

STATISTICS ACT, 2005

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FIRST SCHEDULE

MATTERS CONCERNING WHICH STATISTICAL INFORMATION MAY BE COLLECTED, COMPILED, ANALYSED, ABSTRACTED AND PUBLISHED

SECOND SCHEDULE

OATH OF SECRECY



THE GAMBIA

NO. 13 OF 2005

Assented to by The President,

this 20th day of January, 2006

YAHYA A. J. J. JAMMEH

President

AN ACT to provide for a sustainable, effective and efficient national statistical system for The Gambia for the collection, production and dissemination of integrated, relevant, reliable and timely statistical information, to establish The Gambia Bureau of Statistics as a supervisory authority for the national statistical system, and for matters connected therewith.

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ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Statistics Act, 2005.

Interpretation 2. In this Act, unless the context otherwise requires-

"authorized officer" includes the Statistician-General, an officer of the Bureau or any other person authorized by the Statistician-General or the Council, under this Act;

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"business" means any individual, juristic person, or partnership carrying on a commercial activity, whether registered under the Business Registration Act, 2005 or not;

"Bureau" means The Gambia Bureau of Statistics established under section 4;

"census" means a statistical operation in which the whole population or units in the whole population are enumerated;

"Chairperson" means the Chairperson appointed for the Council under section 5;

"Conference" means the Conference for Official Statistics to be held under section 22;

"Council" means the National Statistics Council established Bureau under section 5;

"Department" means a Department of the Government;

"document" includes-

- (a) a form, a questionnaire, schedule, notice or report whether in printed, photographic, scanned or electronic form;

- (b) a documentary recording or transcribed computer printout capable of being produced as a printout by a mechanical or electronic device; and
- (c) a medium or device by means of which information is recorded or stored;

"Government" means the Government of The Gambia;

"member" means a member of the Council and includes the Chairperson;

"national statistics system" includes all Departments and other organisations in The Gambia engaged in collection, analyses and dissemination of statistical data whether directly or through administrative action;

"officer" means an employee of the Bureau;

"official statistics" means statistics designated as official statistics under this Act;

"other organisation" means any non governmental organisation or association, other than a business, Department or household;

"public officer" means a person who holds a public office within the meaning of the Constitution of the Republic of The Gambia;

"President" means the President of the Republic of The Gambia;

"respondent" means any individual, business, Department, household, or organisation, in respect of which information is sought or provided for purposes of statistical collection under this Act;

"return" means a document completed by a respondent or an officer or Department which produces statistics;

"Secretary of State" means the Secretary of State responsible for Finance and Economic Affairs.

"senior staff" means staff of the Bureau of at least senior statistician cadre;

"statistics" means aggregated numerical and qualitative information relating to demographic, economic, financial, environmental, social, or similar matters, at national, provincial, district or local level; and

"statistical sample survey" means a statistical operation in which only a selected part or sample and not all units or whole populations of interest are enumerated.

Principles of
official statistics

3. (1) The principles of official statistics is to provide the Government, the economy, the public and international organisations with data about the economic, social, and environmental situation in order to assist in planning, decision making, monitoring, and assessment of policies or other actions.

(2) In the collection, processing, storage, and dissemination of statistical data, the confidentiality of the identity of, and the information provided by, respondents shall be protected.

(3) The statistical data shall be-

- (a) relevant, impartial, accurate, reliable and timely;
- (b) collected, processed, stored and presented in a scientific and transparent manner;
- (c) protected from misuse;
- (d) accessible and disseminated in an impartial manner;
- (e) in compliance with national and international standards and classifications; and
- (f) sensitive to distribution by gender, disability, geography and similar socio-economic features.

PART II - ESTABLISHMENT OF THE BUREAU OF STATISTICS AND THE NATIONAL STATISTICS COUNCIL

4. (1) There is hereby established an office to be known as The Gambia Bureau of Statistics.

(2) The Bureau shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name.

Establishment
of The Gambia
Bureau of
Statistics

(3) The common seal of the Bureau shall be under the custody of the Secretary to the Council and shall be authenticated by the signature of the Chairperson, or other member, and the Statistician-General who shall both append their signature in each other's presence.

(4) A document purporting to be an instrument, agreement or other document issued by the Bureau in the manner prescribed under subsection (3) shall be received in evidence without further proof as to the validity of instrument, agreement or document, unless the contrary be proved.

Establishment
of the National
Statistics
Council

5. (1) There is hereby established, for the Bureau, the National Statistics Council which shall, subject to this Act, carry out the functions, and manage the affairs of the Bureau.

(2) The Council shall consist of-

- (a) a Chairperson from the private sector;
- (b) a representative of the Department of State for Finance and Economic Affairs;
- (c) a representative of the Central Bank of The Gambia;
- (d) a representative of suppliers of data nominated by The Gambia Chamber of Commerce;
- (e) one person to be nominated by the Conference for Official Statistics established under section 22;

(f) a representative of the Strategy for Poverty Alleviation and Co-ordination Office or such other key sector Department, as the Secretary of State may determine; and

(g) the Statistician-General.

(3) The members of the Council, other than *ex-officio* members shall-

(a) be appointed by the President after consultation with the Public Service Commission; and

(b) hold qualifications and have experience in statistics or business management.

(4) The Council shall elect a Vice-Chairperson from among its members who are not *ex-officio* members.

6. (1) A member, other than an *ex officio* member, shall hold office for a period of three years and is eligible for re-appointment.

(2) A member, other than an *ex-officio* member, shall vacate office if-

(a) he or she resigns in writing to the President;

(b) the period of his or her appointment expires;

(c) he or she is removed from office under subsection (3); or

Tenure of
office of
members

(d) the member's nomination is cancelled by the authority which nominated him or her.

(3) The President may terminate the appointment of a member-

(a) on the written recommendation of the Council for misconduct; or

(b) on the grounds that the member is unable to carry out the duties of the office by reason of physical or mental incapacity.

(4) A vacancy in the Council shall be filled in accordance with section 5 (3).

Meetings of
the Council

7. (1) The Council shall meet at least quarterly at such times and places as the Chairperson shall determine by notice in writing to the other members.

(2) The Chairperson may convene a special meeting of the Council, and shall convene such a meeting within fourteen days of the receipt of a written request from at least four members of Council or the Statistician-General to convene the meeting.

(3) A written notice of a special meeting of the Council shall -

(a) be sent to each member, not later than twenty four hours before the meeting; and

- (b) specify the business for which the meeting is being convened.

(4) Where a request under subsection (2) is made by members, other than the Statistician-General, the request shall be transmitted to the Statistician-General stating the business to be transacted, at least two working days before the date specified in the request.

(5) The quorum for meetings of Council shall be four including at least two non *ex officio* members.

(6) The Council shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person presiding shall have a casting vote.

(7) The Chairperson shall preside at every meeting of the Council at which he or she is present, in his or her absence, the Vice-Chairperson shall preside, and in the absence of both of them, the members present shall appoint one of their number to preside at the meeting.

(8) The minutes of every meeting of the Council shall be recorded, and signed by the Secretary and the person who presided at the meeting, after confirmation by the Council.

(9) The Council may at any time co-opt a person to act as an adviser at any of its meetings, but a person so co-opted is not entitled to vote at the meeting.

(10) The validity of any proceeding of the Council shall not be affected by-

- (a) vacancy in its membership;
- (b) a defect in the appointment of any of its members; or
- (c) reason that a person not entitled to do so, took part in the proceeding.

(11) Subject to this section, the Council may regulate its own procedure.

Committees of Council

8. (1) The Council may appoint such standing or other committees as are necessary for the effective performance of the functions of the Council.

(2) The members of a committee of Council may include persons who are not members of Council.

(3) A committee appointed by the Council may be dissolved by the Council as it may deem fit.

(4) A decision of a committee shall not have effect, unless it is confirmed by the Council.

Disclosure of interest

9. (1) A member of the Council or committee who has an interest in a company or an undertaking with which the Bureau proposes to enter into a contract shall -

- (a) disclose the nature of his or her interest to the Council or committee; and
- (b) not participate in any deliberation and voting of the Council or committee in respect of the contract.

(2) The President or the Council, in the case of a committee, may remove from the Council or committee, as the case may be, a member who contravenes the provisions of subsection (1).

Transaction of business without meeting

10. A resolution is a valid resolution of the Council-
- (a) if it is signed or assented to by a majority of the members;
 - (b) if proper notice of the proposed resolution was given to each member and to the Statistician-General; and
 - (c) notwithstanding that it was not passed at a meeting of the Council.

Indemnity of members

11. No action, suit, prosecution or other proceedings shall be brought or instituted against a member of the Council personally in respect of any thing done in good faith in pursuance, execution or intended execution of any of the provisions of this Act.

Allowances of members

12. The members, including co-opted members, of the Council and committees of Council shall be paid such allowances, as the Secretary of State shall determine.

PART III - FUNCTIONS

Functions of the Bureau

13. (1) The Bureau is the principal body responsible for-

- (a) collecting and disseminating statistical data;

- (b) monitoring and coordinating the national statistical system;
- (c) compiling and disseminating statistical estimates needed for central economic management; and
- (d) carrying out central functions required for all other statistical services.

(2) For the purpose of performing its functions under subsection (1), the Bureau shall-

- (a) be the principal source of official statistics information;
- (b) provide high quality central statistics information services;
- (c) coordinate statistical policy across government;
- (d) promote standardisation in the collection, processing and dissemination of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistics information;
- (e) provide guidance, training and other assistance as may be required to other users and providers of statistics;
- (e) promote co-operation, co-ordination and rationalization among users and providers of statistics at national and local levels to avoid duplication of effort and ensure

- (f) be the national focal point of co-operation with statistics users and providers at regional and international levels;
- (g) improve the quality and relevance of national statistics;
- (h) maintain the integrity and validity of national statistics; and
- (i) provide a central focal point for all users and providers of national statistics.

(3) Without prejudice to subsections (1) and (2), the Bureau shall also-

- (a) collect directly or indirectly statistical data, including requests by Government departments or on commission;
- (b) collect, compile, analyse and publish data relating to national accounts, economic, social, environmental, technological, law, order and safety and governance statistics;
- (c) review all initiatives to collect data and approve instruments developed for data collection, including census frames, registers, sample designs and questionnaires, as well as reports or publications out of those initiatives;
- (d) conduct censuses and surveys;
- (e) collect routine administrative statistics;

- (f) organise and maintain a central depository of statistical reports, publications, documents and data from both national and international sources;
- (g) assist in developing guidelines and co-ordinating a local government statistical service;
- (h) engage in research and development of statistical procedures, concepts, definitions, and classifications and make recommendations for their adoption where necessary; and
- (i) do such other things as are conducive to attaining the objectives of the Bureau under this Act.

Functions of
the Council

14. (1) The Council shall formulate the national statistical strategy and reform plans and co-ordinate their implementation among the main statistical agencies.

(2) The Council shall-

- (a) in pursuance of subsection (1), set out the policy guidelines for the operation of the Bureau;
- (b) determine the key objectives and targets;
- (c) approve its strategic and operating plans;
- (d) monitor its performance against agreed targets;

- (e) subject to section 15, appoint senior staff and determine staff structures, levels and terms and conditions of service;
- (f) subject to the Public Procurement Act, 2002, establish rules and procedures for the purchase of goods and services and for the disposal of assets.

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PART IV - MANAGEMENT AND STAFF

15. (1) The President shall appoint a qualified person to be the Statistician-General after consultation with the Public Service Commission and the Council.

(2) The Statistician-General shall-

- (a) be the head of the Bureau responsible for implementing Council's policies;
- (b) be the accounting officer of the Bureau and be answerable to the Council on the operations and performance of the Bureau in accordance with its plans;
- (c) be professionally independent and impartial in the exercise of his or her duties under this Act; and
- (d) maintain a high standard of professional service and the integrity of the statistics which the Bureau produces.

The
Statistician-
General

(3) The person appointed Statistician-General shall hold office for a term of five years which may be renewed for further periods, subject to a performance appraisal by the Council.

(4) The Statistician-General may resign his or her office by written notice to the President.

(5) The Statistician-General may, on the recommendation of the Council, be removed from office by the President only on the following grounds-

- (a) incapacity;
- (b) misconduct;
- (c) incompetence; or
- (d) conviction for an offence involving fraud or dishonesty.

Duties and
powers of the
Statistician-
General

16. (1) The Statistician-General is responsible for the implementation of the work programme of the Bureau, including-

- (a) the collection, compilation and analysis of official statistics in accordance with the purposes of official statistics and the statistical principles set out in section 3;
- (b) the times when and the manner in which statistical collections are undertaken and the form of the document pertaining thereto;
- (c) the manner in which data are processed, documented and stored.

- (d) the form, extent and timing of the release of statistical information;
- (e) research and development work in statistics;
- (f) the discontinuance of a statistical collection;
- (g) organizing the Annual Conference for Official Statistics;
- (h) the appointment of all staff, other than senior staff; and
- (i) the efficient operation of the Bureau, generally.

(2) The Statistician-General may issue public statements on any matter relating to the operation of the Bureau, including statistical matters but only after consultation with the Government department or other organisation involved in the matter.

(3) The Statistician-General may, with the approval of the Council, appoint any technical committee to advise him or her in the discharge of his or her duties under this Act.

Secretary of
the Council

17. (1) The Council shall appoint a Secretary to the Council on such terms and conditions as it shall determine.

(2) The Secretary shall-

- (a) arrange meetings and the business of Council;

- (b) take minutes at meetings of the Council;
- (c) keep records of decisions and other policy records of the Council; and
- (d) perform such other functions as the Council or the Statistician-General shall direct.

(3) The Secretary shall, in the performance of his or her duties, be responsible to the Statistician-General.

Other Staff
of the Bureau

18. (1) The Bureau shall appoint and retain such other permanent, temporary and contract employees as the Statistician-General may deem necessary, and their terms and conditions of service shall be determined in accordance with rules made under subsection (2).

(2) The Council shall establish rules and procedures for the appointment, career development, discipline, pension and other retirement benefits of its employees.

(3) The rules made by the Council under subsection (2) shall incorporate suitable policies in respect of conditions of service which shall-

- (a) be compatible with the best standards of practice in other parastatal organisations; and