

THE UGANDA BUREAU OF STATISTICS BILL, 1997.

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A Bill for an Act

ENTITLED

THE UGANDA BUREAU OF STATISTICS ACT, 1997.

An Act to provide for the development and maintenance of a National Statistical System to ensure collection, analysis and publication of integrated, relevant, reliable and timely statistical information; to establish a Bureau as a co-ordinating, monitoring and supervisory body for the National Statistical System; and for other matters incidental to the foregoing.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Uganda Bureau of Statistics Act, 1997.

Short title.

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

Inter-
pretation.

“authorised officer” means a person appointed as an authorised officer under section 10 and includes a supervisor, enumerator, coder and data entry clerk;

“Board” means the Board of Directors appointed under section 5;

“Bureau” means the Uganda Bureau of Statistics established by section 3;

“Chairperson” means the Chairperson of the Board, appointed under section 5;

“currency point” means the value specified in relation to currency point in the First Schedule to this Act;

“Executive Director” means the Executive Director appointed by the Board under section 8;

“financial year” means in respect of the first accounting period, the period starting from the date of commencement of this Act and ending the next 30th day of June and in respect of any subsequent accounting period, the period of twelve months ending 30th June;

“lead agency” includes a Ministry, department, or any other agency of government, a local authority or an agency of a local authority and generally, any other user or provider of statistics;

“member” means a member of the Board of Directors appointed under section 5;

“Minister” means the Minister responsible for statistics;

“National Statistics System” includes all agencies in Uganda whether Government or not responsible whether under any enactment or otherwise for gathering statistical data directly through surveys or through administrative action.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE BUREAU.

3. (1) There is established the Uganda Bureau of Statistics.

(2) The Bureau shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and do or suffer all acts and things as bodies corporate may lawfully do or suffer.

(3) The common seal under subsection (2) shall be such a device as the Board may determine and shall be kept in the custody of the Executive Director.

Establish-
ment of
Bureau,
application
of seal and
executors of
contracts.

(4) The common seal of the Bureau shall not be fixed on any document except in accordance with a resolution of the Board, and shall be authenticated by the signatures of the Chairperson and the Executive Director.

(5) In absence of the Chairperson, a Board member shall be designated by the Board to authenticate the common seal in place of the Chairperson and in the absence of the Executive Director the person for the time being performing the functions of the Executive Director shall authenticate in place of the Executive Director.

(6) The signatures of the Chairperson, Executive Director or any other member of the Board under this section shall be independent of the signing by any other person as witness.

(7) A contract or instrument which if entered into or executed by a person not being a body corporate which would not be required to be under seal may be entered into or executed without seal on behalf of the Bureau by the Executive Director or any other person authorized by the Board.

(8) Every document purporting to be—

(a) an instrument issued by the Bureau and sealed with the common seal of the Bureau, authenticated in the manner prescribed in this section; or

(b) a contract or instrument entered into or executed under subsection (7) of this section,

shall be received in evidence without further proof as such an instrument duly issued or a contract or instrument entered into or executed as the case may be unless the contrary is proved.

4. (1) The Bureau shall be the principal data collecting and disseminating agency responsible for co-ordinating, monitoring and supervising the National Statistical System to cover matters specified in the Third Schedule to this Act.

Objects and
functions of
the Bureau.

(2) The Bureau in carrying out its objects under subsection (1) will be responsible for the formulation of policies, strategies and programme activities for the development and supervision of a National Statistical System by—

- (a) providing high quality central statistics information services;
- (b) promoting standardisation in the collection, analysis and publication of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistics information;
- (c) providing guidance and training to other users and providers of statistics;
- (d) promoting co-operation, co-ordination and rationalisation among users and providers of statistics at national and local levels so as to avoid duplication of effort and ensure optimal utilisation of scarce resources;
- (e) promoting and being the focal point of cooperation with statistics users and providers at regional and international levels.

(3) Without prejudice to the general effect of subsections (1) and (2) of this section, the Bureau may, under this section perform the following functions—

- (a) review all initiatives to collect data at the national and local government levels and approve instruments developed for data collection including census frames, registers, sample designs and questionnaires;
- (b) collect, compile, analyze and publish social, economic and national accounts statistics;
- (c) conduct censuses and surveys as the need arises;
- (d) collect routine administrative statistics;
- (e) produce and publish a range of statistical information;

- (f) organise and maintain a central depository of statistical reports, publications, documents and data from both within and outside Uganda;
- (g) guide and coordinate local government statistical services; and
- (h) do all things necessary or incidental or conducive to the objects of the Bureau under this Act.

PART III—BOARD OF THE BUREAU.

5. (1) The governing body of the Bureau shall be a Board.

(2) The Board shall consist of the following—

(a) the Chairperson;

(b) the Executive Director;

(c) a representative of the Ministry responsible for Statistics nominated by the Permanent Secretary of that Ministry;

(d) a representative of the Institute of Statistics and Applied Economics of Makerere University;

(e) not more than two members appointed from among the major producers and users of statistics.

(3) The Chairperson and the members referred to in paragraph (e) of subsection (2) shall be appointed by the Minister from among persons who qualify for appointment by virtue of their professional qualifications and experience in statistics and business-oriented management.

(4) A person appointed under subsection (3), shall hold office for a term of three years and shall be eligible for re-appointment; but his or her tenure of office shall not exceed two consecutive terms.

(5) A member referred to in subsection (4) shall cease to be a member of the Board if he or she—

Establishment of the Board, members, qualifications, tenure and meetings.

(a) resigns;

(b) is removed from office by the Minister—

(i) on the written recommendation of the Board;

(ii) on grounds of inability to perform the functions of his or her office by reason of infirmity of body or mind; or

(iii) for any other just cause.

(6) A member referred to in paragraph (c) or (d) of subsection (2) shall cease to hold office when the authority which nominated that member cancels the nomination.

(7) The Second Schedule to this Act shall have effect so far as meetings of the Board and other matters specified in that Schedule are concerned.

Validity of
proceedings
of Board.

6. The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Functions of
the Board.

7. (1) The functions of the Board shall be—

(a) to formulate policy guidelines and to monitor the implementation of the Bureau's plans and programmes;

(b) to approve annual budget and action plan for the Bureau;

(c) to make or approve senior- staff appointments;

(d) to determine from time to time the Bureau's structure, staffing levels and terms and conditions of service;

(e) to establish rules and procedures for—

(i) the appointment and disciplining staff;

(ii) the purchase of goods and services and for the disposal of assets;

(iii) the proper management of the Bureau's finances and assets;

(f) to perform any other functions in writing as may be approved by the Minister on the recommendation of the Board.

(2) The Board may, subject to such conditions and restrictions as it may impose, delegate any of its functions under subsection (1) to a committee of the Board or to the Executive Director.

PART IV—EXECUTIVE DIRECTOR AND
OTHER STAFF.

8. (1) There shall be an Executive Director appointed by the Minister on the advice of the Board on terms and conditions determined by the Board.

The
Executive
Director.

(2) The Executive Director shall be the Chief Executive Officer of the Bureau and shall be responsible for the day to day management of the Bureau.

(3) Subject to the provisions of this Act and the general supervision and control of the Board, the Executive Director shall be responsible for the management of funds, property and business of the Bureau and for the administration, organisation and control of the staff of the Bureau.

(4) The Executive Director shall be an *ex officio* member of the Board.

(5) A person shall not be appointed Executive Director unless he or she is qualified in Statistics and has proven managerial ability.

(6) The Executive Director shall, in writing, keep the Board and the Minister informed of the progress of the business of the Bureau at three months intervals or such other period as the Board may determine.

Other Staff.

9. (1) The Board shall engage such other officers and employees as may be necessary for the proper and efficient discharge of the objects and functions of the Bureau.

(2) The officers and employees appointed under this section shall hold office on terms and conditions that the Board may determine.

(3) Without prejudice to the generality of subsection (2), the Board may provide for the payment to its officers and employees of salaries, allowances, pensions, gratuities or other retiring benefits and may require them to contribute to any pension, provident fund or superannuation scheme.

Authorised
officers.

10. (1) The Executive Director may, in consultation with the relevant appointing authority, in writing, designate, on temporary terms, additional persons as authorised officers for the purpose of collecting specific statistical information under this Act and on such terms and conditions as the Executive Director and the relevant appointing authority may determine.

(2) In this section “relevant appointing authority” means the person or authority responsible for the appointment of the authorised officer in his or her substantive post, if any.

Protection
of members
and staff
from
personal
liability or
negligence.

11. (1) A member of the Board shall not be personally liable for an act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

(2) An employee or other person acting on behalf of the Bureau shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

Oaths of
secrecy.

12. A person employed in carrying out any of the provisions of this Act shall, before commencing the duties relating to those provisions, take and subscribe before a Magistrate, Commissioner for oaths, or the Executive Director, the oath of secrecy prescribed in the Third Schedule.

PART V—STATISTICAL INFORMATION AND
POWERS OF THE BUREAU.

13. (1) The Minister may, on the recommendation of the Board, direct, by statutory order, that a census be taken on any matter specified in the Fourth Schedule to this Act. Census.

(2) Every order made under subsection (1) may specify—

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

14. (1) The Executive Director may, under subsection (3) of section 8, collect statistics for Uganda concerning matters specified in the Fourth Schedule. Statistics.

(2) Notwithstanding subsection (1), the Executive Director shall not collect any such statistics unless regulations, under section 31, have been made on the advice of the Board, specifying the particulars and information to be furnished in relation to the matter concerning which statistics are to be collected.

(3) For the avoidance of any doubt the Executive Director shall be responsible for approving proposals for any statistical survey.

(4) The Executive Director may appoint any technical committee to advise him or her in the performance of his or her functions under this Act.

15. (1) Where any statistical information is being collected in accordance with this Act, the Executive Director, an officer of the Bureau or an authorised officer may, subject to subsection (2) of section 14, require any person to supply him or her with such particulars as may be prescribed, or such of those particulars as the Executive Director may consider necessary or desirable in relation to the collection of the information. Power to obtain particulars.

(2) A person on being required to give information under subsection (1), shall, to the best of his or her knowledge and belief, complete the forms, make the returns, answer the questions and give all the necessary information, in the manner and within the time specified by the Executive Director, an officer appointed under section 9 or an authorized officer.

(3) An officer appointed under section 9 or an authorised officer may require any person to supply him or her with particulars either—

(a) by interviewing that person; or

(b) by sending, by telegraphic transfer or by leaving at or posting to his or her last address, a form containing a notice requiring the form to be completed and returned in the manner and within the time specified in the notice.

(4) Where any particulars are, by any document issued by an authorised officer, required to be supplied by any person, it shall be presumed, until the contrary is proved, that the particulars may lawfully be required from that person in accordance with this Act.

Power of
entry and
inspection.

16. An authorised officer may at all reasonable times without warrant, but upon production, if required, of his or her written authorization, for any purpose connected with the collection of statistical information, enter and inspect any land, building, vehicle, vessel or aircraft where persons are employed and may make such inquiries as may be necessary for the collection of the information, except that nothing in this section shall entitle an authorised officer to enter any dwelling house except for a purpose connected with the collection of statistical information.

Confiden-
tiality.

17. (1) Except for the purpose of a prosecution under this Act—

- (a) no individual return or part of the return made for the purpose of this Act;
- (b) no answer given to any question put for the purposes of this Act; and
- (c) no report, abstract or document, containing particulars contained in any such return or answer and so arranged as to render possible identification of those particulars with any person, business or undertaking; and
- (d) no data set or part thereof stored in a computer or any other electronic media;

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Act except with the written consent of the person making the return or giving the answer, or, in the case of a business or undertaking, from the person having the control, management or superintendence of the business or undertaking.

(2) Subsection (1) does not apply where the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerized data set for general access.

(3) Nothing in this section shall prevent or restrict the publication of any report, abstract or document without the consent referred to in subsection (1) where the particulars contained in the report, abstract or document render identification possible merely by reason of the fact that they relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, if the particulars do not render possible identification of the costs of production of, or the capital employed or profits arising in the undertaking or business.

(4) Notwithstanding the restrictions under subsection (1) of this section, the Executive Director may release unit records on computer media, with identifiers removed, if—

- (a) he or she is satisfied that the unit records so released will be used for genuine research purposes;
- (b) he or she obtains from the recipient of the records a written undertaking that the records will not be released to any other person without the written consent of the Executive Director;
- (c) he or she obtains from the recipient a written undertaking to make available a copy of the research findings to the Bureau; or
- (d) he or she is satisfied that the unit records cannot be identified as relating to any particular person or business enterprise.

Dissemination of statistical data.

18. The Executive Director shall ensure that any statistical data collected, after appropriate processing and ascertaining its quality for accuracy, and also after ensuring confidentiality with respect to any individual who provided any statistical information to which section 17 relates is released for general dissemination.

Relationship with other lead agencies.

19. (1) The Executive Director shall, to the greatest possible extent consistent with the performance of his or her functions, in promoting and facilitating development of an integrated National Statistical System or in the exercise of any other function under this Act, consult and cooperate with other lead agencies having duties related to, or having aims or objectives related to those of the Bureau.

(2) The Executive Director may, on such terms and conditions as he or she considers necessary, delegate any of the Executive Director's functions under this Part to any other person.

(3) It shall be the duty of all lead agencies to cooperate with the Bureau in the carrying out of its functions under this Act.

PART VI—FINANCE.

20. (1) The funds of the Bureau shall consist of—

Funds of the Bureau and investment of surplus funds.

(a) grants from the Government;

(b) loans from the Government or from any person or organization within or outside Uganda;

(c) grants, gifts and donations received by the Bureau from any source approved by the Minister, in consultation with the Minister responsible for finance;

(d) any money that may become payable to the Bureau in the discharge of its objects and functions under this Act.

(2) All income and moneys of the Bureau shall be deposited to the credit of the Bureau in a bank approved by the Board and shall not be withdrawn except with the approval of, and in the manner determined by the Board.

(3) Any funds of the Bureau not immediately required for any purpose under this Act shall be invested in such a manner as the Board may with the approval of the Minister, determine.

21. The Bureau may, with prior approval of the Minister obtain loans and other credit facilities required for meeting its obligations and for carrying out its functions under this Act.

Borrowing powers.

22. (1) The Executive Director shall, not later than three months before the end of each financial year, prepare and submit to the Board for its approval and recommendation to the Minister, estimates of income and expenditure of the Bureau for the next ensuing financial year, and may at any time, before the end of the financial year prepare and submit to the Board for approval and recommendation to the Minister, any estimates supplementary to the estimates of the current year.

Estimates.

(2) No expenditure shall be made out of funds of the Bureau unless that expenditure is part of the expenditure approved by the Minister under subsection (1) of this section.

Accounts.

23. (1) The Bureau shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions given by the Minister, the Board shall cause to be prepared 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 and the statement shall comprise—

- (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.

Audit.

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

(2) The Board shall ensure that within four months after the close of each financial year, the statement of accounts described in section 23 of this Act is submitted for auditing.

(3) The Auditor-General or an auditor appointed by the Auditor-General shall have access to all books of accounts, vouchers and other financial records of the Bureau and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2) of this section, audit the accounts and deliver to the Board a copy of the audited accounts together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Board shall deliver to the Minister a copy of the audited accounts together with the auditor's report under subsection (4) of this section.

PART VII—MISCELLANEOUS.

25. The Board shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the Bureau in respect of that financial year and the report shall include a record of the performance of the Bureau during that financial year and its future plans.

Annual
report.

26. The Minister shall submit to Parliament as as soon possible after receiving them—

Minister's
report to
Parliament.

(a) the audited accounts and the auditor's report on the Bureau under section 24 of this Act; and

(b) the annual report of the Bureau submitted to him or her under section 25 of this Act.

27. A certificate or written statement purporting to have been made and signed by a member, the Executive Director, a person appointed under section 9 or by an authorised officer shall, in any criminal proceedings in respect of an offence under this Act or the Statistics Act repealed under section 33, be *prima facie* evidence of the facts stated in it and it shall not be necessary to tender oral evidence of those acts unless the Court before which the proceedings are held so directs; and in that case, a postponement shall be allowed to enable the person whose oral evidence is required to attend.

Evidence.

Offences
and
penalties.

28. (1) Any person employed in the execution of any duty under this Act who—

- (a) by virtue of the employment or duty becomes possessed of information which might influence or affect the market value of any share or other security, interest, product or article and who before the information is made public, directly or indirectly uses it for personal gain; or
- (b) without lawful authority, publishes or communicates to any person other than in the ordinary course of his or her employment any information acquired by him or her in the course of the employment or duty; or
- (c) knowingly compiles for issue any statistics or statistics information,

commits an offence and is liable on conviction, to a fine not exceeding sixty currency points or imprisonment not exceeding two years, or both.

(2) Any person who, being in possession of any information which to his or her knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person, commits an offence and is liable on conviction, to a fine not exceeding sixty currency points or imprisonment not exceeding two years, or both.

(3) Any person who—

- (a) hinders or obstructs an authorised officer in the lawful performance of any duties or in lawful exercise of any power imposed or conferred on him or her under this Act; or
- (b) refuses or neglects—
 - (i) to complete and supply, within such time as may be specified for the purpose, the particulars required in any return, form or other document left with or sent to that person;

- (ii) to answer any question or inquiries put to or made of him or her, under this Act;

- (c) knowingly or negligently makes in any return, form or other document completed by him or her under this Act or in any answer to any question or enquiry put to or made of him or her under this Act, any statement which is untrue in any material particular,

commits an offence and is liable on conviction, to a fine not exceeding thirty currency points or imprisonment not exceeding one year, or both.

29. All assets and liabilities which were vested in the Statistics Department immediately before the commencement of this Act shall vest in the Bureau.

Transfer of assets and liabilities.

30. Without prejudice to any other law relating to the service of document, a document served on the Bureau may be served by leaving it at the office of the Executive Director.

Service of documents.

31. (1) The Minister may, by statutory instrument, make regulations for giving effect to this Act.

Regulations.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under it for—

- (a) prescribing any fees for anything done by the Bureau in the carrying out of its objects;
- (b) prescribing penalties in respect on any contravention of the regulations not exceeding a fine of fifty currency points or imprisonment not exceeding twelve months or both.

32. The Minister may, on the advice of the Board, by statutory instrument, amend any of the Schedules to the Act.

Amendment of Schedules.

Repeal.
Cap. 191.

33. The Statistics Act is repealed.

SCHEDULES.

FIRST SCHEDULE

Section 2

CURRENCY POINT

A currency point shall be equivalent to twenty thousand shillings.

SECOND SCHEDULE.

Section 5

Meetings of
Board.

1. (1) The Board shall ordinarily meet at least once in every three months at a place and time fixed by the Chairperson.

(2) The Chairperson may summon a special meeting of the Board on a written request by not less than three members of the Board.

(3) The Executive Director shall, where the Chairperson is absent, summon a meeting of the Board if at least three members of the Board request him or her to do so.

(4) Three members of the Board shall form a quorum at any meeting of the Board.

(5) The Chairperson shall preside at all meetings of the Board and in his or her absence a member elected by the members present from among their number shall preside.

(6) A question proposed at any meeting of the Board shall be determined by a simple majority of the members present and voting where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(7) The Board may co-opt any person who is not a member to attend any of its meetings as an adviser and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

(7) Except as otherwise expressly stated in this Act, the Board may regulate its own procedure.

2. (1) The Executive Director shall keep or cause to be kept the minutes of every meeting of the Board.

Minutes of
Board
meetings.

(2) The minutes recorded under sub-paragraph (1) shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Executive Director in the presence of the other members.

(3) A copy of the minutes signed under sub-paragraph (2) shall, as soon as possible be submitted to the Minister by the Executive Director.

3. The Executive Director shall designate a senior officer of the Bureau to act as Secretary to the Board and to assist the Executive Director in the performance of the functions specified in paragraph 2 of this Schedule.

Secretary to
the Board.

THIRD SCHEDULE.

Section 12.

OATH OF OFFICE AND SECRECY.

I,do solemnly swear that I will faithfully and honestly fulfill my duties as in conformity with the requirements of the Uganda Bureau of Statistics Act, and shall not without authority, reveal any information acquired by virtue of my duties, nor, until such information is made public, directly or indirectly use it for personal gain.

FOURTH SCHEDULE.

Sections 13 and 14.

MATTERS RELATING TO WHICH STATISTICAL
INFORMATION MAY BE COLLECTED, COMPILED,
ANALYZED, ABSTRACTED AND PUBLISHED.

1. Population.
2. Housing.
3. Vital occurrences and mortality.
4. Migration.
5. Internal and External trade.
6. Agriculture, including animal husbandry, horticulture and allied industries.
7. Land tenure and the occupation and use of land.
8. Forestry and logging.
9. Hunting and fishing.
10. Mining and quarrying, including the prospecting of metallic, non-metallic and natural gaseous substance and petroleum.
11. Manufacturing, building, construction and productive industries generally.
12. Fuel and power.
13. Distributive trades.
14. Banking, insurance and finance generally.
15. Transport and communications.
16. Commercial and professional undertakings.
17. Community, recreational and personal services.
18. Local government.
19. Social welfare and education.

20. Labour, including industrial disturbances and disputes, and industrial injuries, accidents and compensation.
21. Health.
22. Employment and unemployment.
23. Salaries, wages, bonuses, fees, allowances and other payments and *honoraria* for services rendered.
24. Income, earning, profits and interest.
25. Personal expenditure and consumption.
26. Savings.
27. Capital investment.
28. Stocks of manufactured and unmanufactured goods.
29. Wholesale and retail prices and costs of living.
30. External finance and all matters appertaining to a balance of payments.
31. Tourism.
32. Environment.
33. Non - governmental organisations.
34. Others as approved by the Board.