the National Statistics Office responsible for the production, coordination, supervision, and dissemination of official statistics, and for the custodianship of official statistics in the country.

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

- (a) in collaboration with the Office of the Chief Government Statistician of Zanzibar, conduct population and housing census;
- (b) advise the Government and the public at large on all matters related to official statistics;
- (c) provide high quality, reliable and timely official statistics to the public;
- (d) organise and maintain a central depository of official statistical reports, publications, documents and data from within and outside the United Republic;
- (e) develop methods, standards, concepts and definitions for the production of official statistics;
- (f) regulate official statistics;
- (g) coordinate publishing of statistical information;
- (h) coordinate and supervise the National Statistical System in the country; and
- (i) perform all functions necessary or incidental to the objectives of the Bureau under this Act.

(3) The Bureau may, in the performance of its functions, sub-contract other organisations or individuals under such terms and conditions as may be agreed upon by the contracting parties.

(4) The Bureau shall, for functions which extend to Tanzania Zanzibar, perform such functions in collaboration with the office of the Chief Government Statistician of the Revolutionary Government of Zanzibar.

(b) Governing Board

Establishment
and composition
of Board

7.-(1) There is hereby established a Governing Board of the Bureau to be known as the National Bureau of Statistics Board.

(2) The Board shall consist of-

- (a) a Chairman to be appointed by the President from amongst persons with knowledge and experience in statistics, mathematics, economics or business oriented management; and

- (b) eight members who are of, or above the rank of Principal officers, to be appointed by the Minister, upon nomination by their respective organisations or institution as follows:
 - (i) a representative from the Bank of Tanzania;
 - (ii) a representative from the Ministry responsible for statistics;
 - (iii) a representative from the Office of the Attorney General;
 - (iv) a representative from the Prime Minister's Office;
 - (v) a representative from the Planning Commission;
 - (vi) the Chairman of the Statistics Board of Zanzibar;
 - (vii) a representative from higher learning institutions; and
 - (viii) one member to be appointed from amongst the users or producers of statistics from private sector.
- (3) The Chief Government Statistician of Zanzibar shall be an *ex-officio* member of the Board.
- (4) The Statistician General shall be a Secretary to the Board.
- (5) The provisions of the First Schedule shall apply with respect to the tenure and termination of membership, proceedings of the Board and other matters relating to the Board.

Functions of
Board

8. The functions of the Board shall include to-

- (a) approve and monitor the implementation of policies pertaining to the Bureau;
- (b) approve the structure, career development plans, staffing levels and terms and conditions of service for the staff of the Bureau;
- (c) approve the appointment of managerial staff;
- (d) approve disciplinary measures to be taken on the managerial staff of the Bureau;
- (e) approve the Bureau's corporate plan, annual work programme and annual budget;
- (f) inform the Minister on the progress of the business of the Bureau on quarterly basis; and
- (g) perform any other functions as may be directed by the Minister in writing.

Appointment
of Statistician
General
Act No.
8 of 2018 s. 21

9.-(1) The President shall appoint a Statistician General of the Bureau on the recommendation of the Minister.

(2) A person shall not qualify for recommendation for appointment as a Statistician General unless he possess a degree or above qualification in the field of statistics or economics or mathematics with at least five years experience in the statistics field and with proven managerial ability.

(3) The Statistician General shall hold office for a period of five years and shall, subject to his satisfactory performance, be eligible for re-appointment.

(4) Subject to the provisions of subsection (1), the Board shall make recommendation to the Minister on the appointment of the Statistician General.

Termination of
appointment
Act No.
8 of 2018 s. 21

10. The President may, upon the recommendation of the Minister, terminate the appointment of the Statistician General for-

- (a) misconduct;
- (b) failure or inability to perform the functions of his office arising from infirmity of body or mind; or
- (c) incompetency.

Functions of
Statistician
General
Act No.
8 of 2018 s. 21

11. The Statistician General shall be the Chief Executive Officer of the Bureau and responsible for the day-to-day activities of the Bureau including management of funds, property and business of the Bureau and for the administration of officers and staff of the Bureau.

Acting Statistician
General
Act No.
8 of 2018 s. 21

12.-(1) Where the office of the Statistician General is vacant or if the Statistician General is unable for any reason to perform the functions of his office, the Minister shall, appoint another person with appropriate knowledge or experience to act as a Statistician General during such vacancy or inability.

(2) A person acting in terms of subsection (1) shall act for a period of not more than six months:

Provided that, the Minister may for sufficient reason extend such appointment for a further period not exceeding six months.

(3) The provision of subsection (2) shall not apply if due to official duties, the Statistician General is temporarily absent from his office, in which case the Statistician General shall delegate the functions of his office to one of the management staff.

Other staff
Act No.
8 of 2018 s. 21

13. Subject to laws relating to recruitment, the Statistician General shall cause to be employed such number of other staff as he may consider necessary or desirable for the efficient and effective exercise of powers and performance of functions of the Bureau.

Oath of secrecy

14.-(1) A person other than staff of the Bureau who is employed in the execution of any duty relating to statistical production under this Act, shall, before assuming such duties, make and subscribe before a Commissioner for Oaths, an oath or affirmation in the manner set out in the Second Schedule.

(2) For purposes of subsection (1), a person employed as an enumerator in a population and housing census, shall make a written declaration in Kiswahili or English languages and deliver or transmit the declaration to an authorised officer or staff of the Bureau in the manner set out in the Second Schedule to this Act.

Authorised
officers
Act No.
8 of 2018 s. 21

15. The Statistician General may, in writing, designate on temporary terms and conditions, such number of staff of the Bureau to be authorised officer for the purpose of carrying out statistical activities under this Act as he may determine.

Exemption from
liability

16. An act done by any officer or employee of the Bureau if done or omitted to be done in good faith in the exercise or performance or purported exercise or performance of his duties or functions as an officer or employee of the Bureau shall not subject such an employee or officer to any action, liability or demand of any kind.

National
Statistical
System and its
coordination
Act No.
8 of 2018 s. 23

17.—(1) There shall be the National Statistical System also known by its acronym NSS, which shall be coordinated by the Bureau.

(2) Subject to section 6, the Bureau shall coordinate the National Statistical System with a view to having an integrated statistical system to ensure optimal utilisation of available resources.

(3) In performing the coordination function under this section, the Bureau shall—

- (a) issue a code of practice for official statistics that sets out professional standard to be followed by government institution and agencies producing official statistics;
- (b) develop and maintain a comprehensive National Databank by using sectoral Databank developed by government institution and agencies;
- (c) set standards for the collection, analysis and publication of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistical information;
- (d) provide guidance and other assistance as may be required to other users or providers of statistics; and
- (e) promote cooperation and rationalisation among users or producers of statistics so as to avoid duplication of efforts and ensure optimal utilisation of scarce resources.

Mandate to
collect official
statistics
Act No.
8 of 2018 s. 24

18.—(1) Without prejudice to section 20, the Statistician General shall have powers to commence, vary or discontinue the collection of official statistics conducted through surveys or censuses.

(2) A person, government institution or agency shall not authorise the commencement of the collection of official statistics through surveys or censuses except with the approval of the Statistician General.

Delegation of
powers to collect
official statistics
Acts Nos.
8 of 2018 s. 25
9 of 2019 s. 58

19. Notwithstanding the generality of section 18(2) and subject to guidelines issued by the Bureau, powers to collect and publish official statistics afforded to heads of government institutions pursuant to any written laws shall be deemed to be powers delegated to those institutions by the Statistician General.

Producers of
official statistics
Act No.
8 of 2018 ss. 21, 26

20.—(1) Official statistics may be produced by-

- (a) the Bureau;
- (b) government institutions; and
- (c) Agencies.

(2) The statistics produced under subsection (1)(c) shall qualify to be official statistics if they meet the criteria and standards set by the Bureau and approved by the Statistician General.

PART III

COLLECTION AND DISSEMINATION OF INFORMATION

Decennial
Population and
Housing Census

21.—(1) The President may, by Order published in the *Gazette* direct a Population and Housing Census to be taken in the United Republic or any part of the United Republic as may be specified in the Order.

(2) The Order under subsection (1), may specify the date on or between which such census is to be taken, the information to be obtained in the census and the period within which the census is to be conducted.

Collection of
statistics
Act No.
8 of 2018 ss. 21, 27

22.—(1) The Bureau may collect statistics relating to all or any of the matters specified in the Third Schedule to this Act.

(2) The Bureau may cause to be published statistics collected and any official statistics pursuant to subsection (1).

Joint collections
Act No.
8 of 2018 s. 21

23.—(1) The Bureau may make an agreement with any agency to collect jointly official statistics as the need arises.

(2) An employee of any agency, shall, if engaged in the joint collection of information or the processing of information collected in joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed under section 14 despite of any declaration of secrecy made under any other written law.

Sampling

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

(2) Statistics collected under subsection (1) may also be used to test a questionnaire and a statistical procedure before finalisation.

(3) It shall not be a defence to a person who fails to fill in a return or to answer any inquiry by reason that only a portion or a particular group of persons is required to fill in the return or to answer the inquiry.

Establishment
of Technical
Committee
Acts Nos.
8 of 2018 s. 28
9 of 2019 s. 59

25.—(1) There shall be established a Committee to be known as the Statistics Technical Committee which shall be responsible for determination of matters referred to it pursuant to the provisions of this Part.

(2) The Technical Committee shall work on *ad hoc* basis and shall be composed of the following members who shall be appointed by the Minister:

- (a) Chairman;
- (b) two members who are knowledgeable on statistics from higher learning institutions or research institutions, one of whom shall be from outside the Country; and
- (c) two other members who are conversant with and possess expertise on matters relating to statistics and the subject to be determined, one of whom shall be from outside the Country.

(3) For purposes of this section, the Minister may make regulations prescribing-

- (a) modality of referring matters to the Technical Committee;
- (b) mode of publication of the findings of the Technical Committee;
- (c) appointment of members referred to under subsection (2)(c); and
- (d) procedures for conducting proceedings of the Technical Committee.

(4) In discharging its mandate, the Technical Committee shall abide with the international standards, national standards and provisions of this Act.

[s. 24A]

Principles guiding collection and dissemination of statistical information
Acts Nos.
8 of 2018 s. 28
9 of 2019 s. 59

26.-(1) Every person shall, subject to the provisions of this Act, have a right to collect and disseminate statistical information.

(2) A person who intends to disseminate collected statistical information pursuant to this section shall abide with international standards, national standards and the provisions of this Act governing statistical information.

(3) Without prejudice to the generality of subsection (2), a person intending to disseminate statistical information shall, before disseminating such information, take into consideration-

- (a) professional considerations, scientific principles and professional ethics on the methods and procedures for the collection, processing, storage and presentation of statistical data;
- (b) the duty to present information in accordance with scientific standards on the sources, methods and procedures of statistics; and
- (c) the duty of ensuring objectivity and impartiality in reporting the results of statistical information.

[s. 24B]

Right of Bureau
to challenge
Statistical
information from
other sources
Act No.
9 of 2019 s. 59

27.—(1) Notwithstanding the provisions of section 26, the Bureau shall have the right to challenge the misuse or misinterpretation of statistical information disseminated by any other person if such statistical information contains fundamental errors or does not abide with the principles specified under section 26(3).

(2) In exercising the right under subsection (1), the Bureau may—

- (a) make a statement to the public pointing out the fundamental errors identified and principles not abided with; or
- (b) refer the matter to the Technical Committee for determination.

[s. 24C]

Right to challenge
statistics
produced by
Bureau
Act No.
9 of 2019 s. 59

28. Every person shall have the right to challenge official statistics produced by the Bureau by, subject to the procedure specified in the regulations, referring the matter to the Technical Committee for determination.

[s. 24D]

Right to publish
findings
Act No.
9 of 2019 s. 59

29.—(1) A person who has different findings from official statistics disseminated by the Bureau shall, subject to the provisions of this Act, have the right to publish such findings and submit such findings to the Bureau.

(2) Where the Bureau disagrees with the findings published under subsection (1), may challenge such official statistics by—

- (a) publishing a statement pointing out all areas of disagreement; or
- (b) referring the matter to the Technical Committee for determination.

[s. 24E]

Determination
by Technical
Committee
Act No.
9 of 2019 s. 59

30.—(1) Upon receipt of any matter referred to it pursuant to this Part, the Technical Committee shall determine and publish its findings accordingly.

(2) The determination of the Technical Committee referred to under subsection (1) shall be final and conclusive.

(3) Notwithstanding subsection (1), where, before the Technical Committee determines the matter brought before it, the author of the information decides to withdraw publication of such information or agrees to correct the information to the extent of disagreement, the Technical Committee shall-

- (a) in the case of withdrawal, direct the author to publish his decision to withdrawal and give the reasons thereof; and
- (b) in the case of correction, cause the corrections made to the information be published.

[s. 24F]

Restriction on
disclosure of
information

31.—(1) The following information shall not be published, admitted in evidence or shown to any person not employed in the execution of a duty under this Act unless the prior consent in writing thereto has been obtained from the person making such return or giving such answer, or in the case of a business or undertaking, from the person having the control, management or superintendence of such business or undertaking-

- (a) individual return or part thereof;
- (b) answer given to any question made for the purpose of this Act; and
- (c) report, abstract or any other document containing particulars in any such return or answer to enable the identification of such particulars with any person, business or undertaking.

(2) Subsection (1) shall not apply where-

- (a) the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerised data set for general access; or
- (b) such return answer or report and such other documents required for the purpose of prosecution.

[s. 25]

Exemption on disclosure

- 32.** Notwithstanding section 31, the Bureau may disclose-
- (a) information available to the public under any enactment or 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.

[s. 26]

Disclosure of unidentified information
Act No.
8 of 2018 s. 21

- 33.**-(1) Subject to subsection (2), the Bureau may disclose information in the form of individual statistical record solely for *bona fide* research or statistical purposes provided that-
- (a) all identifying information such as the name and address of a respondent has been removed; and
 - (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person, 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 any particular person, undertaking or business;
 - (b) use the information for research or statistical purposes only;
 - (c) not disclose information to any other person or organisation; and
 - (d) comply with any directions given by the Statistician General relating to the records.

[s. 27]

Security of
recorded
information
Act No.
8 of 2018 s. 21

34. The Bureau shall take all necessary steps to ensure the security and confidentiality of the official statistics collected by the Bureau or made available to the Bureau by other agencies are kept in accordance with the provisions of this Act.

[s. 28]

Destruction of
individual forms
and returns

35.—(1) The Bureau or each agency shall account for and destroy all individual censuses and surveys forms and returns used for purposes of this Act after the data have been processed, validated and published.

(2) Individual censuses forms and surveys forms under subsection (1) shall be destroyed within five years since the data was processed, validated and published.

[s. 29]

Power to obtain
particulars
Act No.
8 of 2018 s. 21

36.—(1) Where any census or a survey is being taken or any other statistics are being collected in accordance with the provisions of this Act, an authorised officer or staff of the Bureau may, in the manner specified in subsection (2), require any person to supply him with such particulars as may be prescribed or such particulars as the Statistician General may consider necessary or desirable in relation to the taking of such census or the collection of such statistics.

(2) A person who is required to supply any particulars pursuant to subsection (1) shall, to the best of his knowledge, information and belief, complete forms, make returns, answer questions and give all such information, in such manner and within such time as may be specified by the authorised officer or staff of the Bureau.

(3) An authorised officer or staff of the Bureau may, at all reasonable times and upon production of his authorisation—

- (a) in relation to census or a survey, enter and inspect any premises including house; and
- (b) in relation to the collection of other statistics, enter and inspect any premises where activity for profit or gain is carried on, and in either case may make such inquiries

as may be necessary for the taking of the census or the collection of the statistics as the case may be.

[s. 30]

Access to public
and other records
Act No.
8 of 2018 s. 21

37.—(1) Where the Statistician General is of the opinion that, the collection of statistics relating to any matter may be obtained from any Government institution, agency, or user or producer of statistics, he shall grant access to any authorised officer or staff of Bureau for purposes of getting the information required.

(2) Subject to subsection (1), the information obtained shall be in relation to the collection of statistics which have been approved or directed for completion or collection of statistics.

[s. 31]

PART IV FINANCIAL PROVISIONS

Funds of Bureau

38. The funds and resources of the Bureau shall consist of—

- (a) sums as may be appropriated by Parliament for the Bureau;
- (b) moneys received for products provided and services rendered by the Bureau;
- (c) sums borrowed, received by or made available to the Bureau for purposes of the performance of its functions; or
- (d) donations, grants and bequests as the Bureau may receive from any person or body of persons.

[s. 32]

Estimates
Act No.
8 of 2018 s. 21

39.—(1) The Statistician General shall, not later than three months before the end of each financial year, prepare and submit to the Board, the Business Plan and estimates of income and expenditure of the Bureau for the next ensuing financial year.

(2) The Board shall forward to the Minister the Business Plan and estimates prepared under subsection (1) for approval.

(3) Expenditure shall not be made out of funds of the Bureau unless such expenditure is part of the estimate of expenditure approved by the Minister under subsection (2).

[s. 33]

Accounts
Act No.
8 of 2018 s. 21

40.—(1) The Bureau shall keep proper books of accounts.

(2) Subject to any directions given by the Board, the Statistician General shall prepare in respect of each financial year, and not later than three months after the close of the financial year a statement which shall include a report on the performance of the Bureau during that financial year.

(3) The statement prepared under subsection (2) shall comprise of—

- (a) a balance sheet and a statement of income and expenditure of the Bureau in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the Bureau as the Minister may, in writing, require.

[s. 34]

Audit
Act No.
8 of 2018 s. 21

41.—(1) The accounts of the Bureau shall, in respect of each financial year, be audited by the Controller and Auditor-General or by an auditor appointed by the Controller and Auditor-General.

(2) The Statistician General shall, within three months after the close of each financial year, submit to the Controller and Auditor-General, for auditing the statement of accounts described in section 40 of this Act.

(3) The Statistician General shall as soon as possible but not later than two months after receiving the audited report from the Controller and Auditor-General, submit to the Minister the audited financial statements and a report of the auditor on these statements.

[s. 35]

Annual
Performance
Report

42. The Board shall prepare and submit to the Minister within four months after the close of each financial year, the annual report on the performance of the Bureau during that financial year, and the Minister shall cause a copy of the report to be laid in the National Assembly.

[s. 36]

PART V OFFENCES AND PENALTIES

Offences and
penalties
Acts Nos.
8 of 2018 ss. 21, 29
9 of 2019 s. 60

- 43.**—(1) A person being an employee of the Bureau who—
- (a) by virtue of his employment becomes possessed of any information which might influence or affect the market value of any share or other security, interest, 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 to any person otherwise than in the ordinary course of his employment any information acquired by him in the course of such employment;
 - (c) deserts from his duty, or wilfully makes any declaration, statement or return in the performance of his duties, or compiles for issue any false statistics or information;
 - (d) in the performance of his duties, obtains or seeks to obtain information that the person is not duly authorised to obtain that information;
 - (e) asks, receives or takes, in respect of or in connection to his employment under this Act from any person other than a public officer duly authorised thereto, any payment or reward,

commits an offence and on conviction, shall be liable to a fine of not less than two million shillings or to imprisonment for a term of not less than six months or to both.

(2) A person who, being in possession of any official statistics which to his knowledge has been disclosed in contravention of

the provisions of this Act, publishes or communicates to any other person such information, commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than twelve months or to both.

(3) A person who-

- (a) hinders or obstructs any authorised officer or staff of Bureau in the lawful performance of any duty or in the exercise of power conferred under this Act;
- (b) refuses or wilfully neglects to-
 - (i) complete and supply within the time specified the particulars required in any return, form or other document left with or sent to him; or
 - (ii) answer any question directed to him under this Act;
- (c) make in any return, form or other document completed by him under this Act, any statement which is untrue;
- (d) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act;
- (e) not being an authorised officer or staff of the Bureau assumes the duties of, or represents himself to be a staff of Bureau;
- (f) incites or counsels any other person not to participate in the activity relating to data collection under this Act;
- (g) does anything which he is not entitled to do under this Act;
- (h) refuses without reasonable cause to grant records or documents in accordance with sections 36 and 37;
- (i) contravenes any provision of this Act, in respect of which no specific offence has been stated,

commits an offence and on conviction, shall be liable to a fine of not less than one million shillings or to imprisonment for a term of not less than six months or to both.

(4) For the purpose of this section “communication media” includes radio station, television station, newspaper or magazine, website or any other media

[s. 37]

PART VI

MISCELLANEOUS PROVISIONS

Regulations

44. The Minister may, for the better carrying into effect of the provisions of this Act, make regulations-

- (a) prescribing the manner in which the National Statistical System may be coordinated;
- (b) prescribing the fees and charges to be paid for any special information or report supplied, or any special statistical services rendered;
- (c) making addition to or deletion from or otherwise vary the matters specified in the Third Schedule; and
- (d) on all matters which are reasonable and in accordance with the laws regulating statistics in the country for the better performance of the provisions of this Act.

[s. 38]

Repeal and
savings
Act No.
1 of 2002

45.-(1) [Repeals the Statistics Act].

(2) Notwithstanding the provisions of subsection (1)-

- (a) anything done or any action taken or purported to have been done or taken under the repealed Act shall be deemed to have been done or taken under this Act;
- (b) all appointments made under the repealed Act and which have not been revoked immediately before coming into operation of this Act shall be deemed to have been made under this Act and shall remain in force until they are revoked or fresh appointments are made under this Act; and
- (c) all legal proceedings instituted or Orders made under the repealed Act shall continue and be deemed to be proceedings or Orders made under the provisions of this Act.

[s. 39]

Inconsistency
with other
legislation

46. Where any provision of this Act is in conflict or is otherwise inconsistent with the provisions of any other written laws relating to official statistics, the provisions of this Act shall prevail to the extent of such inconsistency.

[s. 40]

FIRST SCHEDULE

(Made under section 7(5))

PROVISIONS RELATING TO THE BOARD

Tenure of office

1.—(1) Every member of the Board shall continue to hold the office for a term of three years from the date of appointment and be eligible for re-appointment.

(2) Notwithstanding subparagraph (1), a member may resign at anytime by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified in the notice from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

(3) A person who is a member by virtue of his office shall cease to be a member upon ceasing to hold the office by virtue of which he is a member.

Termination of
appointment

2. Where any member of the Board absents himself from three consecutive meetings of the Board without reasonable excuse, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of such a member and appoint a new member in his place.

Cessation of
membership

3. Where any member of the Board ceases to be a member by resignation or death or is unable to perform his functions as such member by reason of absence from the United Republic or by reason of any infirmity of body or mind or where the appointing authority terminates his appointment under paragraph 2, the appointing authority may appoint another member in his place and the member so appointed shall, subject to the provisions of this Schedule, hold office for the remaining term of his predecessor.

Vice-Chairman

4. The Board shall elect one of its members to be a Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member hold office of Vice-Chairman for a term to be fixed by the Board and be eligible for re-election after the end of that period.

Power of
Chairman and
Vice-Chairman

5.-(1) The Chairman shall preside at all meetings of the Board.

(2) Where at any meeting of the Board the Chairman is absent the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and Vice-Chairman at any meeting of the Board, the members present may, from amongst their number elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting of the Board shall have a right to vote and in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

Meeting and
procedure of
Board

6.-(1) An ordinary meeting of the Board, shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting.

(2) The Board shall ordinarily meet four times in a year, but the Chairman may convene an extraordinary meeting when the need to do so arises.

(3) The Chairman of the Board may invite any person who is not a member to participate in the deliberations of the Board, such person shall not be entitled to vote.

Quorum

7. The Chairman and three other members shall form a quorum for a meeting of the Board.

Decision by
circulation of
papers

8.-(1) Notwithstanding the provision of paragraph 7, where the Chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views.

(2) Subject to subparagraph (1), a member shall be entitled to require such decision be deferred and such matter be considered at a meeting of the Board.

Minutes of
Meeting

9. Minutes of each meeting of the Board shall be kept, and confirmed by the Board at the next meeting and signed by the Chairman at the meeting.

Authentication
of Seal
Act No.
8 of 2018 s. 21

10. The Seal of the Board shall not be affixed to any deed, document and other instruments except in the presence of the Chairman and the Statistician General, or either the Chairman or the Statistician General and one other member of the Board as the Board may appoint in that behalf.

Execution of
document
Act No.
8 of 2018 s. 21

11. All documents to which the Board is a party other than documents required by law to be under seal and all decisions of the Board, may be signified under the hand of the Statistician General or other officer authorised by the Statistician General in that behalf.

Validity of proceedings	12. An act or proceedings of the Board shall not be invalid by reason of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or the fact that any member was at the time disqualified or disentitled to act as such.
Board to regulate proceedings	13. Subject to the provisions of this Schedule the Board may regulate its proceedings.

SECOND SCHEDULE

(Made under section 14(1) and (2))

OATH OF SECRECY

EITHER

I, do hereby make oath/
solemnly affirm that I shall faithfully and honestly fulfill my duties as ...
..... in conformity with the requirements of
the Statistics Act, Cap. 351 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.

.....

DEPONENT

Sworn/affirmed before me this day of
20.....

.....

Commissioner for Oaths

OR

I, do solemnly
and sincerely declare that I will faithfully and honestly fulfill
my duties as an enumerator in a population and housing census
in conformity with the requirements of the Statistics Act, Cap.
351 and that I shall not, without due authority in that behalf

declare or make known or make use of any matter or thing which comes to my knowledge by reason of my employment as such.

.....

DEPONENT

Declared at thisday of 20.....

Before me:

Name

Qualification.....

Address.....

Signature.....

THIRD SCHEDULE

(Made under sections 22(1) and 24(1))

COLLECTION OF STATISTICS AND SAMPLING

1. Civil Registration and Vital Statistics.
2. Migration.
3. External Trade, Balance of Payment and Tourism.
4. National Accounts.
5. Agriculture.
6. Construction.
7. Industry (Mining, Manufacturing, Electricity and Water).
8. Labour Market.
9. Government Finance, Fiscal and Public Sector.
10. Poverty and Income Distribution.
11. Social, Education, Labour and Industrial matters including associations of employers, employees and other persons generally.
12. Banking, Insurance and Finance generally.
13. Commercial and Professional undertakings.
14. Distributive Trade.
15. Education and Health.
16. Transport and Communication in all forms such as land, water or air.
17. Injuries, Accidents and Compensation.
18. Stock of manufactured goods.
19. Sweepstakes, Lotteries, Charitable and other public collections of money.
20. Land tenure, Occupation and use of land.

21. Local Government Authorities.
 22. Crime and Justice.
 23. Environment.
 24. Household based surveys.
 25. Entrepreneurship.
 26. Information, Communication and Technology.
 27. Community, Social welfare and Personal services.
 28. Gender.
 29. Meteorology.
 30. Business.
 31. Price.
 32. Energy.
 33. Investment.
 34. Water supply and Sanitation.
 35. Research and Innovation Development.
 36. Valuable items.
 37. Governance.
 38. Advertisement.
 39. Establishment.
-

