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GOVERNMENT OF ZAMBIA

ACT

No. 13 of 2018

Date of Assent: 23rd December, 2018

An Act to establish an integrated National Statistical System; provide for mechanisms for coordination, collection, management and dissemination of statistics; promote the use of statistical data and information at individual, institutional, national and international levels; re-constitute the Central Statistical Office as the Zambia Statistics Agency and define its functions; establish the Board of the Zambia Statistics Agency and define its functions; provide for the production and compilation of official statistics in a transparent and impartial manner; ensure the protection of personal data collected for statistical compilation purposes; build sustainable capacity for the production and use of statistical data and information for planning purposes; ensure coordination among statistical agencies; give effect to the United Nations Fundamental Principles of Official Statistics and Principles of the African Charter on Statistics; repeal the Census and Statistics Act 1955 and the Agricultural Statistics Act 1964; and to provide for matters connected with, or incidental to, the foregoing.

[26th December, 2018

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Statistics Act, 2018 and shall come into operation on the date appointed by the Minister by statutory instrument.
2. In this Act, unless the context otherwise requires—

Short title
and
commencement

Interpretation

- “ Agency ” means the Zambia Statistics Agency established under section 5;
- “ authorised officer ” means any person—
- (a) who is an officer of the Agency and designated as an authorised officer by the Statistician-General;
 - or
 - (b) appointed by the Statistician-General to perform work on behalf of the National Statistical System;
- “ Board ” means the Board of the Agency constituted under section 8;
- “ business ” has the meaning assigned to the word in the Registration of Business Names Act, 2011;
- “ census ” means the collection, compilation, evaluation and dissemination of basic data pertaining to the demographic, economic, financial, social, agricultural, industrial and environmental sectors and other sectors through a complete enumeration of units in a well-defined territory at a specified time;
- “ Chairperson ” means the person appointed as Chairperson of the Board under section 8;
- “ committee ” means a committee of the Board;
- “ data ” means collection of facts such as values or measurements, which can be numbers, words, observations or description of a thing;
- “ dissemination ” means the direct or indirect publication, sale or provision of official or other statistics, spatial data or related documentation in any form;
- “ document ” includes a device by means of which information is recorded or stored;
- “ domain ” means a sub-group of the population for which a separate estimate is calculated or an analysis is performed;
- “ Fund ” means the National Statistics Development Fund established in accordance with Part II of the First Schedule;

“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;

Act No. 4 of
2013

“household” means a person or group of persons who may or may not be related by blood but normally live together, make common provisions for living and only have one person whom they all regard as head of the household;

“member” means a member of the Board;

“metadata” means the range of information, generally textual, that fosters understanding of the context in which statistical data has been collected, processed and analysed with the objective of creating statistical information;

“micro data” means data on the characteristics of units of a population, such as individuals, households or establishments collected by a census, survey or experiment and includes a single business entity;

“National Statistical System” means the National Statistical System established under section 14;

“official statistics” means statistics describing, on a representative basis, the economic, demographic, social or environmental phenomena of the Republic in the statistical work programmes of statistical agencies;

“organisation” means any non-governmental or non-profit organisation, voluntary association or other organisation, other than a business, household or State organ;

“private body” means an organisation, company, partnership, political party, proprietorship, or other institution which is not a public body and includes research institution, higher education institution, development partners or any other user;

“public body” has the meaning assigned to the words in the Public Finance Management Act, 2018;

Act. No. 1 of
2018

“respondent” means an individual, household State organ, business or organisation, in respect of whose activities, affairs or any information is sought or provided for the purposes of this Act;

- “return” means a book, document, form, card, tape, disc or storage media on which the information required is entered or recorded or is required to be entered or recorded for statistical purposes;
- Cap. 127 “repealed Act” means the Census and Statistics Act, 1955;
- “sampling” means a statistical procedure for selecting a subset of units from within a population of interest for purposes of estimating the characteristics of the whole population;
- “sample survey” means the collection, compilation, evaluation and dissemination of basic data pertaining to the economic, social, environmental or demographic sectors through a method of selecting representative portions from the total of the units in the survey;
- “Secretary” means the person appointed as Secretary of the Agency under section 12;
- “sector” means a vertical division of Government activity that relates to a given subject area or public need, usually corresponding to line ministries, with separate and well defined areas of concern, mandate and budget;
- “statistics” means any official or unofficial aggregated numerical information relating to demographic, economic, financial, environmental, social or other matters, available in digital or other applicable format, collected at national, regional or local level, which is compiled and analysed according to relevant scientific and statistical methodologies, and which is connected with, or incidental to, any census or survey of all or any of the matters specified in the Third Schedule, and includes information derived from records of administration kept by statistical agencies;
- “statistical agency” means a public body that has the power to collect, compile or disseminate statistics under a written law including—
- Cap. 321 (a) the Zambia Revenue Authority Act;
- Cap. 360 (b) the Bank of Zambia Act;
- Act No. 7 of 2017 (c) the Banking and Financial Services Act, 2017;

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- (d) the Zambia Wildlife Act, 2015; Act No. 14 of 2015
 - (e) the Water Supply and Sanitation Act, 1997; Act No. 28 of 1997
 - (f) the Lands Act; Cap. 184
 - (g) the Mines and Minerals Development Act, 2015;
 - (h) the Local Government Act, 2019;
 - (i) the Citizens Economic Empowerment Act, 2006; Act No. 11 of 2015
 - (j) the Zambia Development Agency Act, 2006; Act No. of 2019
 - (k) the Tourism and Hospitality Act, 2015;
 - (l) the Higher Education Act, 2013; Act No. 9 of 2006
 - (m) the Electoral Process Act, 2016; Act No. 11 of 2006
 - (n) the Competition and Consumer Protection Act, 2010; Act No. 1 of 2015
 - (o) the Information and Communication Technologies Act, 2009; and Act No. 4 of 2013
 - (p) any other written law prescribed by the Minister for the purposes of this Act. Act No. 35 of 2016
- “ statistical collection ” means the process of—
- (a) conducting a census, survey or a sample survey; Act No. 24 of 2010
 - (b) collating administrative documents, records or data for statistical purposes; Act No. 15 of 2009
 - (c) storage of information for the collection, production and dissemination of official statistics, but excludes the collection, production and dissemination of statistical information or data by a person strictly for private use;
 - (d) undertaking a census; or
 - (e) undertaking a collection of spatial data for statistical purposes;
- “ Statistician ” means a statistics professional or researcher involved in the collection, production, analysis and dissemination of statistical data within the National Statistical System;
- “ Statistician-General ” means the person appointed as Statistician-General under section 11;
- “ spatial data ” means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth, derived from remote sensing, global positioning systems, geographic information systems, cartographic techniques, geo-coded statistical information, computer aided designs, ground stations or other surveying techniques and includes geo-spatial data;

“ survey ” means a statistical undertaking by which information is collected from all persons in a field of enquiry;

“ United Nations Fundamental Principles of Official Statistics ” means the United Nations Fundamental Principles of Official Statistics adopted by the United Nations Statistical Commission in April, 1994;

“ user ” in relation to statistics includes a public body, private body, researcher, research institution, higher education institution, international or regional organisation or any other user; and

“ Vice-Chairperson ” means the person elected Vice-Chairperson of the Board in section 8.

Principles relating to official statistics

3. (1) The principles of official statistics enshrined in the United Nations Fundamental Principles of Official Statistics and the African Charter on Statistics apply for the purposes of this Act.

(2) In this section, “ African Charter on Statistics ” means the African Charter on Statistics adopted by the African Union on 4th February, 2009, in Addis Ababa, Ethiopia.

Coordination and cooperation with statistical agencies and users

4. (1) The Agency shall liaise, coordinate and cooperate with relevant statistical agencies and users for the purposes of this Act and may—

(a) have joint programmes, plans, strategies and policies, taking into account the national policies of the Government; and

(b) enter into memoranda of understanding as instruments of cooperation.

(2) The Agency shall, for purposes of subsection (1), develop working relationship among statistical agencies and users for the—

(a) collection, production, analysis and dissemination of statistics; or

(b) capture, management, maintenance, integration, distribution and use of spatial data.

(3) The Agency shall collaborate with statistical agencies in ensuring compliance with this Act.

(4) The Agency shall put in place necessary coordination mechanisms, at local, national, regional and international levels, to enable the overall coordination of the statistical function within the National Statistical System.

PART II

ZAMBIA STATISTICS AGENCY

5. (1) There is established the Zambia Statistics Agency which is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power, subject to this Act, to do all acts and things that a body corporate may by law do or perform.

Establishment of the Zambia Statistics Agency

(2) The First Schedule applies to the Agency.

6. (1) The seal of the Agency shall be a device that may be determined by the Agency and shall be kept by the Statistician-General.

Seal of Agency

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Statistician-General or any other person authorised in that behalf by a resolution of the Board.

(3) A contract or instrument which, if entered into or executed by a person, not being a body corporate, is not required to be under seal, may be entered into or executed without seal on behalf of the Agency by the Statistician-General or any other person generally or specifically authorised by the Board in that behalf.

(4) A document purporting to be a document under the seal of the Agency or issued on behalf of the Agency shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

7. (1) The Agency is the sole designated entity responsible for the publication of official statistics.

Functions of Agency

(2) Despite the generality of subsection (1) the functions of the Agency are to—

- (a) develop and coordinate an integrated National Statistical System;
- (b) establish consultative mechanisms for effective dialogue with a statistical agency or user for the purposes of this Act;

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- (c) advise the Minister on matters related to official statistics and other statistics;
 - (d) review all initiatives to collect data at the national level in the context of an integrated National Statistical System;
 - (e) approve an instrument for data collection developed for national level data collection, including a census frame, register, sample design and questionnaire to be used in conducting a census and survey;
 - (f) promote and encourage use of common concepts, definitions, nomenclatures and standards in the collection, analysis and dissemination of statistics in order to ensure integration of the National Statistical System;
 - (g) compile, analyse, abstract and disseminate demographic, social, economic, financial, agricultural, environmental and other statistics;
 - (h) conduct a population and housing census every ten years and other census and survey that the Agency may determine;
 - (i) collaborate with higher education institutions and research institutions in training and building human resource capacity in statistics and data analysis;
 - (j) undertake research on, and develop techniques and methods of, generating statistics;
 - (k) promote user and producer interface on statistics;
 - (l) maintain a coordinated National Statistical System through capacity building, promotion of professional ethics, standards, timeliness and quality of work;
 - (m) promote the use of appropriate information technology in statistical data production, processing, storage and dissemination;
 - (n) promote the understanding and use of official statistics;
 - (o) provide high quality statistics services;

- (p) promote and establish regional and international cooperation with users and producers;
- (q) establish and maintain a documents registry, library services and appropriate electronic database;
- (r) approve the publication of all official statistics based on standard concepts, definitions and methodologies developed by the Agency; and
- (s) set standards for the recruitment of statisticians to ensure professional standards in the National Statistical System.

8. (1) There is constituted a Board of the Agency which consists of the following part-time members appointed by the Minister:

Board of
Agency

- (a) the Chairperson, who is qualified and experienced in the field of statistics relating to demography, economics, social sciences, mathematics or any related field;
- (b) a representative of the Attorney - General;
- (c) a representative of the ministry responsible for national statistics;
- (d) a representative of the Bank of Zambia;
- (e) a representative each from—
 - (i) the private sector;
 - (ii) a research institution;
 - (iii) a public higher education institution;
 - (iv) a private higher education institution; and
- (f) one person with proven knowledge and experience in matters relevant to this Act.

(2) The members shall elect the Vice-Chairperson from among themselves.

(3) The members referred to in section 8 (1) (e), shall possess professional qualifications and experience in statistics or business oriented management.

(4) The ministries, institutions, or organisations referred to in subsection (1), shall nominate their representatives for appointment by the Minister.

(5) A person is disqualified from being nominated or appointed as a member of the Board if that person —

(a) is convicted of an offence under this Act or any written law and has been sentenced to imprisonment for a period exceeding six months without the option of a fine;

(b) is legally disqualified from performing the duties of a member; or

(c) is an undischarged bankrupt.

(6) The First Schedule applies to the Board.

Functions of Board

9. Subject to the other provisions of this Act, the Board shall provide strategic policy direction to the Agency.

(2) Despite the generality of subsection (1), the functions of the Board are to —

(a) promote effective governance of the Agency;

(b) formulate the policing programmes and strategies of the Agency;

(c) approve the annual work-plans, statistical release calendar and activity reports of the Agency;

(d) approve the annual budget estimates and financial statements of the Agency; and

(e) advise the Minister on matters relating to statistics.

(3) The Minister may enter into a performance contract with the Board for a specified period, which shall be consistent with the provisions of this Act.

Delegation of functions

10. (1) The Board may, subject to any conditions imposed and guidelines issued by the Board, delegate any of its functions to the Chairperson, Vice-Chairperson, any member, committee or the Statistician-General.

(2) The Minister may give to the Board general or specific directions, which are consistent with the provisions of this Act, relating to the discharge of its functions and the Board shall give effect to those directions.

11. (1) The Board shall appoint a Statistician- General, on the terms and conditions that the Emoluments Commission may determine.

Statistician-
General

(2) A person shall be appointed as Statistician- General if that person possesses relevant qualifications, professional competences and experience in statistics, demography, mathematics, finance, economics or other field related to statistics, as prescribed.

(3) The Statistician-General is the Chief Executive Officer of the Agency and is responsible, under the direction of the Board, for the day-to-day administration of the Agency.

(4) A person may not interfere with the functions of the Statistician-General relating to—

- (a) the manner in which, and the time when, an official statistical collection is to be undertaken;
- (b) the capture, management, maintenance, integration, distribution and use of spatial data collected for official statistical purposes;
- (c) the form, extent and timing of the release of official statistics;
- (d) a decision of whether an official statistical collection should be discontinued; or
- (e) the compilation, production, analysis or dissemination of an official statistical collection.

(5) The Statistician-General shall be an *ex-officio* member of the Board and is entitled to attend and participate in any meeting, but does not have a vote on any matter and shall not count for the purpose of a quorum.

12. (1) The Board may appoint, on the terms and conditions that the Emoluments Commission may determine, the Secretary and other staff of the Agency that are necessary for the performance of the functions of the Agency.

Secretary
and other
staff of
Agency

(2) Despite subsection (1), the Board shall appoint statisticians, for the effective performance of the functions of the Agency.

Oath
Cap. 5 **13.** (1) A member of the Board or committee of the Board shall, on appointment, take an oath as set out under the Official Oaths Act.

Cap. 5 (2) The Statistician-General and other staff shall, on appointment, take an oath as set out under the Official Oaths Act.

PART III

NATIONAL STATISTICAL SYSTEM AND STATISTICS

Establishment
of National
Statistical
System **14.** (1) There is established a National Statistical System which comprises the following:

- (a) data producers;
- (b) data suppliers;
- (c) users;
- (d) research institutions;
- (e) higher education institutions; and
- (f) the media.

(2) The National Statistical System shall provide an interrelation among the members of the National Statistical System in the—

- (a) provision of documents and other information for the purpose of, and in connection with, the compilation, production, analysis and dissemination of official and unofficial statistics;
- (b) use of official and unofficial statistics;
- (c) research and development of statistical methods and techniques;
- (d) training of statistical officers; and
- (e) advocacy for the awareness of the importance of statistics.

15. (1) The National Statistical System is responsible for planning, collecting, compiling, producing, analysing and disseminating official and unofficial statistics.

Functions of
National
Statistical
System

(2) The National Statistical System, shall, develop a comprehensive national statistical management information system, along with a sector management information system, to ensure reliable, comprehensive and harmonised statistical information.

(3) The National Statistical System shall—

- (a) raise public awareness on the importance of statistics;
- (b) promote the use of best practices and international standards in statistical production, management and dissemination;
- (c) minimise overlaps and duplication in undertaking statistical collections so as to reduce the burden on suppliers of data;
- (d) promote the use of statistics at individual, institutional, national and international levels, for evidence-based decision-making, policy making, monitoring and evaluation of policies and programmes; and
- (e) build sustainable capacity for the production and use of statistics in the Republic for planning purposes.

16. The Agency shall administer the National Statistical System in a cost-effective and efficient manner in accordance with the principles under section 3, and any other internationally accepted principles relating to statistics.

Administration
of National
Statistical
System

17. (1) The Agency shall develop a code of practice setting out professional and ethical standards applicable to members of the National Statistical System official and unofficial statistics.

Code of
practice

(2) The code of practice to be developed under subsection (1) shall be based on the principles under section 3, and any other internationally accepted principles relating to statistics.

(3) The Agency shall publish the code of practice developed under subsection (1), in the *Gazette*.

(4) Despite the generality of subsection (1), the code of practice shall include—

- (a) ethical and professional standards which are impartial and credible, to be used in the collection, production, analysis and dissemination of statistics;
- (b) measures that ensure the optimal quality and comparability of official and unofficial statistics; and
- (c) measures that minimise duplication in the collection, production, analysis and dissemination of statistics.

Commence-
ment and
finalisation
of statistical
collection

18. (1) Subject to subsection (2) and the other provisions of this Act, the Agency may commence, vary or discontinue statistical collection.

(2) Despite anything to the contrary in any other written law—

- (a) a person shall not authorise the commencement, variation or discontinuance of an official statistical collection;
- (b) a private body shall not conduct an official statistical collection, other than market research and feasibility studies required for the purposes of market analysis, except with the approval of the Agency and subject to conditions that the Board may impose; and
- (c) a person shall conduct an official statistical collection with the approval of the Agency, and subject to conditions that the Board may impose.

(3) The Board may, by notice in the *Gazette* and subject to conditions that it may impose, exempt a person from the application of subsection (2) in any specific instance.

(4) Where a person or private body undertakes a statistical collection, in accordance with subsections (2) or (3), that person shall, at the finalisation of the statistical collection, without charge, provide the Agency with the datasets and copies of the report of the statistical collection, including any statistics produced in the process.

(5) Where a private body proposes to conduct a census or survey at national level, the private body shall, before conducting a census or survey for the purpose of producing official statistics furnish particulars of that proposal to the Agency.

(6) The Agency shall—

- (a) consider the proposal within thirty days of receipt; and
- (b) approve or reject the proposal and notify the private body of its decision.

(7) Where the Agency approves the proposal by a private body, the Agency shall, subject to the approval of the Board, publish in the *Gazette* the findings of the census or survey undertaken by the private body.

19. (1) Subject to subsection (2), the Agency may enter into an agreement with a private body for the collection of official statistics or data which the Agency has authority to collect.

Agreement
on statistical
information
and data

(2) An agreement, under subsection (1), shall be concluded subject to the following conditions:

- (a) the collection of statistics shall be undertaken by the Agency, jointly with a private body engaged in collecting statistics;
- (b) the statistics collected shall be exchanged between the parties, except information supplied by a respondent that objects to the exchange or sharing of that information by the parties; and
- (c) the private body shall protect confidential information made available to the parties under the agreement.

20. The Agency may, by notice in the *Gazette*, after approval of the Board, issue standards on—

Standardisation

- (a) statistics relating to—
 - (i) the criteria, classification and certification procedures for designation of statistics as official statistics;
 - (ii) methods for converting documents, information and data into official or other statistics;
 - (iii) the manner and nature of documents, information and records required for the collection of official statistics;
 - (iv) the procedure for access, collection and receipt of official statistics;

- (v) the requirements and protocols for access to micro-data used for research;
 - (vi) record-keeping, including the manner in which metadata shall be documented; and
 - (vii) any other matter necessary for, or incidental to the collection of statistics; and
- (b) spatial data, in particular—
- (i) the manner and form of capturing spatial data;
 - (ii) measures relating to the avoidance of duplication in the capture of and safeguarding the integrity of the captured spatial data;
 - (iii) the sharing and integration of spatial data;
 - (iv) the capture and publication of metadata;
 - (v) the manner and refusal of access to, and dissemination of, spatial data;
 - (vi) the supply of, and accountability for, spatial data;
 - (vii) agreements on the utilisation of spatial data; and
 - (viii) maintenance of, and reporting on, spatial data.

Designation
of statistics
as official
statistics

21. (1) The Agency may designate, as official statistics, any statistics or class of statistics produced from collections of statistics by the National Statistical System.

(2) The Agency shall, where statistics are designated as official statistics, protect the confidentiality and identity of the source of data.

- (3) The official statistics referred to in subsection (2) shall be—
- (a) relevant, accurate, reliable and timely;
 - (b) objective and comprehensive;
 - (c) disseminated impartially;
 - (d) accessible;
 - (e) in accordance with appropriate national and international standards and classifications; and
 - (f) disaggregated by important domains.

(4) A person wishing to publish any official statistics shall, before publication, seek the approval of the Agency.

22. (1) Subject to section 7, the Minister may, on the advice of the Board, by statutory order, declare that a national census be undertaken in the Republic. Census and survey

(2) An order issued in accordance with subsection (1) shall specify—

- (a) the date or dates on or between which the national census or survey shall be undertaken;
- (b) the information to be obtained in the national census or survey; and
- (c) that the Agency may issue, by *Gazette* notice, guidelines on the administrative and technical aspects to be followed when undertaking a national census or survey.

(3) In this Act, a national census or survey does not include -

- (a) internal surveys by a private body conducting a census or survey involving a member or stakeholder of that private body;
- (b) market surveys conducted by or on behalf of any person involving consumers or potential consumers of the products or services of that person; and
- (c) surveys by or among other classes of persons, as may be prescribed.

23. The Agency may collect in any part of the Republic, official statistics relating to all or any of the matters set out in the Third Schedule. Statistics

24. (1) The Agency may, where appropriate, authorise the collection of official statistics and data by the use of sampling for the matters specified in the Third Schedule, as prescribed. Sampling

(2) The Agency may authorise the use of sampling to test a questionnaire and a statistics procedure before finalisation.

(3) A person selected in a sampling exercise shall fill in a return or answer an inquiry, as the case may be.

Procedure
for
collecting
and
processing
of
statistical
data

25. The Agency shall ensure that the procedure for collecting and processing of statistics in the National Statistical System provides for the disaggregation of data by important domains.

Access to
administrative
data and
metadata

26. (1) A statistical agency shall provide the Agency with administrative data and metadata in their possession for the production of official statistics and assessment of data quality, respectively.

(2) In this section, “administrative data” means data collected by, or on behalf of, a public body other than the Agency for administrative purposes in conformity with any other written law.

Statistics
releases

27. (1) The Agency shall prepare a calendar indicating planned dates for the release of official statistics.

(2) The Statistician-General shall notify the public of any variation to the planned dates for release of official statistics.

(3) Where there is a variation to the planned dates referred to under subsection (1), a new date for the release shall be set within reasonable time and made public.

National
plan for
development
of statistics

28. (1) The Agency shall, in consultation with relevant stakeholders develop and maintain a national plan for the development of official statistics which shall be intergrated into the national development plan.

(2) A statistical agency shall develop a sector statistics plan in collaboration with the Agency.

PART IV

GENERAL PROVISIONS

Entry and
inspection
of premises

29. (1) An authorised officer may, with the consent of a person in charge of any land or premises, or with a warrant, at all reasonable times, enter and inspect that land, premises or private dwelling for the purposes of—

(a) taking a national census or survey; or

(b) statistical collection.

(2) The Board shall issue an identity card to an authorised officer, which shall be *prima facie* evidence of the authorised officer's appointment as such.

(3) An authorised officer shall, when exercising a power under this Act—

(a) be in possession of the identity card referred to in subsection (2); and

(b) show the identity card to any person who requests to see it.

30. (1) Except for the purposes of a prosecution for a contravention of a provision of this Act—

Restrictions
on disclosure
of
information

(a) a return made or form or any part of the return or form submitted for the purposes of this Act and an answer given to any question put for the purposes of this Act; or

(b) a report, abstract or document containing particulars comprised in any return, form or answer and so arranged as to enable identification of the particulars of the respondent by whom or on whose behalf the return was made, form submitted or answer was given;

shall not be published, admitted in evidence or disclosed to any person who is not engaged in carrying out any function stipulated in this Act, except with the written permission of the person by whom or on whose behalf the return was made, form submitted or answer was given.

(2) Subsection (1) shall not apply where a person or business has published any return, answer, report, abstract or document or established a computerised 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 therein, relate to a person who, or business which, is the only person or business within its particular sphere of activities, and the particulars published do not render possible the identification of the costs of production, capital employed or profits arising in the undertaking or business.

(4) Despite the restrictions in subsection (1), the Agency may release unit records on electronic media, with all identifications removed, if the Statistician-General —

- (a) is satisfied that the unit records so released shall be used for genuine purposes of research;
- (b) obtains from the recipient of the records a written undertaking that the records shall not be released to any other person without the written consent of the Statistician-General;
- (c) obtains from the recipient a written undertaking to make available a copy of the research findings to the Agency; or
- (d) is satisfied that the individual unit records cannot be identified as relating to any particular person, undertaking or business.

Misuse of
statistical
data

31. (1) A person commits an offence if that person—

- (a) directly or indirectly uses for personal gain, information obtained in the course of an engagement which might exert an influence on or affect the market value of any share, property, product or article and who, before that information is made public, directly or indirectly uses that information for personal gain;
- (b) without lawful authority, publishes or communicates to any person, other than in the ordinary course of that person's engagement, any information acquired in the course of the engagement; or
- (c) knowingly compiles for publication any false statistics.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding fifty thousand penalty units or imprisonment for a term not exceeding six months, or to both.

Power to
obtain
particulars

32. A person required to supply particulars to the Statistician-General shall do so in the prescribed manner and form within the period as may be determined by the Agency, or an authorised officer for purposes of this Act.

Service of
document

33. Without prejudice to any other law relating to the service of a document, a document to be served on the Agency may be served by leaving it at the registered office of the Agency.

34. (1) The Agency may issue a directive to a person or private body for non-compliance with the provisions of this Act.

Directives
for non-
compliance

(2) A directive issued in accordance with subsection (1), may require a person to submit a written report in response to the Agency's directive within a period specified in the directive.

(3) The directive issued in accordance with subsection (1) shall clearly state—

- (a) who it is addressed to;
- (b) the issues to be addressed;
- (c) supporting documents;
- (d) the provisions of this Act or any other written law that has been contravened;
- (e) the details of the contravention;
- (f) the enforcement measures that the Statistician-General intends to impose in the event of continued contravention of this Act or the directive;
- (g) the form and time frame for submission of the report; and
- (h) the address where the report shall be submitted.

(4) A person who fails to comply with a directive issued under this section is liable to pay an administrative penalty.

35. Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of the director, manager or shareholder, that director, shareholder or manager of the body corporate or unincorporate body commits an offence and is liable, on conviction, to the penalty or term of imprisonment specified for the offence.

Offences by
principal
officer of
body
corporate or
un-
incorporate
body

36. (1) A person commits an offence if that person—

General
offences

- (a) hinders or obstructs an authorised officer in the exercise of any of the powers or the discharge of any of the functions under this Act;
- (b) fails to—
 - (i) duly complete any return, form, or other document lawfully left with, or sent to, the person;
 - (ii) transmit or deliver in accordance with directions that may be contained therein or given by an authorised officer that return, form or other document, duly completed; or

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

(c) knowingly makes any statement which is untrue in any material particular in any return, form, or other document submitted in accordance with this Act or in an answer made to an authorised officer for the purposes of this Act;

(d) unreasonably delays or withholds information; or

(e) conceals or falsifies records.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding one hundred thousand penalty units, or to imprisonment for a term not exceeding one year, or to both.

General
penalty

37. A person who contravenes a provision of this Act for which a specific penalty is not provided is liable to a fine not exceeding fifty thousand penalty units, or to imprisonment for a term not exceeding six months, or to both.

Administrative
penalty

38. (1) The Agency may impose an administrative penalty on a person for a failure to comply with this Act which is not an offence.

(2) An administrative penalty, referred to in subsection (1), shall not exceed the amount prescribed by the Minister for each day during which such failure continues.

(3) An administrative penalty, imposed in accordance with subsection (1), is payable to the Agency within the period specified by the Agency.

(4) If any person fails to pay an administrative penalty, within the period specified in subsection (3), the Agency may, by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the Agency.

Regulations

39. The Minister may, by statutory instrument, make regulations for anything required to be prescribed under this Act and for the better carrying out of the provisions of this Act.

Repeal of
Cap. 127 and
Cap. 229

40. The Census and Statistics Act, 1955 and the Agricultural Statistics Act, 1964 are repealed.

Savings and
transitional
provisions

41. The savings and transitional provisions set out in the Second Schedule apply for purposes of this Act.

FIRST SCHEDULE
(Sections 5 (2) and 8 (6))

PART I

ADMINISTRATION OF AGENCY AND BOARD

1. (1) A member of the Board shall hold office for a term of three years and may be re-appointed for a further term of three years on terms and conditions that may be specified in the instrument of appointment but shall not successively hold office for more than two terms. Tenure of office for members and vacancy
- (2) On the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall any extension of the period exceed three months.
- (3) The office of a member shall be vacant —
- (a) on that member's death;
 - (b) if the member is adjudged bankrupt;
 - (c) if the member is absent from three consecutive meetings of the Board, of which the member has had notice, without the prior approval of the Board;
 - (d) on the resignation of the member given in writing to the Minister;
 - (e) if the member becomes mentally or physically incapable of performing the duties of a member;
 - (f) if the member is removed from the Board by the Minister;
 - (g) is convicted of an offence under this Act or any written law and has been sentenced to imprisonment for a period not exceeding six months without the option of a fine; or
 - (h) if a member ceases to be an employee of the institution that nominated or appointed that member to sit on the Board.
- (4) Where there is a vacancy in the membership of the Board, before the expiry of the term of office, the Minister shall appoint another person to replace the member but that person shall only hold office for the remainder of the term.

Proceedings
of Board

2. (1) Subject to this Act, the Board may regulate its own procedure.

(2) The Board shall meet at least once every three months at a place that the Board may determine.

(3) On giving notice of not less than fourteen days, a meeting of the Board may be called by the Chairperson and shall be called if not less than one third of the members so request in writing, except that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called on giving shorter notice.

(4) The quorum of the Board at any meeting shall be five members.

(5) There shall preside at a meeting of the Board—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; or

(c) in the absence of the Chairperson and the Vice-Chairperson, a member elected from among the members present at the meeting for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) The Board may invite any person, including an observer, whose presence, in its opinion, is desirable to attend and participate in the deliberation of a meeting of the Board, but that person or observer shall have no vote.

(8) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and any committee of the Board.

3. (1) The Board may, for the purpose of exercising its powers and the effective and efficient performance of the functions of the Agency, constitute committees and delegate to the committees functions of the Agency that it considers necessary.

Committees

(2) The Board may appoint, as members of a committee, persons who are or are not members of the Board and those persons shall hold office for a period that the Board may determine.

(3) A committee shall have the power to invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of the meeting of the committee but that person shall have no vote.

(4) A person presiding at a meeting of a committee shall cause a record to be kept of the proceedings of the meeting and shall cause to be submitted to the Board, as soon as possible after a meeting of the committee, that record.

(5) Subject to any specific or general direction of the Board and the other provisions of this section a committee may regulate its own procedure at meetings.

4. A member of the Board or any committee of the Board shall be paid allowances that the Emoluments Commission may determine.

Allowances

5. (1) If any person is present at a meeting of the Board or a committee of the Board at which any matter, in which that person or any member of the persons immediate family is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting disclose that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

Disclosure of interest

(2) A disclosure of interest made in accordance with this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.

6. (1) A person shall not, without the consent in writing given by or on behalf of the Board or as otherwise permitted by any written law, publish or disclose to any unauthorised person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of, that person's duties under this Act.

Prohibition of publication or disclosure of information to unauthorised person

(2) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to both.

(3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates that information to any other person, that person commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(4) Nothing in this paragraph shall be interpreted to prohibit the publication and dissemination of a final decision of the Board.

Immunity of
member,
committee
and employee

7. An action or other proceeding shall not lie or be instituted against a member, a committee or a member of staff of the Agency, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, of any of the powers, functions or duties conferred under this Act.

PART II

FINANCIAL PROVISIONS

Funds of
Agency

8. (1) The funds of the Agency shall consist of such moneys as may—

- (a) be appropriated to the Agency by Parliament for the purposes of the Agency;
- (b) be paid to the Agency by way of grants or donations;
- (c) be obtained through sale of publications; and
- (d) otherwise vest in or accrue to the Agency.

(2) The Agency may accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia.

(3) There shall be paid from the funds of the Agency—

- (a) salaries, allowances, loans, gratuities and pensions of the staff of the Agency;
- (b) such reasonable travelling and subsistence allowances for members and members of a committee, when engaged on the business of the Agency and at such rates as the Emolument Commission may determine; and

(c) any other expenses incurred by the Agency in carrying out its functions under this Act.

(4) The Board may, after the approval of the Minister, invest in such manner as it thinks fit such of the Agency's funds as it does not immediately require for the discharge of the Agency's functions.

9. The financial year of the Agency shall be the period of twelve months ending on 31st December of each year. Financial year

10. (1) The Board shall cause to be kept proper books of account and other records relating to the accounts of the Agency. Accounts

(2) The accounts of the Agency shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The Auditor-General's fees shall be paid by the Agency.

11. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Board shall submit to the Minister a report concerning the Agency's activities during the financial year. Annual report

(2) The report, referred to in subparagraph (1), shall include information on the financial affairs of the Agency and there shall be appended to the report—

(a) an audited statement of financial position;

(b) an audited statement of comprehensive income and expenditure; and

(c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

12. (1) There is established a National Statistics Development Fund. National Statistics Development Fund

(2) The Fund shall be used to provide support to the operations of the Agency and the National Statistical System and for other purposes related to the development and promotion of statistics that the Board shall determine.

- (3) The Fund shall consist of monies that may be—
- (a) appropriated by Parliament for the purposes of the Fund;
 - (b) received by the Fund from donations, grants and bequests from whatever source; and
 - (c) payable to the Fund by or under any other written law.

Administration
of Fund and
accounts

13. (1) The Fund shall vest in the Agency and be administered in accordance with guidelines issued by the Board.

(2) The Board shall ensure prudent controls are established for the Fund, especially relating to—

- (a) fiscal controls and accounting procedures governing the Fund;
- (b) reporting procedures for matters relating to the Fund; and
- (c) investment of the monies of the Fund.

(3) The Fund shall be administered by the Statistician-General.

(4) The Board shall cause to be kept proper books of account and other records relating to the account of the Fund.

(5) The Fund shall be audited annually by the Auditor-General.

Financial
year, annual
accounts and
audit

14. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Board shall submit to the Minister a report concerning the activities relating to the Fund during the financial year.

(2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Fund and there shall be appended to the report—

- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income; and
- (c) other information that the Minister responsible for finance may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

SECOND SCHEDULE

(Section 41)

SAVINGS AND TRANSITIONAL PROVISIONS

1. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Agency by virtue of this Act and without further assurance, assets, rights, liabilities and obligations that the Minister may determine which immediately before that date were the assets, rights, liabilities and obligations of the Central Statistical Office which are necessary for performance of the Agency's functions under this Act.

Transitional provisions

(2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the Central Statistical Office was a party immediately before the commencement of this Act whether or not of a nature that rights, liabilities and obligations could be assigned shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this subparagraph, have effect as if—

- (a) the Agency had been party to it;
- (b) for any reference to the Central Statistical Office there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Agency; or
- (c) for any reference to any officer of the Central Statistical Office, not being a party to it and beneficially interested, there were substituted, as respect anything falling to be done on or after the commencement of this Act, a reference to that officer of the Agency that it shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the Central Statistical Office are deemed to be transferred to the Agency in respect of which transfer a written law provides for registration, the Agency shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (3), shall make entries in the appropriate register that shall give effect to the transfer and, where applicable issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal
Proceedings

2. (1) Any legal proceedings or application of the Central Statistical Office pending immediately before the commencement of this Act by or against the Central Statistical Office may be continued by or against the Agency.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Central Statistical Office may be instituted by or against the Agency.

Staff of
Central
Statistical
Office

3. (1) There shall be transferred to the service of the Agency staff that are necessary for the performance of the functions of the Agency under this Act.

(2) The service of the persons referred to in subparagraph (1) shall be treated as continuous service.

(3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the Central Statistical Office before the commencement of this Act.

THIRD SCHEDULE

(Section 23)

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

1. Demographic
2. Population
3. Housing
4. Labour
5. Education and Training
6. Arts, Culture and Recreation
7. Household income and expenditure and their distribution
8. Social security
9. Health, Food and Nutrition
10. Gender
11. Disability
12. Governance
13. Migration
14. Vital events and other demographic matters
15. National Accounts
16. Agriculture
17. Forestry and Fishery
18. Industrial
19. Mining and Quarrying
20. Manufacturing
21. Water Supply and Sanitary Services
22. Energy
23. Construction
24. Distributive Trade

25. International Trade
 26. Transport and Storage
 27. Information and Communication
 28. Tourism
 29. Money, Finance and Insurance
 30. Fiscal
 31. Balance of Payments
 32. Prices and Rents
 33. Science, Technology and Patents
 34. Infrastructure
 35. Local Government
 36. Natural Resource and Environment
 37. Natural Resources and Environment accounting
 38. Meteorology
 39. Land use
 40. Such other matters as may be prescribed by the Minister
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