

CHAPTER 81

STATISTICS ACT

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STATISTICS ACT

An Act to provide for the collection and interpretation of statistics and other powers necessary therefor 6 of 1975

Commencement: 1st August 1977 S.4777

1. This Act may be cited as the Statistics Act. Short title

2. In this Act the "Minister" means the Minister responsible for Finance and includes the Deputy Minister of Finance. The Minister

3. The Minister may by notification in the *Gazette* direct that statistics for the purpose of furnishing information required in the formulation and carrying out of Government policy in any field or otherwise required for Government purposes or for meeting the needs of trade, commerce and industry or agriculture (including forestry and fishing) shall be collected and thereupon the provision of this Act shall apply to those statistics. Minister may give directions

4. (1) The Minister may appoint an officer to be the Competent Officer for the purpose of collecting any statistics directed by it to be collected and shall hereinafter be referred to as the "Competent Officer". Appointment of Competent Officer

(2) The Competent Officer shall be assisted by such other officers as the Minister from time to time may deem necessary.

5. (1) Neither the Competent Officer nor any officer or persons connected thereto and who is engaged in or connected with the collection, interpretation or publication of statistics under this Act shall except as required by his duty disclose any information which has come into his possession in the course of his said duty as such. Information collected not to be disclosed to unauthorised persons

(2) Any officer who contravenes the provision of subsection (1) shall be guilty of an offence: Penalty, imprisonment for 2 years and a fine of \$20,000.

(3) The Competent Officer shall draw the attention of every officer engaged in or connected with the collection, interpretation or publication of statistics to the provisions of subsection (1) and (2) before such officer commences to perform his duties under this Act.

(4) If any person, having possession of any information which to his knowledge has been disclosed in contravention of the provision of this section, publishes or communicates to any other person any such information, he shall be guilty of an offence: Penalty, imprisonment for one year and to a fine of \$15,000.

Safeguards as to the communication of information

6. (1) Except with the prior consent in writing of the person by whom, or of any person (whether as agent or principal) carrying on an undertaking in relation to which statistics have been collected, no statistic collected by the Competent Officer shall be used for the purpose of determining any liability of any such person or undertaking to any description of taxation or levy or otherwise to be communicated to any Government department or other authority or person, being a department, authority or person likely to use it for the purpose.

(2) In communicating statistics collected by it or the interpretation thereof the Competent Officer shall take steps to ensure that the identity or any person or undertaking to whom or to which it relates is not thereby disclosed.

Notice to require particulars

7. (1) For the purpose of section 3 the Competent Officer may by notice in writing require any person carrying on an undertaking in Brunei (whether as agent or principal) to furnish such particulars relating to the undertaking on such matters and in such forms as the Competent Officer may specify, being particulars within that person's knowledge or which he is reasonably able to obtain.

(2) The notice under subsection (1) may be served by delivering it to the person to whom it relates at a place where the undertaking in question is being carried on or at his residence.

(3) A notice may require the information to be furnished at specific times or within specific intervals.

(4) A notice may require a person who has no knowledge of the particulars required or is unable to obtain the said particulars to furnish to the Competent Officer the best estimates of the particulars.

(5) The Competent Officer shall not require any person to supply information which would disclose any secret process or other trade secret.

(6) In this section "undertaking" means any undertaking carried on by way of trade or business, any profession carried on by an individual, or any activities (whether carried on for profit or not) of a body corporate or an unincorporated body of persons.

8. (1) The Competent Officer may, in relation to any matter not related to an undertaking as defined in subsection (6) of section 7 require any person to furnish such particulars in such form as the Minister may approve.

Particulars
not related
to an under-
taking

(2) The provision of section 7 relating to notice and the service thereof shall apply to a requirement under this section as they appear to a requirement under section 7.

9. Any person who —

Penalties

(a) fails to comply with the requirements of a notice under section 7 or 8; or

(b) knowingly or recklessly furnishes or causes to be furnished any false particulars on any matter specified in such notice;

shall be guilty of an offence: Penalty, a fine of \$4,000, and in the case of a continuing offence to a further fine of \$500 for each day after conviction during which the offence continues.

Rules 10. The Minister may from time to time make rules —

(a) for exempting any person or class of persons from the obligation to furnish information under this Act, either wholly or to such extent as may be prescribed and either unconditionally or subject to such conditions as may be prescribed;

(b) for prescribing the fees which may be charged for communicating statistics collected by the Competent Officer or the interpretation by the Competent Officer of statistics so collected and for exempting any person from the payment of such fees.

SUBSIDIARY LEGISLATION

Direction under section 3

The Minister has directed that the following statistics be collected for the purpose of compilation of National Accounts and of economic planning —

1. Accounts and other statistics pertaining to Government Corporations and undertakings, Public and Private Limited Companies, partnerships, proprietorships, associations and societies including co-operative societies; and

2. Household income and expenditure.

Appointment of Competent Officer under section 4 (1)

The Minister has appointed the Chief Statistician in the Ministry of Finance, to be the Competent Officer for the purpose of collecting statistics directed by the Minister from time to time. S.55/7